

The Criminal Code of Georgia

General Part

Part One Criminal Law Act

Chapter I Criminal Legislation of Georgia

Article 1. Criminal Law Legislation of Georgia and Its Purpose

1. Criminal Code of Georgia establishes grounds for criminal responsibility, determines acts, which shall be considered criminal and imposes corresponding punishments or other criminal measures.
2. This Code corresponds with the Constitution of Georgia, universally accepted norms and principles of international law.
3. The purpose of this Code is to avoid criminal infringement and protect the rule of law.

Chapter II Scope of Operation of Criminal Law Act

Article 2. Operation of Criminal Law Act in Time

1. Criminality and punishability of an act shall be determined in accordance the criminal law act in force at the time of commission of that act.
2. The time of commission of a crime is the time when immediate executor or accomplice was acting or was supposed to act. The time of occurrence of the result shall not be relevant.

Article 3. Retroactivity of Criminal Law Act

1. Criminal law act, which revokes criminality of an act or commutes punishment, shall have retroactive force. Criminal law act, which establishes criminality of an act or severs punishment, shall not have retroactive force.
2. If a new criminal law act commutes punishment for an act for which a criminal serves sentence, this sentence shall be commuted within the limits of sanction provided by the new act.
3. If a criminal law act changes for several times between commission of a crime and passing of sentence on that crime by the court, the most favorable act shall be applicable.
4. Compulsory measures of educational influence and compulsory measures of medical character shall be applied only on the basis of the act in force at the time of judicial hearing of the case.

Article 4. Application of Criminal Law Act to Crimes Committed on the Territory of Georgia

1. Whoever commits a crime on the territory of Georgia shall be imposed criminal responsibility in accordance with this Code.
2. A crime, which started, continued, was terminated or completed on the territory of Georgia, shall be considered as committed on the territory of Georgia. Operation of this Code shall also extend to the continental shelf and exclusive economic zone of Georgia.
3. Whoever commits a crime on the board of a ship, which is authorized to use the flag or identification sign of Georgia, shall be imposed criminal responsibility in accordance with this Code except where international treaty of Georgia provides otherwise.
4. If a diplomatic agent of a foreign country or any other person enjoying diplomatic immunity commits a crime on the territory of Georgia, the issue of that agent's or person's criminal liability shall be determined in accordance with the applicable international law rule.

Article 5. Criminal Responsibility for Crimes Committed Abroad

1. A national of Georgia or a stateless person residing permanently in Georgia, who commits abroad an act provided by this Code and considered as a crime according to the legislation of the country where it was committed, shall be imposed criminal responsibility in accordance with this Code.
2. A national of Georgia or a stateless person residing permanently in Georgia, who commits abroad an act provided by this Code but not considered as a crime by the legislation of the country where it was committed, shall be imposed criminal liability in accordance with this Code if the crime committed is a serious or a grave crime or if criminal responsibility for this crime is provided by international treaty of Georgia.
3. A foreign national or a stateless person not residing permanently in Georgia, who commits abroad an act provided by this Code but not considered as a crime by the legislation of the country where it was committed, shall be imposed criminal liability according to this Code if this is a serious or a grave crime or if criminal responsibility for this crime is provided by international treaty of Georgia.

Article 6. Extradition of Criminals

1. A national of Georgia or a stateless person residing permanently in Georgia shall not be extradited for the reasons of incurring criminal responsibility or serving a sentence unless international treaty of Georgia provides otherwise.
2. A foreign national or a stateless person staying on the territory of Georgia may be extradited to a foreign State for the reasons of incurring criminal responsibility or serving the sentence.
3. An escapee, who commits a crime and is being persecuted for his political belief, or a person who commits an act not considered as a crime according to the Georgian legislation, or a person who commits a crime punishable by death penalty in the State requesting extradition shall not be extradited. The question of criminal responsibility of such person shall be decided in accordance with the rules of international law.

Part Two Crime

Chapter III Grounds for Criminal Responsibility, Categories of Crime

Article 7. Ground for Criminal Responsibility

1. A crime, i.e. wrongful and guilty act provided by this Code constitutes a ground for criminal responsibility.
2. An act, which though formally contains features of a particular act provided by this Code, but due to its insignificance has not caused such harm or has not created the danger of such harm that would make criminal responsibility of its perpetrator essential, shall not be considered as a crime.

Article 8. Causal Link

1. If the relevant article of this Code provides that a crime shall be deemed completed only if an act has brought about an unlawful result or real risk of accomplishment of such result, it is necessary to establish the causal link between that act and that result or risk.
2. Causal link exists when an act constituted a necessary condition of unlawful result or real risk provided by the relevant article of this Code without which this time this result would not have been accomplished or this risk would not have occurred.
3. Omission shall be considered as a necessary condition for accomplishment of an unlawful result or occurrence of a real risk only if a person was under the special legal obligation to act, was able to act and by such action the result would have been avoided.

Article 9. Deliberate Crime

1. An act done with direct or indirect intent shall be considered as a deliberate crime.

2. An act is done with direct intent if a person had recognized wrongfulness of his act, anticipated the possibility of occurrence of a wrongful result and wanted such result or anticipated the inevitability of its accomplishment.
3. An act is done with indirect intent if a person had recognized wrongfulness of his act, anticipated the possibility of occurrence of a wrongful result and did not want such result but knowingly assumed or indifferently approached its occurrence.

Article 10. Unintentional Crime

1. An act done self-reliantly or recklessly shall be considered as an unintentional crime.
2. An act is done self-reliantly if a person had recognized an act forbidden by the foreseeability norm, anticipated the possibility of accomplishment of a wrongful result, but groundlessly hoped to avoid this result.
3. An act is done recklessly if a person had recognized an act forbidden by the foreseeability norm, had not anticipated the possibility of accomplishment of a wrongful result, though had to and was able to anticipate this result.
4. An unintentional act shall be considered as a crime only if the relevant article of this Code so provides.

Article 11. Responsibility for Deliberate Crime Qualified by the Consequent Result

1. If a criminal law act provides for increase of punishment for occurrence of a consequent result not embraced by the intent of a criminal then such increase shall be allowed only if the person caused such result unintentionally. Such crime shall be considered as a deliberate crime.
2. Other qualifying features shall be attributed to the person's guilt only if his intent embraced that feature.

Article 12. Categories of Crimes

1. According to maximum terms of imprisonment provided by article or paragraph of article of this Code a crime may belong to each of the following three categories:
 - a. Minor crime;
 - b. Serious crime;
 - c. Grave crime.
2. Minor crime is a deliberate or unintentional crime for which the maximum punishment provided by this Code is 5 years of imprisonment.
3. Serious crime is a deliberate crime for which maximum punishment provided by this Code is 10 years of imprisonment, or unintentional crime for which the maximum punishment provided by this Code is 5 years of imprisonment.
4. Grave crime is a deliberate crime for which maximum punishment provided by this Code is 10 years of imprisonment or life imprisonment.

Chapter IV Types of Common Crime

Article 13. Permanent Crime

1. Crime, provided by article or paragraph of article of this Code, shall be considered as a permanent crime if its commission began by an act or omission and continues unceasingly.
2. Permanent crime shall be deemed completed by termination of an act.

Article 14. Continuing Crime

1. Crime provided by article or paragraph of article of this Code, if it embraces two or more acts committed with the joint aim and common intent, shall be considered as a continuing crime.
2. Continuing crime shall be deemed completed by completion of the last act.

Chapter V
Plurality of a Crime

Article 15. Reiterated Crime

1. Commission of two or more crimes provided by article or paragraph of article of this Code shall be considered as a reiterated crime. Two or more crimes provided by article or paragraph of article of this Code shall be considered as a reiterated crime only if the relevant article of this Code so provides.
2. A crime shall not be considered as a reiterated crime if a person had been released from criminal responsibility for the previous crime or his previous convictions were cancelled or extinguished.
3. In cases where this Code considers reiterated crime as a circumstance involving a stricter punishment, two or more crimes committed by a person shall be qualified under an article of this Code, which provides for a punishment for a reiterated crime.

Article 16. Aggregate of Crimes

1. Aggregate of crimes means commission of two or more acts provided by article or paragraph of article of this Code where a person had not been previously convicted for either of them. Aggregate of crimes is also commission of such an act, which contains features of a crime provided by two or more articles of paragraphs of articles of this Code.
2. Aggregate of crimes does not exist where an act is provided by general and special norms. In such cases criminal responsibility shall be imposed in accordance with the special norm.

Article 17. Repeated crime

1. Repeated crime means commission of a deliberate crime by the person previously convicted for a deliberate crime.
2. Dangerous repeated crime is considered where:
 - a. A person, convicted previously for a deliberate crime and sentenced to imprisonment for two or more times, commits a deliberate crime for which he is sentenced to imprisonment;
 - b. A person, convicted previously for a serious deliberate crime and sentenced to imprisonment, commits a serious deliberate crime.
3. Grave repeated crime is considered where;
 - a. A person, convicted previously for minor or serious deliberate crime and sentenced to imprisonment three or more times, commits a deliberate crime for which he is sentenced to imprisonment;
 - b. A person, convicted previously for serious deliberate crime for two or more times or a person convicted previously for grave deliberate crime, commits serious deliberate crime;
 - c. A person, convicted previously for serious or grave deliberate crime, commits grave crime.
4. When establishing a repeated crime the court shall disregard previous convictions of a person for crime(s) committed before attaining 18 years as well as convictions cancelled or extinguished in accordance with article 79 of this Code.
5. Where a repeated crime is established, a stricter sentence may be imposed on the grounds and within the limits provided by this Code.

Chapter VI
Incomplete Crime

Article 18. Preparation of Crime

1. Intentional creation of circumstances for commission of a crime shall be considered as a preparation of a crime.
2. Criminal responsibility shall be imposed only for preparation of a grave crime.

3. Criminal responsibility for preparation of a crime is determined in accordance with the relevant article of this Code, which provides for responsibility for a completed crime by reference to this article.

Article 19. Attempted Crime

1. Intentional act, which though was openly directed towards commission of a crime but the crime was not completed, shall be considered as an attempted crime.
2. Criminal responsibility for attempted crime is determined in accordance with the relevant article of this Code, which provides for responsibility for a completed crime by reference to this article.

Article 20. Release from Responsibility for Incomplete Crime

Person will not be imposed criminal responsibility for preparation or attempt of a crime if due to his unintelligentness or other personal defect accomplishment of a pertinent_wrongful result through involvement of the measures employed for the commission of that crime was impossible.

Article 21. Voluntary Abandonment of Crime

1. Criminal responsibility shall not be imposed if a person voluntarily and for good abandons completion of a crime.
2. Criminal responsibility shall be imposed upon a person who voluntarily abandons completion of a crime only if acts already undertaken by this person constitute some other crime.
3. Criminal responsibility shall not be imposed upon principal, abettor or aider if they discouraged immediate executor, timely informed relevant authorities or otherwise prevented immediate executor or other accomplices from completion of a crime. Criminal responsibility shall not be imposed upon an aider if before the start of the crime he refused to carry out promised act or before completion of the crime by immediate executor he recovered any guns or instruments passed over to immediate executor for commission of the crime.
4. If principal, abettor or psychic aider could not prevent completion of crime by immediate executor, the court may consider their attempts as mitigating circumstances when imposing the punishment.
5. Criminal responsibility shall not be imposed also upon the person who for accomplishment of relevant result of corpus delicti undertook everything he could but later by his voluntary act prevented this result.

Chapter VII Commission of Crime and Complicity In Crime

Article 22. Immediate Executor of Crime

Immediate executor is the one who commits a crime in person or together with another participates in its commission, or the one who commits a crime with the aid of such person who due to his age, irresponsibility or other circumstances shall not to be imposed criminal liability under this Code.

Article 23. Complicity in Crime

Complicity in a crime is intentional common participation of two or more persons in commission of a deliberate crime.

Article 24. Types of Accomplices

1. Principal is the one who organized the commission of a crime or directed its execution or the one who created an organized group or directed it.
2. Abettor is the one who convinced another to commit a crime.
3. Aider is the one who assisted in commission of a crime.

Article 25. Responsibility by Immediate Executor and Accomplice

1. Criminal responsibility shall be imposed upon immediate executor and accomplice only for their respective guilt on the basis of the common wrongful act, by taking into account the nature character and degree of participation in the crime of each of them.
2. Criminal responsibility of accomplice shall be determined on the basis of the relevant article of this Code without reference to this article.
3. Criminal responsibility of principal, abettor or aider shall be determined on the basis of the relevant article of this Code by reference to that article, except in those cases where principal, abettor or aider at the same time have been immediate co-executors.
4. Where on the part of immediate executor or accomplice there exists a feature relevant for wrongful act, then this feature shall be attributed to another immediate executor or accomplice only if the latter had recognized that feature.
5. Personal feature characteristic for guilt or personality of one of the immediate executors or accomplices shall be attributed to immediate executor or accomplice who is characterized by that feature.
6. Criminal responsibility for complicity in a crime immediate executor of which may be a special subject of the relevant crime provided by this Code shall be imposed upon a person as principal, abettor or aider.
7. If immediate executor did not complete a crime, criminal responsibility shall be imposed upon an accomplice for preparation of crime or complicity in an attempted crime. Criminal responsibility for preparation of crime shall be imposed upon the person who due to the circumstances independent of him could not persuade another person to commit the crime.

Article 26. Excess by Immediate Executor

1. Excess by immediate executor is commission by immediate executor of such wrongful act which was not embraced by the intent of another immediate executor or accomplice.
2. In case of excess by immediate executor criminal responsibility upon another immediate executor or accomplice shall not be imposed.

Article 27. Group Crime

1. Crime is committed by the group if two or more immediate executors participated in its execution without prior agreement.
2. Crime is committed by the group with the prior agreement if its participants joined in advance to commit the crime in group.
3. Crime is committed by the organized group if it is committed by the stable group of persons who joined for the commission of several crimes.
4. In cases provided by the relevant article of this Code criminal responsibility for the creation of an organized group or for its direction shall be imposed upon the person who created or directed it. This person shall also be responsible for all crimes committed by the group if his intent embraced those crimes. Other members of the organized group shall be responsible for participation in this group, if the relevant article of this Code provides for such responsibility, or for the crime in preparation or commission of which they took part.

Chapter VIII Circumstances Precluding Wrongfulness

Article 28. Necessary Defense

1. A person who commits an act referred to by this Code in the circumstances of the necessary defense, i.e. who during wrongful infringement injures the infringer for the protection of his or other person's legal good, shall not be considered to have acted wrongfully.
2. A person enjoys the right of necessary defense regardless of whether that person is able to avoid wrongful infringement by himself or has to refer to other's assistance.

3. Damage to infringer with the purpose of recovering assets or other legal good deprived by wrongful infringement shall be rightful even in case where this happened at the moment of passing of that good to the infringer and immediate recovery of that good was still possible.
4. Overstepping the limits of necessary defense is considered where there is clear imbalance between the defense by defender and the nature and danger of the attack on him.

Article 29. Seizure of Criminal

1. A person who seizes a criminal for bringing him to government bodies without overstepping the measure necessary for such seizure shall not be considered to have acted wrongfully.
2. Overstepping the measure necessary for seizure of a criminal is considered where this measure is clearly inappropriate to the gravity of the crime and circumstances of this crime.

Article 30. Extreme Necessity

A person who commits an act provided by this Code in circumstances of extreme necessity, i.e. who injures the other in order to avoid the danger posed to the injurer himself or to the legal good of any other person, shall not be considered to have acted wrongfully provided that it was impossible to avoid that danger by other means and that the injured good was less important than the saved one.

Article 31. Rightful Risk

1. A person who damages the legal good for the achievement of socially useful purpose in the circumstances of the justified risk shall not be considered to have acted wrongfully.
2. The risk is justified if that purpose could not have been achieved by risk-free action and if a person took all measures in order to avoid infliction of damage to the legal good.

Article 32. Release from Criminal Responsibility for Other Rightful Acts

1. A person shall not be considered as acting wrongfully if he commits an act provided by this Code in such other circumstances which are not namely referred to in this Code but fully satisfy requirements of rightfulness of that act.

Chapter IX¹ Circumstances Excluding or Mitigating Guilt

Article 33. Age Irresponsibility

Wrongful act provided by this Code shall not be attributed to the guilt of a person if this person has not attained 14.

Article 34. Irresponsibility Due To Mental Illness

1. Wrongful act provided by this Code shall not be attributed to the guilt of a person who at the time of commission of that act was not able to recognize wrongfulness of his act due to the permanent mental illness, temporary disorder of mental state, insanity or other mental illness or, though was able to recognize, could not control his acts.
2. The court may apply compulsory measure of medical character to irresponsible person.
3. A person who though being in irresponsible state had committed acts corresponding to corpus delicti but became mentally ill by the time of passing a sentence and therefore is not able to account or control himself shall not be punished. In such case the court may impose upon a person compulsory measure of medical character and after his recovery the person may be imposed a punishment.

Article 35. Limited Responsibility

1. An adult, who at the time of commission of a crime was in the state of limited responsibility, i.e. due to mental illness was not able to appreciate fully factual nature or wrongfulness of his action or control himself, shall not be released from criminal responsibility.
2. The court shall take into account limited responsibility of a person when determining the sentence and such state may become a ground for application of compulsory measures of medical character.
3. A juvenile, who at the time of commission of a crime was in the state of limited responsibility, may be relieved from criminal responsibility. In such cases, the court may apply compulsory measures of medical character.

Article 36. Mistake

1. If at the time of commission of an act a person had no knowledge that the act was punishable, he shall not be punished if a mistake is excusable.
2. Mistake is excusable if in those conditions a person did not know and could not have known that he was committing a prohibited act.
3. Where a mistake is not excusable, criminal responsibility may be imposed upon a person only for an unintentional act if unintentional commission of that act is punishable by this Code.

Article 37. Execution of Order or Command

1. Criminal responsibility shall not be imposed upon a person who injured the legal good in the process of execution of obligatory order or command. Criminal responsibility for such damage shall be imposed upon the person who had issued that order or command.
2. Criminal responsibility for execution of criminal order or command with advance cognizance of its criminality shall be imposed upon a person in accordance with the common rule.

Article 38. Release from Criminal Responsibility for Other Guiltless Acts

A person shall not be considered to have acted with the guilt if he commits an act provided by this Code in such other circumstances which though not namely referred to in this Code but satisfy requirements of guiltlessness of that act fully.

Part Three Punishment

Chapter X Purposes and Types of Punishment

Article 39. Purpose of Punishment

1. Purpose of punishment is to restore justice, prevent a new crime and resocialize the criminal.
2. Purpose of punishment is fulfilled through exertion of influence over the convict and other persons so that they inspire with the sense of responsibility before the law and observance of the law and order. Forms and measures of influence of a convict are provided by the penitentiary legislation of Georgia.
3. Physical torture and humiliation of dignity is not a purpose of punishment.

Article 40. Types of Punishment

Following are types of punishment:

- a. Fine;
- b. Deprivation of the right to hold office or pursue activity;
- c. Socially useful work;

- d. Correctional labor;
- e. Service restriction of military man;
- f. Restriction of liberty;
- g. Incarceration;
- h. Term imprisonment;
- i. Life imprisonment.

Article 41. Principal and Additional Punishments

1. Socially useful work, correctional labor, service restriction upon military man, restriction of liberty, incarceration, term imprisonment and life imprisonment may be imposed only as a principal punishment.
2. Fine and deprivation of the right to hold office or pursue activity may be imposed both as a principal as well as an additional punishment;
3. Where punishment is imposed upon a criminal in accordance with article 214 of this Code, the court may also impose the seizure of object and instrument of a crime as a compulsory criminal measure.

Article 42. Fine

1. Fine is a pecuniary charge applied on a daily payment basis;
2. Minimum amount of a fine is ten daily payments, maximum – 360 daily payments. In case of adding up of sentences, a fine shall not exceed 720 daily payments.
3. Minimum daily payment of a fine is 2 laris, whereas maximum – 100 000 laris.
4. The court determines amount of a fine by taking into account gravity of a crime and financial position of a convict, which is determined by his assets, income and other circumstances.
5. In its judgment the court must specify the amount of a daily payment as well as the amount of a fine in laris.
6. Fine may be imposed as an additional punishment only where the relevant article of this Code provides this.
7. If a convict avoids the fine persistently, it may be substituted for socially useful work, correctional labor or restriction of liberty. At the same time, the period of time during which a convict had served this punishment shall be reckoned in the term of socially useful work or restriction of liberty in the following manner: 1 daily payment – 4 hours of socially useful work, 1 day of correctional labor. If fine is substituted for socially useful work, correctional labor or restriction of liberty but the convict persistently avoids it, it shall be substituted for incarceration or imprisonment, which shall be imposed within the limits set forth by this Code for this type of punishments.

Article 43. Deprivation of the Right to Hold Office or Pursue Activity

1. Deprivation of the right to hold office or pursue activity is prohibition of a convict from occupying appointive office at civil service or local government and self-government bodies or pursuing professional or other kind of activities.
2. Deprivation of the right to hold office or pursue activity may be imposed as a principal punishment for 1-5 years or as an additional punishment from 6 months to 3 years.
3. Deprivation of the right to hold office or pursue activity may also be imposed as an additional punishment in those cases where this is not provided as a sanction by the relevant article of this Code but in view of the dangerousness of a crime, degree of a crime and personality of a criminal, the court considers impossible preservation of this right.
4. Where socially useful work or correctional labor is imposed as a principal punishment, or where in probationary sentence deprivation of the right to hold office or pursue activity is imposed as an additional punishment the term of this punishment is counted from the moment of coming into force of the judgment. Where restriction of liberty, incarceration or imprisonment is imposed as a principal punishment and deprivation of the right to hold office or pursue activity as an additional punishment such deprivation shall extend over the entire term of serving of the principal punishment and the said term shall be calculated from the day of serving those punishments.

Article 44. Socially Useful Work

1. Socially useful work consists in convict's pro bono work, the type of which is determined by local self-government body.
2. Socially useful work shall be imposed for the term of 20-400 hours, daily ratio of that work being 4 hours. Where fine is substituted for socially useful work the latter may be imposed for a longer period.
3. Where a convict refuses the socially useful work or persistently avoids it, this punishment shall be substituted for restriction of liberty, incarceration or imprisonment. The period of time during which a convict had served this punishment shall be reckoned in the term of restriction of liberty, incarceration or imprisonment in the following manner: 8 hours of socially useful work shall be equal to 1 day of restriction of liberty, incarceration or imprisonment.
4. Socially useful work shall not be imposed upon I or II degree handicapped, pregnant woman, woman with a child under 7, persons of a pension age or persons called up for military service.

Article 45. Correctional Labor

1. Correctional labor shall be imposed from 1 month to 2 years and shall be served at a convict's work place.
2. Where correctional labor is imposed, the salary of a convict shall be charged in favor of the State in the amount stipulated in the judgment. The amount shall range between 5 - 20% of the salary.
3. Where a convict persistently avoids correctional labor it shall be substituted for restriction of liberty, incarceration or imprisonment. The period of time during which the convict had served correctional labor shall be reckoned in the term of restriction of liberty, incarceration or imprisonment in the following manner: 1 day of correctional labor – 1 day of restriction of liberty; 3 days of correctional labor – 1 day of incarceration; 3 days of correctional labor – 1 day of imprisonment.

Article 46. Service restriction of military man

1. Service restriction of a military man shall be imposed upon a military serviceman for the commission of crime against military service as provided by the special part of this Code or upon a military serviceman convicted of another crime in lieu of correctional labor which is provided by the relevant article of this Code.
2. Service limitation on military man shall be imposed from 3 month to 2 years.
3. Where service restriction of military man is imposed the salary of a convict shall be charged in favor of the State in the amount stipulated by the judgment. Amount shall not exceed 20% of the salary. During the period of serving this punishment the convict may not be promoted or attributed a higher military rank. The term of the punishment shall not be reckoned in the term of the military service for the attribution of a regular military rank.

Article 47. Restriction of Liberty

1. Restriction of liberty is placement of a convict, who by the time the judgment is rendered, attained 14 years, in a special institution – correctional center - without isolation from society at the same time exercising supervision on him.
2. Restriction of liberty shall be imposed upon a convict without previous convictions for 1-5 years.
3. Where socially useful work or correctional labor is substituted for restriction of liberty the latter may be imposed for the period of less than 1 year.
4. If a convict persistently avoids restriction of liberty it shall be substituted for imprisonment. The term of imprisonment shall be determined by the judgment. The period of time during which a convict had served this punishment shall be reckoned in the term of imprisonment in the following manner: 1 day of restriction of liberty – 1 day of imprisonment.

5. Restriction of liberty shall not be imposed upon I or II degree handicapped, pregnant woman, woman with a child under 7, persons of a pension age or persons called up for military service.

Article 48. Incarceration

1. Incarceration means strict isolation of a convict from society.
2. Incarceration shall be imposed for 1- 6 months term.
3. Where socially useful work, correctional labor or imprisonment is substituted for incarceration, it may be imposed for less than 1 month.
4. Incarceration shall not be imposed upon a person who, at the time of rendering the judgment, has not attained 16 years, I or II degree handicapped, pregnant woman, woman with a child under 7.

Article 49. *Repealed*

Article 50. Term Imprisonment

1. Term imprisonment is isolation of a convict from society and his placement in a penitentiary institution provided by the law. If a convict, who by the time of rendering of the judgment has not attained 18 years, is imposed term imprisonment, he shall be placed in an educational institution for minors.
2. Term imprisonment shall be imposed from 6 months to 20 years.
3. Where socially useful work, correctional work or restriction of liberty is substituted for the term imprisonment, the latter may be imposed for less than 6 months.
4. Where punishments are added up due to aggregate of crimes maximum term of imprisonment shall not exceed 25 years, where punishments are added up on the basis of aggregate of judgments – 30 years.

Article 51. Life Imprisonment

1. Life imprisonment may be imposed only for grave crimes.
2. Life imprisonment shall not be imposed upon a person who has not attained 18 years or a person who attained 60 years at the time of rendition of the judgment.

Article 52. Seizure of Object or Instrument of Crime

1. Seizure of object or instrument of a crime means deprivation without reimbursement of an article, which a convict had used in the commission of a deliberate crime and still has in his property or legal possession.
2. The question of seizure is determined by the court. Such measure may be applied in cases where it is necessary for the interests of the State or society or for protection of rights and freedoms of particular persons or for prevention of commission of a new crime.

Chapter XI
Imposition of Punishment

Article 53. General Standards of Imposition of Punishment

1. The court shall impose a fair punishment upon criminal within the limits set forth by the relevant article and in accordance with the provisions of the general part of this Code. Stricter type of punishment may be imposed only where a more lenient sentence is not able of achieving its purpose.
2. Stricter sentence than that provided by the relevant article of the special part of this Code, may be imposed by aggregate of crimes and aggregate of judgments in accordance with articles 59 and 60 of this Code. Grounds for imposition of a more lenient punishment than that provided by the relevant article of the special part of this Code are given in article 55 of this Code.
3. When imposing a punishment, the court shall take into account circumstances aggravating or mitigating the responsibility of a criminal, in particular, motive and purpose

of a crime, wrongful intents revealed in the act, character and extent of the breach of obligations, the way and manner in which the act was carried out and its wrongful result, past life of the criminal, his personal and economic state, behavior after the act, especially – aspiration of a criminal to compensate damage, become reconciled with the victim.

4. If a relevant article or part of an article of this Code provides mitigating or aggravating circumstances as a feature of *corpus delicti*, those circumstances shall not be taken into account at the imposition of punishment.

Article 54. Imposition of Punishment in Existence of Mitigating Circumstances

If, after commission of a crime, a criminal appears with a plea of guilty, actively assists in opening of the crime and there are no aggravating circumstances, the term or extent of punishment shall not exceed $\frac{3}{4}$ of the maximum term or extent of the most severe punishment provided by relevant article or part of an article of the special part of this Code.

Article 55. Imposition of a More Lenient Punishment Than That Provided by the Law

In case of presence of special mitigating circumstances, the court, taking into account the personality of a criminal, may impose a punishment lighter than the most lenient punishment, which is provided by the relevant article of this Code or the punishment other than the most lenient punishment provided by the relevant article of this Code.

Article 56. Imposition of Punishment for Incomplete Crime

1. When imposing a punishment for incomplete crime, the court shall take into account the circumstances, which precluded completion of a crime.
2. The term or extent of punishment imposed for preparation of a crime shall not exceed $\frac{1}{2}$ of the maximum term or extent of the most severe punishment provided for a completed crime by the relevant article or part of the article of the special part of this Code.
3. The term or extent of punishment imposed for an attempted crime shall not exceed $\frac{3}{4}$ of the maximum term or extent of the most severe punishment provided for a completed crime by the relevant article or part of the article of the special part of this Code.
4. Life imprisonment shall not be imposed for preparation of a crime or an attempted crime.

Article 57. Imposition of Punishment for Complicity in Crime and Immediate Execution of Crime

1. When imposing a punishment for complicity in a crime or immediate execution of a crime, the court shall take into consideration the actual nature and degree of person's participation, importance of that participation for the achievement of the aim of a crime, his influence on the nature and degree of the possible or accomplished damage.
2. Mitigating or aggravating circumstances, relevant for the personality of one of the immediate executors, shall be considered only during imposition of punishment upon that immediate executor.

Article 58. Imposition of Punishment for a Repeated Crime

1. When imposing a punishment for a repeated crime, serious repeated crime or grave repeated crime, the court shall take into account the number and gravity of crimes committed previously, circumstances due to which preventive influence of previous punishments proved insufficient, and gravity of a newly committed crime.
2. The term of punishment for a repeated crime shall not be less than $\frac{1}{2}$ of the maximum term of the most severe punishment, which a relevant article or paragraph of an article of this Code provides for a completed crime, in case of a serious repeated crime – less than $\frac{2}{3}$, in case of a grave repeated crime – less than $\frac{3}{4}$.
3. If an article or paragraph of an article of the special part of this Code refers to previous convictions as a qualifying feature of a crime, also when there exist special mitigating circumstances under article 55 of this Code, the court shall not take into account the rule set forth by par. 2 of this article during imposition of punishment for a serious repeated or a grave repeated crime.

Article 59. Imposition of Punishment for Aggregate of Crimes

1. Where aggregate of crimes exists, a punishment shall be imposed for each of them.
2. If aggregate of crimes consists only of minor crimes, a stricter punishment shall absorb a more lenient punishment or punishments provided for these crimes shall be added up fully or partially at the imposition of a final punishment. At the same time, if the term imprisonment is imposed as a final punishment its term shall not exceed 5 years.
3. If aggregate of crimes consists of serious or grave crimes, when imposing the final punishment, the court shall fully or partially add up punishments provided for these crimes. At the same time, if the term imprisonment is imposed as a final punishment, its term shall not exceed 25 years.
4. If aggregate of crimes consists of minor and serious crimes or minor and grave crimes, stricter punishment shall absorb a more lenient punishment or punishments provided for these crimes shall be added up fully or partially when imposing of a final punishment. At the same time, the term of the final punishment shall not exceed 20 years.
5. In cases of aggregate of crimes the court may impose an additional punishment along with a principal punishment. The term or extent of a final additional punishment imposed through partial or full adding up shall not exceed the maximum term or extent provided for a given type of punishment by the general part of this Code.
6. Punishment shall be imposed in the same manner if after the court has rendered the judgment, it is discovered that the convict is guilty of another crime, which the convict had committed before rendition of the judgment on the first case. In this case, the punishment served fully or partially under the first judgment shall be reckoned in the final punishment.

Article 60. Imposition of Punishment for Aggregate of Judgments

1. When imposing a punishment in the existence of aggregate of judgments the court shall partially or fully add up the unserved part of the punishment imposed by the previous judgment to the punishment imposed by the final judgment.
2. The term or extent of a final punishment imposed in existence of aggregate of judgments, if that punishment is more lenient than imprisonment, shall not exceed the maximum term or extent provided for the given type of punishment by the relevant article of this Code.
3. The term of imprisonment imposed as a final punishment under aggregate of judgments shall not exceed 30 years.
4. The final punishment imposed under aggregate of judgments shall exceed the punishment imposed for the newly committed crime as well as the unserved part of the punishment imposed by the previous judgment.
5. Where there is aggregate of judgments, punishments shall be added up in accordance with par. 2 of article 61 of this Code.

Article 61. Adding Up of Punishments

1. When punishments are added up under aggregate of crimes and aggregate of sentences one day of imprisonment shall be equal to:
 - a. 1 day of incarceration;
 - b. 2 days of restriction of liberty;
 - c. 3 days of correctional labor or service restriction of military man;
 - d. 8 hours of socially useful work.
2. When fine or derogation of the right to hold office or pursue activity is added up to the restriction of liberty, incarceration or imprisonment the former punishments are used independently.

Article 62. Calculation of the Term of Punishment and Reckoning In of Punishment

1. The term of derogation of the right to hold office or pursue activity, correctional labor, service restriction of military man, restriction of liberty, incarceration and imprisonment shall be calculated by months and years, the term of socially useful work – by hours.
2. Where punishments referred to in par. 1 of this article are substituted or added up, also in cases of reckoning in of a punishment, the term may be calculated by days.

3. The period of pretrial detention shall be reckoned in the term of punishment in the following manner: one day of detention – one day of restriction of liberty or incarceration; 2 days of restriction of liberty; 3 days of correctional labor or service restriction of a military man; 8 hours of socially useful work.
4. In case of extradition of a person in accordance with article 6 of this Code, the period of time during which that person was under arrest before the judgment rendered on the crime committed abroad came into legal force or the period of time during which a person served imprisonment imposed by the judgment, shall be reckoned in in the following manner: one day – one day.
5. If a fine or derogation of the right to hold office or pursue activity is imposed as a principal punishment upon a person who had been under arrest before the court proceedings, the court shall take into account this period and shall commute his punishment or completely release the person from serving the sentence.

Chapter XII Probationary Sentence

Article 63. Grounds for Imposition a Probationary Sentence

1. If a convict may be improved without actually serving his punishment, be it correctional labor, service restriction of military man, restriction of liberty, incarceration or imprisonment, the court shall pass a probationary sentence.
2. When passing a probationary sentence, the court shall take into account grounds for imposition of punishment and anticipated effect of a probationary sentence.
3. Where a probationary sentence is imposed the court may also impose an additional punishment.

Article 64. Trial Period

In case of existence of grounds provided by article 63 of this Code, the court may impose a trial period throughout which a convict shall not commit a new crime and shall fulfill an obligation imposed upon him. Where imprisonment of up to one year or a more lenient punishment is imposed, the trial period shall be 1 – 3 years; where imprisonment of up to 5 years is imposed the trial period shall be 1 – 6 years.

Article 65. Imposition of Obligation

If there is enough ground, the court, when passing a probationary sentence, may impose a certain obligation upon a convict: not to change permanent address without prior permission of the Probation Office, not to establish relations with those who may engage him in anti-social activities, not to visit certain places, assist financially his family, undergo medical treatment of drug addiction, toxic addiction or venereal disease. The court may impose any other obligation, which promotes improvement of a convict.

Article 66. Control and Assistance

1. Control and assistance of a probationer are carried out by the Probation Office. The Office supervises fulfillment of obligation by the probationer and shall immediately notify to the court the case of non-fulfillment.
2. Control and assistance of a military probationer are carried out by the military unit authorities.
3. Throughout probationary term the court may partially or fully revoke obligation imposed upon the probationer or impose upon him a new obligation on the submission of the body, which carries out control and assistance of a probationer.

Article 67. Revocation of Probationary Sentence and Extension of Probationary Term

1. If after passage of the half of the probationary term probationer by his behavior proves his improvement, the court may revoke the probationary sentence and cancel conviction on the submission of the body, which carries out control and assistance of a probationer.

2. If a probationer avoided fulfillment of obligation or breached social order and was imposed administrative punishment, the court may extend the trial period for maximum 1 year on the submission of the body referred to in par. 1 of this article.
3. If a probationer systematically and persistently avoids fulfillment of obligations throughout the trial period, the court may decide to revoke the probationary sentence and implement the punishment imposed by the sentence on the submission of the body referred to in par. 1 of this article.
4. If a probationer commits an unintentional crime during the trial period, the court shall decide upon the question of revocation or leaving in force of the probationary sentence.
5. If a probationer commits a deliberate crime during the trial period, the court shall revoke the probationary sentence and impose punishment upon probationer in accordance with the rule provided by article 61 of this Code. Punishment shall be imposed in the same manner in cases provided by par. 4 of this article.

Part Two
Release From Criminal Responsibility and Punishment

Chapter XIII
Release From Criminal Responsibility

Article 68. Release from Criminal Responsibility Due to Active Repentance

1. A person, who for the first time committed a crime for which maximum punishment provided by the special part of this Code is not in excess of 3 years of imprisonment, may be relieved from criminal responsibility if after commission of the crime he voluntarily shows up with a plea of guilty, assists in opening of crime and compensates damage.
2. A person, who commits a crime of other category, may be released from criminal responsibility if the relevant article of the special part of this Code so provides.

Article 69. Release from Criminal Responsibility Due to Reconciliation with the Victim

A person, who for the first time commits a crime for which maximum punishment provided by article or part of an article of the special part of this Code is not in excess of 2 years of imprisonment, may be released from criminal responsibility in case of reconciliation with the victim.

Article 70. Release from Criminal Responsibility Due to the Change in Circumstances

A person, who commits a crime, may be released from criminal responsibility if it is established that imposition of criminal responsibility is not reasonable due to the change in circumstances.

Article 71. Release from Criminal Responsibility Due to the Statute of Limitations

1. A person shall be released from criminal responsibility if one of the following terms has passed:
 - a. 2 years from the commission of the crime for which the maximum punishment provided by the special part of this Code does not exceed two years of imprisonment;
 - b. 6 years from the commission of another minor crime;
 - c. 10 years from the commission of a serious crime;
 - d. 25 years from the commission of a grave crime.
2. Statute of limitations is computed from the day of the commission of a crime until the day of bringing of a person to justice. If a new crime is committed the statute of limitations shall be computed for each of the crimes.
3. The flow of the statute of limitations shall be suspended if the criminal escapes from investigation or the court. In such case the flow of the statute of limitations will be resumed from the moment of arrest of the criminal or his appearance with the plea of guilty.

4. The court shall decide upon the question of application of statute of limitations to a convict who is imposed life imprisonment. If the court considers application of the statute of limitations impossible, life imprisonment shall be substituted for term imprisonment.
5. Statute of limitations shall not be applicable to cases envisaged by international treaty of Georgia.
6. The course of the statute of limitations shall be suspended for the term throughout which a person is under protection of immunity.

Chapter XIV
Release from Punishment

Article 72. Release from Serving the Punishment for a Probationary Period

1. A person, who serves correctional labor, service restriction of military man, restriction of liberty, incarceration or imprisonment, may be released for a probationary period if the court considers that it is no longer necessary for his improvement to serve the punishment fully. At the same time, a convict may be released from serving additional punishment fully or partially.
2. In case of the release for a probationary term, the court may impose upon the convict an obligation referred to in article 65 of this Code. Obligation shall be carried out during the unserved term of sentence.
3. Release for a probationary term is allowed if a convict has actually served:
 - a. Not less than the half of the term imposed for the commission of a minor crime;
 - b. Not less than $\frac{2}{3}$ of the term imposed for serious crime;
 - c. $\frac{3}{4}$ of the sentence passed upon a person who had been released previously for a probationary period and such release was revoked in accordance with par. 6 of this article.
4. The term of imprisonment served by the convict shall not be less than six months.
5. Control over the conduct of a convict released for a probationary period is carried out by the Probation Office whereas control over the conduct of a military man is carried out by the military unit authorities.
6. If during the unserved term of sentence a convict:
 - a. Persistently avoids fulfillment of obligations imposed upon him due to the release for a probationary period, the court may, on the submission of bodies stipulated in par. 5 of this article, decide to revoke the release for a probationary period and implement the punishment fully;
 - b. Commits an unintentional crime, the court decides upon the question of revocation or leaving intact the release for a probationary period.
 - c. Commits a deliberate crime, the court shall impose a punishment in accordance with article 60 of this Code. Where the court revokes the release for a probationary term and the convict commits an unintentional crime the court shall impose punishment in the same manner.
7. A convict may be released from life imprisonment if he has actually served 25 years of imprisonment and the court considers that it is no longer necessary to serve the rest of the term.

Article 73. Substitution of the Unserved Term for a More Lenient Punishment

1. Taking into account the conduct of a convict who serves imprisonment imposed for minor crime the court may substitute the unserved part of the term for a more lenient punishment. At the same time, a convict may be released from additional punishment fully or partially.
2. The unserved part of punishment may be substituted for a more lenient punishment only when a convict has actually served not less than $\frac{1}{3}$ of the sentence.

Article 74. Release From Punishment Due to Illness

1. A person, who became mentally ill after commission of a crime and therefore is not able to recognize actual nature or wrongfulness of his acts or control them, shall be released from punishment, whereas such person who is actually serving the sentence shall be

- released from the rest of the term. The court may impose compulsory measures of medical character upon such persons.
2. The court may release from the sentence a person who before or after commission of crime falls ill with other serious illness which prevents the serving of sentence.
 3. *Repealed.*
 4. In case of recovery of persons referred to by pars. 1 and 2 of this article they may be imposed criminal responsibility and imposed punishment if the statute of limitations as envisaged in articles 71 and 76 of this Code has not passed.

Article 75. Suspension of Sentence Passed Upon Pregnant Woman or Woman with a Child Under Five

1. The court may suspend the sentence passed upon a pregnant woman or a woman with a child under five before the child attains 5 years.
2. If a convict, after being warned by the Probation Office, rejects the child or its bringing up, the court may, on the submission of this Office, revoke suspension of sentence and send the convict to serve the sentence in the place provided in the judgment.
3. When a child attains 5 years, the court shall release the convict from serving the unserved part of the punishment or commute it with another punishment or the court may decide to send the convict back to the relevant institution to serve the remaining term of the sentence.
4. If a convict commits a new crime in the course of a suspended sentence, the court shall pass a sentence in accordance with article 61 of this Code.

Article 76. Release from Sentence Due to the Statute of Limitations Bar on Accusatory Judgment

1. A convict shall be released from punishment, if accusatory judgment of legal force is not carried out within the following period:
 - a. Two years after commission of crime for which maximum punishment stipulated by article or par. of article of the special part of this Code does not exceed two years of imprisonment;
 - b. In case of conviction for another minor crime in the following 6 years;
 - c. In case of conviction for serious crime in the following 10 years;
 - d. In case of conviction for grave crime in the following 15 years.
2. The flow of statute of limitations shall be suspended if a convict avoided serving of punishment. In such case the flow of statute of limitations shall resume upon arrest of a convict or his appearance with a plea of guilty. The time elapsed until avoidance of the sentence shall be reckoned in the term of the statute of limitations.
3. The court shall decide the question whether statute of limitations shall be applied to a convict who is imposed life imprisonment. If the court considers such application impossible the life imprisonment shall be substituted for term imprisonment.
4. Statute of limitations shall not be applicable to cases provided by international treaties of Georgia.
5. The flow of statute of limitations shall be suspended for the term during which a person is protected by diplomatic immunity.

Chapter XV
Amnesty, Pardon, Previous Convictions

Article 77. Amnesty

1. Amnesty is declared by the Parliament of Georgia to individually unidentified persons.
2. By an act of amnesty a criminal may be released from criminal liability whereas a convict may be released from serving the sentence or sentence may be commuted or reduced.
3. An act of amnesty may cancel previous convictions.

Article 78. Pardon

1. Pardon is granted by the President of Georgia to individually unidentified persons.

2. By the act of pardon a convict may be released from serving of sentence or punishment may be commuted or reduced.
3. An act of pardon may cancel previous convictions.

Article 79. Previous Convictions

1. Defendant becomes a convict after the entry into legal force of an accusatory judgment against him until conviction is extinguished or cancelled. Previous convictions are taken into account at imposition of criminal responsibility, qualification of a crime and choice of a measure of criminal influence.
2. Person released from punishment shall not be considered as a previous convict.
3. Previous conviction shall be extinguished:
 - a. In case of a probationary convict after passing of a probationary period;
 - b. In case of a convict who was imposed a more lenient punishment than imprisonment – after a year after the sentence was served;
 - c. In case of convict for a minor crime – 3 years after the sentence was served;
 - d. In case of a convict for a serious crime – 6 years after the sentence was served;
 - e. In case of a convict for a grave crime – 8 years after the sentence was served.
4. If a convict was released from serving the sentence in a manner prescribed by law before the appointed time or if his sentence was commuted, the period of extinguishment of conviction shall be counted from the day after serving the sentence or a more lenient type of punishment (principal or additional).
5. If a convict behaved perfectly, the court, on his request, may cancel his conviction before the extinguishment period of conviction has passed.
6. Extinguished or cancelled conviction shall not be taken into account at the time of decision upon criminal responsibility, qualification of crime and measure of criminal influence.

Part Five

Criminal Responsibility of a Juvenile

Chapter XVI

Specific Features of Juvenile Responsibility

Article 80. Age of a Juvenile Offender

While imposing criminal responsibility or releasing from it a person shall be considered as a juvenile if at the time of commission of a crime he was between 14-18.

Article 81. Measures of Criminal Influence Upon Juvenile

A juvenile offender may be imposed a punishment or a compulsory measure of educational nature.

Article 82. Types of Punishments

Punishments, possible of imposition upon a juvenile, are:

- a. Fine;
- b. Derogation of the right to pursue certain activity;
- c. Socially useful work;
- d. Correctional labor;
- e. Restriction of liberty;
- f. Incarceration;
- g. Term imprisonment.

Article 83. Fine

A fine may be imposed upon a juvenile only if he has an independent salary or assets from which a fine may be charged. Minimum amount of a fine is 5 daily payments, maximum –

200 daily payments. In case of adding up of punishments amount of a fine may not exceed 400 daily payments.

Article 84. Derogation of the Right to Pursue Certain Activities

Derogation of the right to pursue certain activities may be imposed from 1 to 3 years.

Article 85. Socially Useful Work

Socially useful work may be imposed upon a juvenile for the term of 20-160 hours, which shall be served during the time free from studies or principal work. This punishment presupposes the type of work, which a juvenile is able to perform. The term of this punishment, when imposed upon a juvenile under 15, shall not exceed 2 hours daily, whereas when imposed upon a juvenile under 18 – 3 hours daily.

Article 86. Correctional Labor

Correctional labor may be imposed upon a juvenile from 2 months to 1 year.

Article 86¹. Restriction of Liberty

Restriction of liberty may be imposed upon a juvenile for the term of up to 4 years.

Article 87. Incarceration

Incarceration may be imposed upon a male juvenile who by the time of passing of a sentence has reached 16 for up to 4 months.

Article 88. Term Imprisonment

1. Term imprisonment shall be imposed upon a juvenile for not more than 10 years. Before attaining his majority a juvenile shall serve this term in an educational institution.
2. A juvenile between 16-18 years may be imposed imprisonment for the term exceeding 10 but no more than 15 years.

Article 89. Imposition of Punishment

At the time of imposition of punishment upon a juvenile the circumstances referred to by article 53 of this Code as well as conditions in which juvenile was brought up and lived, the degree of his mental development, state of health, other personal features, influence upon him of a junior person shall be considered.

Chapter VII

Release of a Juvenile From Criminal Responsibility and Punishment

Article 90. Release of a Juvenile From Criminal Responsibility by Application of Compulsory Measures of Educational Character

A juvenile, who committed a minor crime for the first time, may be released from criminal responsibility by the court if it considers that improvement of a juvenile is reasonable through application of compulsory measures of educational character.

Article 91. Types of Compulsory Measures of Educational Character

1. The court may impose compulsory measures of educational character of the following type:
 - a. Warning;
 - b. Delivery for supervision;
 - c. Imposition of obligation to compensate damage;
 - d. Restriction of conduct.
 - e. Placement in a special-educational or medical-educational institution.

2. A juvenile may be imposed several compulsory measures of educational character at the same time. The term of measures referred to in sub-pars. "b" and "d" of the par. 1 of this article shall be determined by the body imposing it.
3. If a juvenile systematically violates conditions of compulsory measure of educational influence this measure shall be revoked upon the submission of a specialized state body and materials shall be forwarded for imposition of criminal responsibility.

Article 92. Warning

Warning is explanation to a juvenile of the damage caused by his behavior and of consequences under this Code in case of repetition of a crime.

Article 93. Delivery for Supervision

Delivery for supervision is imposition of obligation upon parents or their substitute persons or a specialized state body of an obligation to exert educational influence upon a juvenile and control his activities.

Article 94. Imposition of an Obligation to Compensate Damage

When imposing an obligation upon a juvenile to repair damage, the court shall consider juvenile's financial position and relevant working skills.

Article 95. Restriction of Conduct

1. A juvenile may be restricted to:
 - a. Visit a certain place;
 - b. Leave home in a given period of time;
 - c. Go somewhere without a prior permission of a specialized state body;
 - d. Spend free time in a certain manner.
2. A juvenile may be required to:
 - a. Resume studies in an educational institution;
 - b. Start a work with assistance of a specialized state body.
3. Besides restrictions provided by this article, the court may restrict the conduct of a juvenile in any other manner.

Article 96. Placement in a Special-Educational or Medical-Educational Institution.

1. A juvenile convict may be released from punishment by the court if it considers that purposes of punishment may be achieved by placing a juvenile in a special-educational or medical-educational institution. The term of sojourn in such institution shall not exceed the maximum term of punishment provided for the crime committed by the juvenile by this Code.
2. Sojourn of a juvenile in a special-educational or medical-educational institution may terminate before the passage of the term provided for by par. 1 of this article, if on the basis of a written opinion by a specialized state body further application of this measure is unnecessary. Sojourn of a juvenile in a special-educational or medical-educational institution may be extended beyond the term provided by par. 1 of this Code only for completion of general or professional training.

Article 97. Release from Punishment

A juvenile, convicted of a minor crime, may be released from punishment by application of compulsory measure of education character provided by article 91 of this Code.

Article 98. Release from Serving a Sentence for a Probationary Period

A juvenile convict, who was sentenced to correctional labor or term imprisonment, may be released for a probationary period before the appointed time if he has actually served at least:

- a. $\frac{2}{3}$ of the term imposed for a minor crime;

- b. $\frac{1}{2}$ of the term imposed for a serious crime;
- c. $\frac{2}{3}$ of the term imposed for a grave crime.

Article 99. Statute of Limitations

In case of release of a juvenile from criminal responsibility or punishment, limitations provided by articles 71 and 76 of this Code shall be reduced by half.

Article 100. Terms of Extinguishment of Previous Convictions

A person who had committed a crime before attaining 18 years shall be extinguished from previous convictions if one of the following terms has passed:

- a. 1 year after serving imprisonment for a minor crime;
- b. 3 years after serving imprisonment for serious or grave crime.

Part Six

Types of Compulsory Measures of Medical Character, Grounds and Manner of Their Application

Chapter XVIII

Compulsory Measure of Medical Character

Article 101. Grounds for Imposition of Compulsory Measures of Medical Character

1. The court may impose compulsory measure of medical character if:
 - a. Person committed wrongful act provided by the special part if this Code in a state of irresponsibility;
 - b. Crime is committed in a state of limited responsibility;
 - c. Person became mentally ill after commission of a crime what renders imposition or execution of a sentence impossible;
 - d. Person needs treatment from alcoholism or drug addiction.
2. Persons referred to in par. 1 of this article shall be imposed compulsory measure of medical character only when his mental state endangers either himself or others or poses the danger of other substantial harm.
3. The manner of application of compulsory measure of medical character is determined by the legislation of Georgia.
4. Where a person referred to in par. 1 of this article is not dangerous due to his mental state, the court may forward his files to healthcare bodies, which shall decide upon the question of treatment or sending of that person to psycho neurological institution.

Article 102. Types of Compulsory Measures of Medical Character

1. The court may impose following types of compulsory measures of medical character:
 - a. Clinical psychological treatment;
 - b. Placement in mental hospital with general supervision;
 - c. Placement in mental hospital with intensive supervision;
 - d. Placement in a specialized neurological medical-preventive institution with intensive supervision.
2. The court may impose compulsory measure of medical character along with the punishment upon a person convicted of commission of crime in a responsible state but in need of medical treatment from alcoholism, drug addiction or such mental illness, which does not exclude responsibility.

Article 103. Clinical Mental Treatment

Clinical mental treatment may be imposed in existence of grounds provided by article 101 of this Code and if a person due to his mental state is not in need of placement in a mental hospital.

Article 104. Compulsory Treatment in Mental Hospital

1. Compulsory treatment in mental hospital may be imposed in existence of grounds provided by article 101 of this Code if nature and degree of mental illness require such conditions of treatment, care, habitation and supervision that may be carried out only in a mental hospital.
2. Compulsory treatment in a mental hospital with general supervision may be imposed upon a person who due to his mental state needs hospital treatment and supervision, but not intensive supervision.
3. Compulsory treatment in mental hospital with intensive supervision may be imposed upon a person who due to his mental state needs permanent supervision.
4. Compulsory treatment in a mental hospital with strict supervision may be imposed upon a person whose mental state poses special danger to himself or others and, therefore, needs permanent and intensive supervision.

Article 105. Extension, Substitution or Termination of Compulsory Measure of Medical Character

1. Compulsory measure of medical character may be extended, substituted or terminated by the court on the basis of a written opinion of the commission of psychologists submitted by the administration of the institution, which carries out compulsory treatment.
2. A person who was imposed compulsory treatment of medical character shall be examined after maximum of six months by the commission of psychologists in order to decide whether there exists a ground for making a submission to the court as to the termination or substitution of such measure. If such ground does not exist, administration of an institution, which carries out compulsory treatment shall submit to the court written opinion concerning extension of compulsory treatment. Such extension may first take place after six months from commencement of treatment, consequently - every year.
3. The court may substitute compulsory measure of medical character if mental state of a person changes so that it is no longer necessary to apply the measure imposed previously or to impose other compulsory measure of medical character.
4. In case of termination of compulsory treatment in a mental hospital, the court may forward the files on such person to the healthcare body, which shall decide in accordance with the law upon the question of treatment of that person or his sending to psycho neurological institution.

Article 106. Reckoning In of the Term of Application of Compulsory Measure of Medical Character

The time, during which compulsory treatment in a mental hospital due to mental illness inflicted after the commission of a crime was imposed upon a person, shall be reckoned in the term of punishment in the following manner: one day of sojourn in mental hospital – one day of imprisonment.

Article 107. Compulsory measure of Medical Character Connected to Execution of Punishment

1. In cases provided by par. 2 of article 102 compulsory measure of medical character shall be carried out at the place where imprisonment is served, whereas in case where other type of sentence is applied – at a healthcare institution which provides psychological aid.
2. If a mental state of a convict has changed so that his treatment in a hospital is necessary, the convict shall be placed in a mental hospital or other medical treatment institution on the ground and in accordance with the rules provided by the healthcare legislation.
3. The period of sojourn in the institution, which par. 2 of this Code refers to, shall be reckoned in the term of sentence. If further treatment of a convict in this institution is not necessary he shall be signed out in accordance with the rule prescribed by the healthcare legislation.
4. Application of compulsory measure of medical character is decided upon by the court on the basis of the written opinion of the commission of psychologists.