



**REPUBLIC of ALBANIA
PARLIAMENT**

LAW

No.9086, date 19.06.2003

**FOR SOME ADDITIONS AND CHANGES IN THE LAW NO.7895, DATE 27.01.1995
“PENAL CODE OF REPUBLIC OF ALBANIA”**

In support of article 81 point 1 and 2 character “d” and 83 point 1 of constitute with purpose of Council of Minister,

**PARLIAMENT
OF REPUBLIC OF ALBANIA**

DECIDE

In Law no 7895 date 21.01.1995 (Penal Code of Republic of Albania) made these additional and amendments:

Article 1

After character “g” of article 7 is added character “h” with this content:
“h) – Cleaning of products of penal act”.

Article 2

In article 29 is added one paragraph with these content:
“Punishment with imprisonment and fine are given both, when it is preview in the respective disposition of this Cod”.

Article 3

Point 2 of article 30 changes as follow:
“2. Confiscation of tools used for committing the penal act and the products of penal act.”.

Article 4

Article 36 changes as follow:

“Article 36

Confiscation of tools for committing one penal act and the products of penal act.

1. The court give obligatory confiscation and consist in taking and passing in favor of state:
 - a) The tools, which served or are designate as tools for committing the penal act.
 - b) The products of penal act, where including any type of property and documents or legal instruments which certify titles or other interest in the property that derived or wined directly or indirectly from the commitment of penal act.
 - c) Compensations, gives or promised for commitment of penal acts.
 - Ç) Of any other property value of which correspond to the penal act products.
 - d) Tools, produces, used, keep or conveyances of which constitute penal act in the cases when punishment decision is not given yet.
2. If products of penal act are transform partly or completely conversation in other properties, these subjugated confiscation.
3. If products of penal act are linked with other property which are realized in legal way, the confiscation will be made until in the products value of penal act.
4. Confiscation subjugated and proceeds or other profits from products of penal act, from properties which are transformed or conversed penal act products or from the properties which are linked these products, in the same measures or manner as products of penal act.”.

Article 5

After article 124 additional article 124/a with this content:

“Article 124/a

Request or receiving of repayment for adopting procedures

Requesting, proposing, giving or accepting of repayment and other profits, for commitment or non commitment one operation that is in relation with adopting process of minor, is punished with imprisonment until 7 years and with fine from 300 000 LEKE until 3 million LEKE.”.

Article 6

After article 179 additional article 179/a with this content:

“Article 179/a

Non-declaring of money or precious metals in cross border

Non-declaration, in entry and exit from territory of Republic of Albania, of money, in any forms of check, precious metals or stones, and other precious tools, beyond value previous form Law, comprise the administrative offences and is punished with fine or with imprisonment until 2 years.”.

Article 7

After article 230 additional article 230/a with this content:

“Article 230/a

Financing of terrorism

Financing of terrorism or supporting in any forms, is punished with imprisonment non less more 15 years or lifelong imprisonment and with fine from 5 million LEKE until 10 million LEKE”.

Article 8

Article 287 amended as follow:

“Article 287

Laundering of products of penal acts

1. Laundering of products of penal acts committed by means of:
 - a) Converting or transferring the property, knowing it to be the proceeds of penal acts aiming to conceal or disguise the illicit origin of the property; or providing assistance to a person in order to avoid the lawful consequences which are connected with commitment of penal acts.
 - b) Concealing or disguising the nature, source, location, movement of the property or other rights related to the property which is product of penal act;

- c) Conducting the financial operation and fragmented or “structured” transactions aimed to avoid the reporting requirements for carryout money laundering law.
- Ç) Acquiring, possessing or using the property, when it’s knowing that is product of penal act;
- d) Consultation, stimulation or public call, for committed the respective penal act mentioned above.

Punishable with imprisonment by 3 until 10 years and with fine by 500 000 LEKE – 5 million LEKE.

- 2. When this act commitment during execution of professional operations, in collaboration or more than once, is punishable with imprisonment by 5 until 15 years and with fine by 800 000 LEKE – 8 million LEKE, while when come heavy consequently is punishable with imprisonment no more less 15 years and with fine by 3 million LEKE until 10 million LEKE.
- 3. The provisions of this article enforcement and in the cases when person, whom committed act which derived products of penal acts, can not take as accused, can not be punished, exist one reason which defeasance penal act or one from the conditions of penal proceeding for one such act is absent.

Article 9

Article 287/a will be changed as follow:

Article 287/a

The opening of anonymity account

The opening of deposits or anonymity banks account or fictive names, is punishable with imprisonment until 3 years and with fine by 200 000 LEKE until 2 million LEKE.

Article 10

This law comes in force 15 days after publishing in official bulletin.

CHAIRMAN

Servet PELLUMBI