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- Yalkut Ha-Pirsumim* — Government Notices
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- LSI (Laws of the State of Israel)* — The English translation of laws of which this volume forms part
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PENAL LAW, 5737-1977 *

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* This Integrated Version was determined by the Constitution, Legislation and Juridical Committee of the Knesset on the 21st Sivan, 5737 (7th June, 1977) and published in *Sefer Ha-Chukkim* No. 864 of the 20th Av, 5737 (4th August, 1977), p. 226. It takes the place of the following:

- A. The Criminal Code Ordinance, 1936, except section 38. References: *P.G.* of 1936, Suppl. I, p. 285 (English Edition); *P.G.* of 1937, Suppl. I, p. 293 (English Edition); *P.G.* of 1939, Suppl. I, p. 181 (English Edition); *P.G.* of 1944, Suppl. I, pp. 97 and 83 (English Edition); *P.G.* of 1945, Suppl. I, p. 167 (English Edition); *P.G.* of 1946, Suppl. I, p. 299 (English Edition); *P.G.* of 1947, Suppl. I, p. 1 (English Edition); *Sefer Ha-Chukkim* of 5710, p. 287 — *LSI* vol. IV, p. 156; *Sefer Ha-Chukkim* of 5711, p. 248 — *LSI* vol. V, p. 172; *Sefer Ha-Chukkim* of 5712, pp. 127 and 144 — *LSI* vol. VI, pp. 34 and 50; *Sefer Ha-Chukkim* of 5714, pp. 47, 51, 74 and 238 — *LSI* vol. VIII, pp. 45, 48, 63 and 211; *Sefer Ha-Chukkim* of 5715, p. 71 — *LSI* vol. IX, p. 79; *Sefer Ha-Chukkim* of 5717, pp. 44, 88 and 178 — *LSI* vol. XI, pp. 39, 90 and 195; *Sefer Ha-Chukkim* of 5719, p. 145 — *LSI* vol. XIII, p. 153; *Sefer Ha-Chukkim* of 5720, p. 54 — *LSI* vol. XIV, p. 47; *Sefer Ha-Chukkim* of 5722, pp. 36 and 79 — *LSI* vol. XVI, pp. 27 and 69;

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- B. Penal Law Amendment (Bribery) Law, 5712-1952. References: *Sefer Ha-Chukkim* of 5712, p. 126 — *LSI* vol. VI, p. 32; *Sefer Ha-Chukkim* of 5717, p. 88 — *LSI* vol. XI, p. 90; *Sefer Ha-Chukkim* of 5723, p. 26 — *LSI* vol. XVII, p. 34; *Sefer Ha-Chukkim* of 5724, p. 90 — *LSI* vol. XVIII, p. 83; *Sefer Ha-Chukkim* of 5730, p. 149 — *LSI* vol. XXIV, p. 156; *Sefer Ha-Chukkim* of 5731, p. 164 — *LSI* vol. XXV, p. 151.
- C. Penal Law Amendment (Assault on Police Officers) Law, 5712-1952. References: *Sefer Ha-Chukkim* of 5712, p. 144 — *LSI* vol. VI, p. 49.
- D. Penal Law (State Security, Foreign Relations and Official Secrets), 5717-1957. References: *Sefer Ha-Chukkim* of 5717, p. 172 — *LSI* vol. XI, p. 186; *Sefer Ha-Chukkim* of 5727, p. 42 — *LSI* vol. XXI, p. 39.
- E. Penal Law Amendment (Bigamy) Law, 5719-1959. References: *Sefer Ha-Chukkim* of 5719, p. 144 — *LSI* vol. XIII, p. 152.
- F. Penal Amendment (Concealment of Offences) Law, 5719-1959. References: *Sefer Ha-Chukkim* of 5719, p. 207 — *LSI* vol. XIII, p. 227.
- G. Penal Law Amendment (Prostitution Offences) Law, 5722-1962. References: *Sefer Ha-Chukkim* of 5722, p. 78 — *LSI* vol. XVI, p. 67; *Sefer Ha-Chukkim* of 5733, p. 146 — *LSI* vol. XXVII, p. 160.
- H. Penal Law Amendment (Deceit, Blackmail and Extortion) Law, 5723-1963. References: *Sefer Ha-Chukkim* of 5723, p. 130 — *LSI* vol. XVII,

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p. 153; *Sefer Ha-Chukkim* of 5730, p. 22 — *LSI* vol. XXIV, p. 21; *Sefer Ha-Chukkim* of 5733, p. 145 — *LSI* vol. XXVII, p. 159; *Sefer Ha-Chukkim* of 5735, p. 97 — *LSI* vol. XXIX, p. 125.

- I. Penal Law Amendment (Prohibited Games; Lotteries and Betting) Law, 5724-1964. *Sefer Ha-Chukkim* of 5724, p. 44 — *LSI* vol. XVIII, p. 39; *Sefer Ha-Chukkim* of 5727, p. 143 — *LSI* vol. XXI, p. 144. *Sefer Ha-Chukkim* of 5735, p. 222 — *LSI* vol. XXIX, p. 293.
- J. Penal Law Amendment (Use of Vehicles without Permission) Law, 5724-1964. References: *Sefer Ha-Chukkim* of 5724, p. 78; *LSI* vol. XVIII, p. 66.
- K. Penal Law (Modes of Punishment) (Consolidated Version), 5730-1970. References: *Sefer Ha-Chukkim* of 5730, p. 109 — *LSI* vol. XXIV, p. 112; *Sefer Ha-Chukkim* of 5731, p. 122 — *LSI* vol. XXV, p. 118; *Sefer Ha-Chukkim* of 5733, p. 44 — *LSI* vol. XXVII, p. 39; *Sefer Ha-Chukkim* of 5735, p. 11 — *LSI* vol. XXIX, p. 15.
- L. Penal Law (Offences Committed Abroad) (Consolidated Version), 5733-1973. References: *Sefer Ha-Chukkim* of 5733, pp. 36 and 360 — *LSI* vol. XXVII, pp. 32 and 439; *Sefer Ha-Chukkim* of 5737, pp. 36 and 132.
- M. Penal Law Amendment (Interruption of Pregnancy) Law, 5737-1977. References: *Sefer Ha-Chukkim* of 5737, p. 70.
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PART ONE: GENERAL PROVISIONS

CHAPTER ONE: INTERPRETATION

General
application
of Part One.
[A/3A] [5725]

1. The provisions of this Part shall apply also to offences other than under this Law, unless otherwise expressly provided in the enactment creating the offence.

Definitions.
[A/5]

2. In relation to an offence —

“dwelling house” means any building or structure or part thereof which is kept by the owner or occupier for the residence therein of himself or his family or servants, even if it is from time to time uninhabited; a building or structure adjacent to or occupied or used for any purpose with a dwelling house is deemed to be part thereof if there is a communication between them, either immediate or by means of an enclosed and covered passage leading from the one to the other;

“owner” and other like terms, when used with reference to property, include a body corporate, a body of persons capable of owning property, and the State;

“public way” means any highway, market-place, square, street, bridge or other way which is lawfully used by the public;

“possession” means a person’s control of a thing in his custody or in the custody of another person or in any place whether belonging to him or not; and a thing in the custody or possession of one or several of a group with the knowledge and consent of the rest shall be deemed to be in the custody and possession of each and all of them;

“judicial proceedings” means any proceeding before any court, tribunal, judicial authority, commission of inquiry or person which or who is competent to take evidence on oath;

“harm” means any bodily hurt, disease or disorder, whether permanent or temporary;

“grievous harm” means any harm which amounts to dangerous harm or seriously or permanently injures the health or comfort of the person harmed or is likely so to injure his health or comfort, or which extends to permanent disfigurement or to any permanent or serious injury to any external or internal organ, membrane or sense;

“dangerous harm” means harm endangering life;

“knowingly” in connection with any term denoting uttering or

using implies knowledge of the character of the thing uttered or used;

“money” includes currency notes, bank drafts, cheques and any other warrants for the payment of money;

“night” means the interval between 18.30 hours and 06.30 hours;

“public place” means any way, building, place or conveyance to which, for the time being, the public are entitled or permitted to have access, either without any condition or upon condition of making any payment, and any building or place which is for the time being used for any public or religious gathering or as an open court;

“utter” includes using or dealing with and attempting to use or deal with and attempting to induce any person to use, deal with or act upon the thing in question;

“security” includes any document which is evidence of the right or right of claim to any property;

“property” means everything animate or inanimate capable of being the subject of ownership;

“public servant” means —

[5717]

(1) a State employee, including a soldier within the meaning of the Military Justice Law, 5715-1955¹;

(2) an employee of a local authority or local education authority;

(3) an employee of a religious council;

(4) an employee of the National Insurance Institute;

(5) an employee of the Bank of Israel;

(6) an employee of the World Zionist Organisation, the Jewish Agency for Israel, the Keren Kayemet Le-Israel and the Keren Hayesod — United Israel Appeal, including a member of the board or management of any of these bodies;

(7) an employee of an Employment Service Bureau;

(8) an employee of any undertaking, institution, fund or other body in the management of which the Government participates, including a member of the board or management of any of these bodies;

(9) an arbitrator;

(10) the holder of any office or function under any enactment, whether by appointment, election or agreement, even if he is

¹ *Sefer Ha-Chukkim* of 5715, p. 171; *LSI* vol. IX, p. 184.

not one of the public servants enumerated in paragraphs (1) to (9);

[5735]

(11) a director on behalf of the State in a Government company, Government subsidiary company or mixed company, within the meaning of the Government Companies Law, 5735-1975¹, and a person employed by or engaged in the service of any such company as aforesaid.

“publicly”, when applied to an act, means either —

(1) that the act is so done in a public place that it can be seen by any person, whether or not he is in a public place; or

(2) that it is so done in a place not being a public place that it can be seen by any person in a public place.

“wound” means any incision or puncture which divides or pierces any exterior membrane of the body, and any membrane is exterior which can be touched without dividing or piercing any other membrane;

[1939]

“publication” means written or printed matter and everything, whether or not of a nature similar to written or printed matter, containing any visible representation which by its form or shape or in any other manner is capable of suggesting words or ideas, and includes a copy or reproduction of a publication;

“publish” —

(1) in the case of spoken words, means to utter words orally or by mechanical means at a public gathering or in a public place or in such a way that they may be heard by persons in a public place;

(2) in the case of writings, drawings, pictures, photographs or images, means to distribute them to a number of persons, or exhibit them in such a way that they can be seen by persons in a public place, or to sell or offer them for sale in any place;

“public” includes any part thereof likely to be affected by the conduct referred to in the context in which this term is used.

¹ *Sefer Ha-Chukkim* of 5735, p. 132; *LSI* vol. XXIX, p. 162.

CHAPTER TWO: TERRITORIAL APPLICATION

3. The jurisdiction of the courts in Israel in the matter of offences extends to the area of the State and its territorial waters and, by Law, also beyond the said area. Where an offence is committed partly within the jurisdiction, the person who commits it may be tried and punished as if he had committed it wholly within the jurisdiction. Extent of jurisdiction.
[A/6, 7]
4. The courts in Israel are competent to try a person who committed abroad an offence under any of the following: Offences against humanity.
[L/1]
- (1) the Crime of Genocide (Prevention and Punishment) Law, 5710-1950¹;
 - (2) the Nazis and Nazi Collaborators (Punishment) Law, 5710-1950²;
 - (3) section 169 of this Law;
 - (4) the Air Navigation (Offences and Jurisdiction) Law, 5731-1971³, with the restrictions stated therein;
 - (5) the Dangerous Drugs Ordinance (Consolidated Version), 5733-1973⁴, with the restrictions stated therein.
5. (a) The courts in Israel are competent to try under Israeli law a person who committed abroad an act which would have been an offence had it been committed in Israel and which injured or was intended to injure the State of Israel, its security, property or economy or its transport or communication links with other countries. Offences against the State.
[L/2]
- (b) Without prejudice to the generality of the provision of subsection (a), the courts in Israel are competent to try a person who committed abroad an offence under any of the following:
- (1) Chapter Seven of this Law with the restrictions stated therein;
 - (2) the Flag and Emblem Law, 5709-1949⁵;
 - (3) the State Seal Law, 5710-1949⁶;
 - (4) sections 133 to 139 and 159 of this Law;
 - (5) section 239 of this Law where the offence is committed in respect of an affidavit under section 15 of the Evidence Ordinance (New Version), 5731-1971⁷;

1 *Sefer Ha-Chukkim* of 5710, p. 137; *LSI* vol. IV, p. 101.

2 *Sefer Ha-Chukkim* of 5710, p. 281; *LSI* vol. IV, p. 154.

3 *Sefer Ha-Chukkim* of 5731, p. 60; *LSI* vol. XXV, p. 55.

4 *Dinei Medinat Yisrael (Nusach Chadash)* No. 27, p. 526.

5 *Sefer Ha-Chukkim* of 5709, p. 37; *LSI* vol. III, p. 26.

6 *Sefer Ha-Chukkim* of 5710, p. 15; *LSI* vol. IV, p. 13.

7 *Dinei Medinat Yisrael (Nusach Chadash)* No. 18, p. 421; *NV* vol. II, p. 198.

- (6) section 8 of the Passports Law, 5712-1952¹;
- (7) section 12(2) of the Entry into Israel Law, 5712-1952²;
- (8) regulation 8(a) of the Return Regulations, 5716-1956³;
- (9) the Population Registry Law, 5725-1965⁴;
- (10) Chapter Eleven of the Knesset Elections Law (Consolidated Version), 5729-1969⁵;
- [5733] (11) sections 236 to 256 of this Law where the offence is committed in proceedings under section 160 of the Shipping (Seamen) Law, 5733-1973⁶;
- [5737] (12) Chapter Two "C" of the Commodities and Services (Control) Law, 5718-1957⁷;
- [5731] (13) the Air Navigation (Security in Civil Aviation) Law, 5737-1977⁸.

Offences by public servants and offences in respect of public property.
[L/3, 9]

6. (a) The courts in Israel are competent to try a national, a resident or a public servant of Israel who committed abroad one of the following offences:

- (1) an offence under any of the sections of Articles Four and Five of Chapter Nine of this Law;
- (2) an offence under any of the sections of Chapter Eleven, except sections 401 and 429, and Chapter Twelve or under section 381 (2) or 489, which harms any property or rights of the State or of one of the bodies or associations specified in the Schedule.

(b) The Minister of Justice may, with the approval of the Constitution, Legislation and Juridical Committee of the Knesset, vary the Schedule by adding or deleting the names of bodies or associations.

Injury to nationals or residents of Israel.
[L/4]

7. (a) The courts in Israel shall be competent to try under Israeli Law a person who committed abroad an act which would have been an offence had it been committed in Israel and which injured or was intended to injure the life, person, health, freedom or property of an Israeli national or resident of Israel.

1 *Sefer Ha-Chukkim* of 5712, p. 260; *LSI* vol. VI, p. 76.

2 *Sefer Ha-Chukkim* of 5712, p. 354; *LSI* vol. VI, p. 159.

3 *Kovetz Ha-Takkanot* of 5716, p. 820.

4 *Sefer Ha-Chukkim* of 5725, p. 270; *JSI* vol. XIX, p. 288.

5 *Sefer Ha-Chukkim* of 5729, p. 103; *LSI* vol. XXIII, p. 110.

6 *Sefer Ha-Chukkim* of 5733, p. 329; *LSI* vol. XXVII, p. 393.

7 *Sefer Ha-Chukkim* of 5718, p. 24 — *LSI* vol. XII, p. 24; *Sefer Ha-Chukkim* of 5737, p. 34.

8 *Sefer Ha-Chukkim* of 5737, p. 126.

(b) If the offence was committed in a place under the jurisdiction of another state, no information shall be filed under this section unless the act is also an offence under the law which applies in that place.

8. The courts in Israel shall be competent to try an Israeli national or a resident of Israel who committed abroad an offence under Article Eight of Chapter Eight of this Law.

Bigamy.
[L/5]

9. The courts in Israel shall be competent to try, in addition to the parties to an offence under Chapter Four, a person who, in respect of an offence which a court is competent to try under this chapter, has done any of the acts mentioned in Chapters Five and Fourteen or in sections 260 to 262 of this Law.

Attempt,
incitement
and conspiracy
[L/6]

10. (a) No information shall be filed in respect of an offence under sections 4 to 9 save by the Attorney-General or with his written consent.

Restrictions.
[L/7]

(b) No information shall be filed in respect of an offence under section 7 unless the penalty prescribed for it by Israeli law is imprisonment for a term of one year or more.

(c) No person shall be brought to trial under section 6 or 8 for an act or omission for which he has been brought to trial, and convicted or acquitted, abroad.

(d) A person who has committed an offence under section 4, 5 or 7 may be brought to trial in Israel even if he has already been brought to trial abroad for the act or omission; but if a person is convicted in Israel of an offence as aforesaid after being convicted thereof abroad, the court in Israel shall, in determining the penalty, have regard to the penalty he has undergone abroad.

11. The provisions of this chapter shall not derogate from any power under another law to try offences committed abroad.

Saving of
powers.
[L/8]

CHAPTER THREE:
GENERAL RULES AS TO CRIMINAL RESPONSIBILITY

- Ignorance of law.
[A/8]
12. Ignorance of the law shall not serve as a ground for exemption from responsibility for an offence unless knowledge of the law is expressly declared to be an element of the offence.
- Immature age.
[A/9]
13. (a) A person under the age of nine years is not criminally responsible.
(b) A person under twelve years of age is not criminally responsible for an act or omission unless it is proved that at the time of doing the act or making the omission he had the capacity to know that he was forbidden to do the act or make the omission.
- Bona fide* claim of right.
[A/10]
14. A person is not criminally responsible in respect of an offence relating to property if he committed it to realise an honest claim of right and without intention to defraud or injure.
- Intention.
[A/11, (1), (2)]
15. (a) A person is not criminally responsible for an act or omission which occurs independently of his will, or for an event which occurs by accident, unless criminal negligence is involved.
(b) The intention to cause a particular result by an offence is immaterial unless such intention is expressly declared to be an element of the offence.
- Motive.
[A/11 (3)]
16. Unless otherwise expressly provided, the motive by which a person is induced to commit an offence or to form an intention is immaterial as regards criminal responsibility.
- Mistake of fact.
[A/12]
17. Unless otherwise provided either expressly or by implication, a person who does or omits to do an act upon an honest and reasonable, but mistaken, assumption as to a state of things is not criminally responsible to any greater extent than he would be if the state of things were such as he assumes it to be.
- Presumption of sanity.
[A/13]
18. Every person is presumed to be of sound mind, and to have been of sound mind at the time in question, so long as the contrary is not proved.
- Insanity.
[A/14]
[3735]
19. A person is not criminally responsible for an act or omission if at the time of doing the act or making the omission he is, through any disease affecting his mind or through a defect in his mental faculties, incapable of understanding what he is doing or of knowing that he is forbidden to do the act or make the omission.

20. (a) Intoxication shall not provide a defence to any person unless by reason thereof, at the relevant time, he did not know what he was doing or that he was forbidden to do it and either —

Intoxication.
[A/15]

(1) intoxication was caused without his consent by the malicious or negligent act of another person or

(2) he was at that time insane by reason of intoxication.

(b) Intoxication shall be taken into account for the purpose of determining whether the person charged had formed an intention which is an element of the offence.

(c) For the purposes of this section, "intoxication" includes intoxication induced by narcotics or drugs.

21. No act, except murder or an offence against the State punishable with death, is an offence if a person is constrained to do it by threats which at the time cause a reasonable apprehension that instant death or grievous harm to that person will otherwise be the consequence:

Constraint.
[A/17]

Provided that the person did not, of his own accord, place himself in the situation in which he became subject to such constraint.

22. A person may be exempted from criminal responsibility for any act or omission if he can show that it was only done or made in order to avoid consequences which could not otherwise be avoided and which would have inflicted grievous harm or injury on his person, honour or property or on the person or honour of others whom he was bound to protect or on property placed in his charge:

Necessity.
[A/18]

Provided that he did no more than was reasonably necessary for that purpose and that the harm caused by him was not disproportionate to the harm avoided.

23. Except as otherwise expressly provided, a judicial officer is not criminally responsible for anything done or omitted to be done by him in the exercise of his judicial functions, even if he acted in excess of his authority or refrained from acting as he was required to do.

Protection of
judicial
authority.
[A/16]

24. (a) A person is not criminally responsible for an act or omission done or made either —

Justification.
[A/19]

(1) in execution of the law or

(2) in obedience to the order of a competent authority which he is bound by law to obey, unless the order is manifestly unlawful.

(b) Whether an order is manifestly unlawful is a question of law.

CHAPTER FOUR: PARTIES TO AN OFFENCE

Definition.
[A/22]

25. In this chapter, "offence" does not include a contravention.

Principal
offenders.
[A/23(1)]

26. Where an offence is committed, each of the following is deemed to have taken part in its commission and to bear responsibility for it:

(1) a person who does one of the acts or makes one of the omissions which constitute the offence;

(2) a person who, whether or not he is present at the time the offence is committed, does or omits to do any act for the purpose of enabling or aiding another person to commit the offence;

(3) a person who, whether or not he is present at the time the offence is committed, counsels or procures any other person to commit the offence;

(4) a person who aids another in committing an offence by being present at the place where it is committed for the purpose of overawing opposition or of strengthening the resolution of the perpetrator or of ensuring the carrying out of the offence.

Person
committing
offence by
agent.
[A/23(4)]

27. A person who procures another to do an act or make an omission which if he had himself done or made it would have constituted an offence on his part is guilty of that offence.

Offence
committed in
pursuit of
common
purpose.
[A/24]

28. Where two or more persons associate to pursue an unlawful purpose, and in the course of its pursuit an offence is committed which by its nature is a probable consequence thereof, each of them present at the commission of the offence is deemed to have committed it.

Extent of
responsibility of
person
counselling
offence.
[A/25 (1), (2)
opening passage]

29. Where a person counsels another person to commit an offence, and an offence is thereafter committed by the other person, the first-mentioned person is deemed to have counselled the offence actually committed even if it is not committed in the way counselled or is not the offence counselled, so long as the facts constituting the offence actually committed are a probable consequence of carrying out the counsel.

Countermanding
commission of
offence.
[A/25 (2)
proviso]

30. If any person has procured or counselled another person to commit an offence and before the commission of the offence has countermanded the commission, he shall not be deemed to have committed the offence if it is subsequently committed.

CHAPTER FIVE: ATTEMPT AND INCITEMENT

31. In this chapter, "offence" does not include a contravention.

Definition.
[A/28]

32. A person who attempts to commit an offence shall unless some other punishment is provided be liable —

Persons attempting to commit offence.
[A/29]

- (1) to imprisonment for twenty years if the offence is punishable by death;
- (2) to imprisonment for fourteen years if the offence is manslaughter;
- (3) to imprisonment for ten years if the offence is any other offence punishable by imprisonment for life;
- (4) in every other case, to half the punishment prescribed for the offence.

33. (a) A person is deemed to attempt to commit an offence when he begins to put his intention to commit it into effect by some overt act and by means adapted to achieve such intention, but does not achieve such intention to such an extent as to commit the offence.

Attempt defined.
[A/30]

(b) It is immaterial, except as regards punishment, whether the offender does all that is necessary on his part to complete the commission of the offence or whether the complete commission thereof is prevented by circumstances independent of his will or whether he desists of his own motion from further prosecution of his intention.

(c) It is immaterial that by reason of circumstances not known to the offender it is impossible in fact to commit the offence.

34. Any person who attempts to procure or incite another to do any act or make any omission, in Israel or elsewhere, which if it were done or made would constitute an offence under Israeli law or the laws of the place where it is proposed to be done or made shall be liable to the same punishment as if he had himself attempted to do the act or make the omission in Israel:

Attempt to procure commission of offence.
[A/31]

Provided that if the act or omission is proposed to be done or made at a place outside Israel —

- (1) the punishment shall not exceed that which he would have incurred under the laws of that place if he had himself attempted to do the act or make the omission;
- (2) he shall not be prosecuted save at the request of the state having jurisdiction in that place.

CHAPTER SIX: MODES OF PUNISHMENT

ARTICLE ONE: GENERAL

Penalties to be maximum penalties.
[K/1]

35. A court which has convicted a person of an offence may impose on him any penalty not exceeding the penalty prescribed by law for that offence.

Imprisonment or fine.
[K/2]

36. Where a Law prescribes imprisonment or a fine alternatively, the court may impose one or both of them.

Inquiry.
[K/3]

37. (a) Where a person has been convicted, the court may, before passing sentence, request a written report from a probation officer on all of the following:

- (1) the past of the accused;
- (2) the family situation of the accused, with details as complete as possible regarding his parents, spouse, children, brothers and sisters;
- (3) the economic position of the accused;
- (4) the state of health of the accused and of the members of his family;
- (5) special personal circumstances, if any, which led him to crime.

(b) In a report as aforesaid, the probation officer may recommend to the court the type of penalty which, in his opinion, offers a prospect of reforming the accused.

(c) Where after receiving the report the court imposes a penalty of imprisonment, a copy of the report shall be sent to the Commissioner of Prisons to serve him as material for planning the treatment of the prisoner.

(d) The contention that the report submitted to the court has not been drawn up in accordance with the provisions of this section shall not be a ground of appeal.

Report mandatory.
[K/4]

38. (a) The court shall not impose a penalty of imprisonment, other than conditional imprisonment, save after receiving a report under section 37.

(b) The Minister of Justice may from time to time, by declaration published in *Reshumot*, restrict the application of subsection (a)

according to kinds of courts, offences or the age of the accused persons or in any other way.

39. (a) Where a person convicted of a particular offence requests the court to take into consideration other offences which he admits having committed, the court may, after giving the prosecutor an opportunity to be heard, convict and sentence the accused, or place him under probation, for every one of the other offences.

Other offences
admitted by the
accused.
[K/5]

(b) The court shall not exercise its power under this section save in respect of offences which are within its material jurisdiction and which it is competent to try in its existing composition: Provided that a District Court may do so also in respect of misdemeanours and contraventions.

(c) Where a person is convicted under this section notwithstanding the opposition of the prosecutor, the prosecutor may appeal against the conviction.

(d) Where the court has exercised its power under this section and in an appeal against its judgment the conviction in respect of the offence with which the accused was charged is quashed, conviction and sentence in respect of the other offences shall not be affected thereby.

(e) In this section, "other offences" means offences irrespective of whether or not an information has been filed in respect thereof, so long as particulars of the offences are indicated to the extent necessary for identifying them.

40. Where an offence was created by any Law before the 19th Elul, 5714 (17th September, 1954) and no penalty is prescribed for it, the court may —

Offences for
which no penalty
is prescribed.
[K/6]

(1) where the offence is a misdemeanour — impose a term of imprisonment not exceeding three years or a fine not exceeding 5,000 pounds or both such penalties;

(2) where the offence is not stated to be a misdemeanour — impose a term of imprisonment not exceeding seven days or a fine not exceeding one hundred pounds or both such penalties.

ARTICLE TWO: IMPRISONMENT

Imprisonment
for life.
[K/7]

41. Where an offence is punishable by imprisonment for life, and such penalty is not designated as mandatory, the term of imprisonment imposed by the court shall not exceed twenty years.

Indeterminate
imprisonment.
[K/8]

42. Where an offence is punishable by imprisonment for no fixed term, the term of imprisonment imposed by the court shall not exceed one year.

Calculation of
term of
imprisonment.
[K/9]

43. Where a person has been sentenced to imprisonment, the term of imprisonment shall, unless the court otherwise directs, be calculated from the date of the sentence; where the sentenced person has been released on bail after sentence, the period of release shall not be reckoned as part of the term of imprisonment.

Postponed
imprisonment.
[K/10]

44. Where the court has imposed a penalty of imprisonment, it may order such penalty to commence on the date prescribed by it.

Concurrent
imprisonment.
[K/11]

45. (a) Where a person is sentenced in one trial to terms of imprisonment in respect of different offences, and the court does not direct that he shall undergo all or part of them consecutively, he shall only undergo the longest term.

(b) Where a person has been sentenced to imprisonment and before he has fully undergone his term he is again sentenced to imprisonment, and the court which last sentences him does not direct that he shall undergo all or part of the terms of imprisonment consecutively, he shall only undergo one term, being the longest term.

(c) Where a person is sentenced to two or more terms of imprisonment of which one is partly concurrent with the other, he shall, after undergoing one, undergo only the remainder of the other that is not concurrent.

Sequence of
undergoing
criminal
imprisonment.
[K/12]

46. Subject to the provisions of section 58, a person sentenced to different terms of imprisonment to be undergone consecutively shall first undergo the shorter term, except for a term which he had already begun to undergo when he was sentenced to a further term.

Sequence of
undergoing
civil
imprisonment.
[K/12]

47. (a) A person on whom civil imprisonment has been imposed shall undergo it in addition to any other term of imprisonment to be undergone by him, whether the other imprisonment is criminal or civil imprisonment.

(b) A person on whom civil and criminal imprisonment have been imposed shall undergo the civil imprisonment first. Where civil imprisonment is imposed on a person undergoing criminal imprisonment, the criminal imprisonment shall be interrupted for the purpose of undergoing the civil imprisonment and shall continue when the civil imprisonment ends.

(c) A person on whom two or more terms of civil imprisonment have been imposed for the same cause shall undergo them consecutively in the order in which they were imposed. Terms of civil imprisonment imposed for different causes shall be undergone consecutively in the following order:

- (1) imprisonment to compel compliance with a court order or to compel proper conduct in court;
- (2) imprisonment to compel payment of a maintenance debt;
- (3) imprisonment to compel payment of any other civil debt;
- (4) imprisonment to compel the giving of a *get* (letter of divorce) or the giving of *halitza* (release from levirate obligation);
- (5) imprisonment for any other cause.

(d) In this section —

“criminal imprisonment” means imprisonment imposed in criminal proceedings as a punishment for an offence and includes imprisonment for non-payment of a fine imposed as aforesaid;

“civil imprisonment” means imprisonment other than criminal imprisonment;

“court” includes a tribunal and a commission of inquiry.

48. (a) A prisoner shall be required to work in accordance with the Prisons Ordinance (New Version), 5732-1971¹, and the regulations made thereunder; those regulations shall contain provisions as to wages and as to the terms of employment of a prisoner outside the precincts of the prison.

Imprisonment
with labour.
[K/14]

(b) The Parole Board may grant exemption from or restrict the obligation to work if one of the following grounds appears to it to exist:

- (1) the prisoner's state of health so requires;

¹ *Dinei Medinat Yisrael (Nusach Chadash)* No. 21, p. 459; *NV* vol. II, p. 237.

- (2) the exemption or restriction will, in its opinion, be conducive to his reform;
- (3) any other reasonable ground.

(c) A prisoner shall not be employed in work outside the institutions of the State save with his consent and on the customary terms of employment.

Early release
of prisoners,
[K/15]

49. (a) Where a person has been sentenced to imprisonment for a term exceeding three months but not exceeding six months and has undergone two thirds of such term, the Minister of Police may release him if it appears to him that the prisoner deserves to be released.

(b) Where a person has been sentenced to imprisonment for a term exceeding six months and has undergone two thirds of such term, the Minister of Police shall release him if the Parole Board so recommends.

(c) Where a person has been sentenced to several terms of imprisonment to be undergone consecutively, whether or not they were all imposed before he began to undergo any of them, shall, for the purposes of this section, be deemed to have been sentenced to one term of imprisonment, being the aggregate of all those terms.

(d) Upon the recommendation of the Parole Board, the Minister of Police may at any time order the release of a prisoner on special grounds, such as permanent ill-health.

(e) For the purposes of this section, "imprisonment" does not include civil imprisonment.

Parole Board.
[K/16]

50. (a) A Parole Board shall consist of three members, namely:

- (1) a district court judge appointed by the Minister of Justice who shall act as chairman;
- (2) the Commissioner of Prisons or his representative;
- (3) a physician or educator appointed by the Minister of Justice.

(b) Notice of appointments to a Parole Board shall be published in *Reshumot*.

Procedure of
Parole Board.
[K/17]

51. (a) A Parole Board which does not include a physician shall obtain a medical opinion before giving its decision.

(b) A Parole Board shall not recommend the release of a prisoner under section 49(b) until it has given the Attorney-General

or his representative, and a representative of the Probation Service, an opportunity to file submissions or to be heard.

(c) A Parole Board shall not recommend the non-release of a prisoner to whom the provision of section (b) applies until it has given him and, if he so wishes, his representative an opportunity to be heard.

(d) A recommendation under section 49(d) may, in urgent cases, be given by the chairman of the Board; a recommendation so given shall only enable the prisoner to be released for a period of fifteen days unless it is confirmed by the Parole Board before the expiration of that period.

(e) The Minister of Police shall prescribe by regulations other rules of procedure of the Parole Board and the procedure for applications to it.

ARTICLE THREE: CONDITIONAL IMPRISONMENT

52. (a) Where the court imposes a penalty of imprisonment, it may, in the sentence, direct that the whole or part of such penalty shall be conditional.

Conditional
imprisonment.
[K/18]

(b) A person sentenced to conditional imprisonment shall not undergo his penalty unless, within a period prescribed in the sentence being not less than one year and not more than three years (hereinafter referred to as the "period of suspension"), he commits one of the offences designated in the sentence (hereinafter referred to as "a further offence") and is convicted of such offence either within or after the period of suspension.

(c) Unless the court otherwise directs, the period of suspension shall begin on the date of the sentence or, where at that time the sentenced person is undergoing a penalty of imprisonment, on the date of his release from imprisonment.

(d) Offences referred to in subsection (b) may be designated by stating a class of offences or by specifying particular offences, either by way of description or by way of reference to provisions of Law. Where a provision of Law referred to is subsequently repealed and replaced by another provision, the sentence shall be deemed to refer to the other provision.

53. Where the court imposes conditional imprisonment, it may make a probation order, within the meaning of the Probation Ordinance

Probation
during period
of suspension.
[K/19]

(New Version), 5729-1969¹, for the whole or part of the period of suspension, and the provisions of that Ordinance shall, subject to the provisions of this Law and *mutatis mutandis*, apply to the probation order.

Imprisonment
in respect of
further offence.
[K/20]

54. Where the court imposes a penalty of imprisonment for a further offence it shall not direct that the whole of such penalty shall be conditional.

Activation of
conditional
imprisonment.
[K/21]

55. (a) Where a person sentenced to conditional imprisonment is subsequently convicted of a further offence, the court shall order the activation of the conditional imprisonment.

(b) In an order under subsection (a), the court may direct that the activation of the conditional imprisonment shall be subject to the outcome of an appeal against the conviction for the further offence.

(c) An order under this section shall be made by the court which convicted the sentenced person of the further offence, and it may be made by any judge of that court.

Extension of
period of
suspension.
[K/22]

56. (a) The court which has convicted an accused person of a further offence and has not imposed imprisonment for that offence may, notwithstanding the provisions of section 55, instead of ordering the activation of the conditional imprisonment, order, for reasons which shall be recorded, an extension of the period of suspension for an additional period not exceeding two years if it is satisfied that in the circumstances of the case it would not be just to activate the conditional imprisonment.

(b) The court shall not exercise its power under this section save in respect of the first conviction of the accused for a further offence.

Conditional
imprisonment
imposed by
court-martial.
[K/23]

57. For the purposes of sections 54 to 56, conditional imprisonment imposed by a court-martial, within the meaning of the Military Justice Law, 5715-1955, shall be deemed to be imprisonment imposed by a court (*beit-mishpat*, i.e. civil court — Tr.) unless the court which convicts of the further offence considers that the offence for which the court-martial imposed conditional imprisonment was a military offence within the meaning of that Law.

¹ *Dinei Medinat Yisrael (Nusach Chadash)* No. 14, p. 312; *NV* vol. II, p. 66.

58. Where imprisonment has been imposed for a further offence and the conditional imprisonment has been activated, then, notwithstanding anything provided in section 45, the sentenced person shall undergo the two terms consecutively unless the court which has convicted him of the further offence orders, for reasons which shall be recorded, that the whole or part of the two terms shall run concurrently.
59. Where a conditional sentence is activated, the sentenced person shall begin to undergo it on the day on which the order activating it is made unless the court orders that he shall begin to undergo it on another day.
60. (a) An order under any of sections 55 to 59 shall be appealable.
- (b) Where an appeal against the order is not filed under this section, it may be included in an appeal against the conviction for the further offence.

Consecutive terms of imprisonment.
[K/24]

Commencement of imprisonment under activated sentence.
[K/25]

Appeal.
[K/26]

ARTICLE FOUR: FINES

61. Where an offence is punishable by a fine of no fixed amount, the fine imposed by the court shall not exceed 5,000 pounds.
62. Where imprisonment is prescribed by any Law and a fine is not prescribed, the court may —
- (1) where imprisonment not exceeding seven days is prescribed — impose imprisonment not exceeding seven days or a fine not exceeding 100 pounds or both such penalties;
 - (2) where imprisonment not exceeding one year is prescribed — impose imprisonment as prescribed or a fine not exceeding 2,000 pounds or both such penalties;
 - (3) in every other case — impose imprisonment as prescribed or a fine not exceeding 5,000 pounds or both such penalties:
- Provided that where a Law prescribes mandatory imprisonment or a minimum term of imprisonment, imprisonment shall not be commuted for a fine.
63. (a) In respect of an offence through which the accused intended to cause another person monetary damage or to obtain any benefit for himself or for another person, the court may impose a fine of an

Indeterminate fine.
[K/27]

Imprisonment without a fine.
[K/28]

Fine according to amount of damage or benefit.
[K/29]

amount treble the amount of the damage caused, or the benefit obtained, through the offence or a fine of the amount prescribed by any enactment, whichever is the greater amount.

(b) Where a person convicted of an offence has received something as remuneration for committing it or as a means for committing it, the court may impose a fine of an amount treble the value of what has been so received, or the fine prescribed by any enactment, whichever is the greater amount.

(c) In prescribing the amount of a fine under this section, the court may have regard, *inter alia*, to the effect the payment of the fine will have on the ability of the accused to compensate the injured party for the damage caused to him through the offence.

Determinate
fine in old
enactments.
[K/30]

64. (a) Where a fine of a determinate amount is prescribed for any offence by a Law enacted after the establishment of the State and before the 14th Tsvet, 5713 (1st January, 1953), the fine imposed by the court may be five times the prescribed amount: Provided that it shall not thereby exceed 5,000 pounds.

(b) Where a fine of a determinate amount is prescribed for an offence by a Law which existed in Eretz Israel immediately before the establishment of the State, and the provision concerning the fine is still in force, the fine imposed by the court may be fifteen times the prescribed amount: Provided that it shall not thereby exceed 5,000 pounds.

(c) Where an offence as referred to in subsection (a) or (b) was committed by a body corporate, the fine imposed by the court may be as provided therein even if it thereby exceeds 5,000 pounds: Provided that it shall not thereby exceed 10,000 pounds.

Saving of
special
provisions.
[K/31]

65. The provisions of sections 61 and 64 shall not derogate from the provisions of any enactment empowering the court to impose fines of amounts exceeding 5,000 pounds or 10,000 pounds, as the case may be.

Time for
payment of
fine.
[K/33]

66. A fine which has been imposed shall be paid immediately: Provided that the court may order that the fine shall be paid within such period and on such conditions as it may prescribe.

Arrears
surcharge for
non-payment
of fine.
[K/32A]
[3733]

67. (a) Where the whole or part of a fine has not been paid at the prescribed time, an arrears surcharge (hereinafter referred to as "the surcharge") shall be added to it.

(b) The rate of the surcharge shall be ten per cent of the amount of the fine or of the unpaid part thereof, as the case may be, but not less than ten pounds, and, upon the expiration of every six-month period after the prescribed time, an additional ten per cent of the amount of the fine or the part thereof, but not less than ten pounds.

(c) For the purposes of this section, the prescribed time shall be as provided in section 66 or, if the fine is imposed otherwise than in the presence of the accused or his defence counsel, thirty days from the day on which notice of the sentence is sent to the accused by post or served upon him in a manner in which documents may be served under law.

68. (a) For the purposes of collection, the surcharge shall be treated like the fine, except that section 71 shall not apply to it.

Collection of
surcharge.
[K/32B]
[5733]

(b) Every amount paid or collected on account of a fine to which a surcharge has been added shall at first be credited against the surcharge.

69. (a) The court or registrar may on application exempt a person from payment of the whole or part of the surcharge if it or he is satisfied that there were reasonable grounds for the non-payment of the fine or the part thereof by the prescribed time.

Exemption from
payment of
surcharge.
[K/32C]
[5733]

(b) An application for exemption shall be in writing and supported by an affidavit verifying the facts set out therein. The court or registrar may decide upon the application on the basis of the affidavit alone or in the presence of the applicant alone.

(c) The decision of the court or registrar shall be appealable like any other decision of that court in a civil matter if leave to appeal is given by it or him.

70. Where a fine has not been paid in time, the provisions of the Taxes (Collection) Ordinance¹, except section 12 thereof, shall apply as if it were a tax within the meaning of that Ordinance.

Collection of
fines.
[K/33]

71. (a) The court which sentences a person to a fine may impose on him imprisonment for a term not exceeding one year in the event that the whole or part of the fine is not paid in time; where imprisonment as aforesaid has not been imposed, the court may, on the applica-

Imprisonment
in lieu of a
fine.
[K/34]
[5733]

¹ *Laws of Palestine* vol. II, p. 1399 (English Edition).

tion of the Attorney General or his representative submitted after the fine has not been paid in time, impose it by special order; the provisions of Article Three shall not apply to imprisonment under this section.

(b) An order of imprisonment to effect imprisonment imposed under subsection (a) shall not be made unless the sentence imposing the fine was given in the presence of the accused or his defence counsel or, if it was not so given, unless notice thereof was sent to the accused by post or served upon him in a manner in which documents may be served under law.

(c) Where a person has undergone imprisonment under subsection (a), he shall not be required to pay the fine and surcharge. If he has undergone part of the period of imprisonment, the surcharge to which he is liable shall be calculated according to the part of the fine for which he has not undergone imprisonment.

(d) Where imprisonment has been imposed under subsection (a) and part of the fine is paid before the expiration of the term of imprisonment, the term shall be reduced according to the proportion between the amount paid and the whole fine, and for the purposes of section 49, only the period of imprisonment actually to be undergone shall be taken into account.

(e) Where imprisonment for non-payment of a fine has been imposed on any person, then, unless the court otherwise directs, he shall undergo it in addition to any other imprisonment, including imprisonment for non-payment of another fine, whether the other imprisonment was imposed in the same or in other proceedings.

ARTICLE FIVE:

RECOGNIZANCE TO ABSTAIN FROM OFFENCE

Recognizance
by sentenced
person to
abstain from
offence.
[K/35]

72. The court which has convicted a person may, in addition to the penalty imposed, order him to bind himself by recognizance to abstain from an offence for such period not exceeding three years as the court may prescribe; the recognizance shall be for an amount not exceeding the amount of the fine that may be imposed for the offence of which the sentenced person has been convicted and may be with or without surties, as the court may order.

73. Where the court apprehends a breach of the peace by an accused person who has not been convicted or by a complainant who has pleaded or testified at a trial, it may order such accused person or complainant to bind himself by recognizance to abstain from any offence involving violence for such period not exceeding one year as the court may prescribe; the recognizance shall be for an amount prescribed by the court but not exceeding the amount of the fine that may be imposed for the offence from which the accused person or complainant binds himself to abstain.

Recognizance
by others to
abstain from
offence.
[K/36]

74. Where the court, under section 72 or 73, makes an order for recognizance to abstain from an offence, it may enforce compliance with the order by imposing imprisonment for a term not exceeding three months.

Imprisonment
for failure to
furnish
recognizance.
[K/37]

75. An order under section 72, 73 or 74 is appealable as if it were a sentence of imprisonment for three months.

Appeal.
[K/38]

76. (a) Where a person is convicted of an offence from which he has bound himself under section 72 to abstain, and he does not pay the amount of the recognizance, such amount shall, for the purposes of its collection from the convicted person and for the purposes of imprisonment in lieu of payment, be deemed to be a fine imposed by the court which ordered the recognizance; where there are sureties for the recognizance, any amount not paid by the convicted person shall be collected from them as if it were a debt due to the State under a judgment of a civil court.

Collection of
amounts of
recognizance.
[K/39]

(b) Where a person is convicted of an offence from which he has bound himself under section 73 to abstain, the court may, on the application of the Attorney-General or his representative, require him to pay the amount of the recognizance or part thereof, and the provisions of sections 66 and 70 shall apply.

ARTICLE SIX: COMPENSATION AND COSTS

77. Where a person has been convicted, the court may, in respect of each of the offences of which he has been convicted, require him to pay to a person who sustained damage through the offence an amount not exceeding 1,500 pounds as compensation for the damage or suffering caused to him.

Compensation.
[K/40]

Requirement to pay compensation to have the effect of judgment.
[K/41]

78. A requirement to pay compensation under section 77 shall, for the purpose of an appeal against it by the accused and for the purposes of the collection of the amount awarded, have the effect of a judgment of the same court in a civil action by the creditor against the debtor. An appeal against the requirement may be included in an appeal against the conviction which led to the requirement.

Costs of proceedings.
[K/42]

79. Where a person is convicted, the court may require him to pay the costs of the proceedings, including witnesses' expenses, to an amount prescribed by it; for the purpose of appeal and for the purposes of sections 66 to 71, the costs of the proceedings which a person is required to pay under this section shall be deemed to be a fine.

Costs of defence paid by Treasury.
[K/43]
[5731, 5735]

80. (a) Where proceedings were instituted otherwise than by private complaint and it appears to the court that there was no basis for the charge or that there are other circumstances justifying its doing so, it may order that the Treasury pay to the accused the costs of his defence and compensation for his detention or imprisonment in connection with the charge of which he has been acquitted, to such amount as the court sees fit. In proceedings conducted by a private complainant, the court may impose on him payment as aforesaid.

(b) The Minister of Justice may by regulations, with the approval of the Constitution, Legislation and Juridical Committee of the Knesset, prescribe maximum amounts for the said costs and compensation.

Costs of defence to be paid by complainant.
[K/44]

81. (a) Where the court acquits an accused person after finding that the complaint which gave rise to the proceedings was made frivolously, vexatiously or groundlessly, it may, after giving the complainant a reasonable opportunity to make submissions, require him to pay the costs of the defence of the accused and the costs of the public prosecution, as the court may prescribe.

(b) For the purpose of appeal against a requirement under subsection (a), the complainant shall have the status of an accused person who has been convicted, and for the purpose of the collection of costs, the requirement to pay them shall have the effect of a judgment given by the same court in a civil action against the complainant in favour of the person acquitted.

ARTICLE SEVEN: DETENTION IN CLOSED INSTITUTION

82. (a) Where a person is sentenced to imprisonment, other than conditional imprisonment, for a term of six months or more, and the court, after hearing the opinion of a psychiatrist, is satisfied that the accused is addicted to dangerous drugs, within the meaning of the Dangerous Drugs Ordinance (New Version), 5733-1973, and that there is reason to believe that he committed the offence for which he is sentenced in consequence of such addiction, and that such addiction may lead him to commit further offences, the court may, in the sentence, order that he be detained in a closed institution to be cured of the addiction.

Detention
order.
[K/45]

(b) An order under this section (hereinafter referred to as a "detention order") shall not be made unless an institution approved by the Minister of Health for the purposes of this section as suitable for curative treatment has intimated that it can accommodate the sentenced person for such treatment.

(c) The Minister of Health may, with the consent of the Minister of Police, approve a psychiatric ward in a prison as a suitable institution within the meaning of this section.

83. (a) A detention order shall not be made for a period exceeding three years or exceeding the term of imprisonment which the sentenced person has to undergo, whichever is the longer period.

Period of
detention.
[K/46]

(b) The period of detention of a person in respect of whom a detention order has been made (hereinafter referred to as "the patient") shall be deducted from the term of imprisonment which he has to undergo unless the court directs that the whole or part of that period shall not be deducted; where the court so directs, it shall, after hearing the opinion of a psychiatrist, determine the sequence of detention and imprisonment.

84. (a) The Minister of Justice shall appoint a board of three persons (hereinafter referred to as "the board"), of whom one — who shall act as chairman of the board — shall be a District Court Judge and at least one a psychiatrist.

Releases and
leave.
[K/47]

(b) Where the board is satisfied that a patient is no longer in need of treatment in a closed institution or is incurable, it may direct his release from the closed institution at any time prior to the expiration of the period of the order. The board also may, for any such

reason as seems valid to it from the point of view of the cure or rehabilitation of the patient, direct that he be released for such time or on such conditions as it may think fit.

(c) The person in charge of a closed institution or a person empowered by him in that behalf may, on such conditions as he may deem right or unconditionally, grant the patient special leave for a period not exceeding four days.

(d) Without prejudice to the provisions of subsection (b), the Attorney-General or his representative shall, once every six months, bring the case of the patient before the court which made the detention order, and the court may rescind the order if it is satisfied that there is no justification for the continued detention of the patient in a closed institution.

(e) Release from a closed institution under subsection (b), (c) or (d) shall not relieve the patient from liability to imprisonment which he still has to undergo at the time.

Penalties.
[K/48]

85. A patient who leaves a closed institution without permission lawfully given him, and a person who aids a patient to leave as aforesaid, shall be liable to imprisonment for one year.

Regulations.
[K/49]

86. The Minister of Health may, in consultation with the Minister of Police, make regulations as to the conditions of detention and modes of treatment of patients. Subject to such regulations, a detention order shall be a warrant for —

- (1) the police to transfer the patient to an institution;
- (2) the person in charge of a closed institution to detain the patient thereat;
- (3) the physician in charge of the treatment of the patient to take the requisite therapeutic measures.

ARTICLE EIGHT: MISCELLANEOUS

Postponement
of dates.
[K/50]

87. (a) Where a date for carrying out a penalty is prescribed by any provision of this chapter or by the court under any such provision, the court may postpone the carrying out to another date.

(b) Where the carrying out of a penalty has been postponed under subsection (a), the court may again postpone it for special reasons which shall be recorded.

reason as seems valid to it from the point of view of the cure or rehabilitation of the patient, direct that he be released for such time or on such conditions as it may think fit.

(c) The person in charge of a closed institution or a person empowered by him in that behalf may, on such conditions as he may deem right or unconditionally, grant the patient special leave for a period not exceeding four days.

(d) Without prejudice to the provisions of subsection (b), the Attorney-General or his representative shall, once every six months, bring the case of the patient before the court which made the detention order, and the court may rescind the order if it is satisfied that there is no justification for the continued detention of the patient in a closed institution.

(e) Release from a closed institution under subsection (b), (c) or (d) shall not relieve the patient from liability to imprisonment which he still has to undergo at the time.

Penalties.
[K/48]

85. A patient who leaves a closed institution without permission lawfully given him, and a person who aids a patient to leave as aforesaid, shall be liable to imprisonment for one year.

Regulations.
[K/49]

86. The Minister of Health may, in consultation with the Minister of Police, make regulations as to the conditions of detention and modes of treatment of patients. Subject to such regulations, a detention order shall be a warrant for —

- (1) the police to transfer the patient to an institution;
- (2) the person in charge of a closed institution to detain the patient thereat;
- (3) the physician in charge of the treatment of the patient to take the requisite therapeutic measures.

ARTICLE EIGHT: MISCELLANEOUS

Postponement
of dates.
[K/50]

87. (a) Where a date for carrying out a penalty is prescribed by any provision of this chapter or by the court under any such provision, the court may postpone the carrying out to another date.

(b) Where the carrying out of a penalty has been postponed under subsection (a), the court may again postpone it for special reasons which shall be recorded.

(c) A court which postpones the carrying out of a penalty under this section may make the postponement conditional upon the giving of security and upon such other conditions as it may think fit. The provisions of sections 38 to 40 and 44 of the Criminal Procedure Law, 5725-1965¹, shall apply *mutatis mutandis* to security given under this provision.

(d) A decision of the court under this section shall be appealable.

88. Neither acquittal in a criminal proceeding nor the imposition of a penalty or a requirement to pay compensation under section 77 shall relieve from liability for damage under any other law.

Saving of civil liability.
[K/51]

89. The provisions of this chapter apply to offences under any law.

Application.
[K/53]

90. The Minister of Justice is charged with the implementation of this chapter and may make regulations as to any matter relating to such implementation.

Implementation and regulations.
[K/54]

PART TWO: OFFENCES

CHAPTER SEVEN: STATE SECURITY, FOREIGN RELATIONS AND OFFICIAL SECRETS

ARTICLE ONE: GENERAL PROVISIONS

91. In this chapter —

“enemy” means anyone who is or declares himself to be a belligerent or maintains or declares himself to be maintaining a state of war against Israel, whether or not war has been declared and whether or not armed hostilities are in progress;

“information” includes incorrect information and any description, plan, password, symbol, formula or article, and any part thereof, which contains information or may serve as a source of information;

“delivery” includes delivery by means of marks or signals and causing delivery;

any reference to the doing of anything with a specific intention shall be taken to be a reference to an act or omission done or made with such intention without lawful authority.

Definitions and interpretation.
[D/1]

¹ *Sefer Ha-Chukkim* of 5725, p. 161; *LSI* vol. XIX, p. 158.

Conspiracy and attempt.
[D/2]

92. A conspiracy, or an attempt, to commit an offence under this chapter shall be treated like the commission of the offence.

Constraint and necessity.
[D/3]

93. A defence under section 21 or 22 shall not be a ground for exemption from criminal liability for an offence under section 97, 98, 99, 107, 112 or 113(b), but it shall be a ground for mitigation.

Additional defence.
[D/4]

94. An act shall not be regarded as an offence under this chapter if it has been, or appears to have been, done in good faith with intent to bring about, by lawful means, a change in the structure of the State or the activities of any of its authorities or in the structure of a foreign state or the activities of any of its authorities or in the structure or activities of an agency or organisation of states.

Covering-up of offence.
[D/5]

95. (a) A person who, knowing that a particular person is planning to commit or has committed an offence under this chapter punishable by imprisonment for fifteen years or a heavier penalty, does not take reasonable action to prevent its commission, completion or consequences, as the case may be, is liable to imprisonment for seven years.

(b) The provisions of this section shall add to and not derogate from the provisions of section 262.

(c) The provisions of this section shall not apply to a spouse, parent, descendant, brother or sister of a person who has planned to commit, or has committed, an offence as aforesaid.

Death penalty.
[D/6]

96. Notwithstanding anything provided in this chapter, a court shall not impose the death penalty unless the offence was committed in a period in which armed hostilities were carried on by or against Israel.

ARTICLE TWO: TREASON

Impairment of sovereignty or integrity of State.
[D/7]

97. (a) A person who, with intent to impair the sovereignty of the State, commits an act calculated to impair such sovereignty is liable to the death penalty or to imprisonment for life.

(b) A person who, with intent that any area be withdrawn from the sovereignty of the State or placed under the sovereignty of a foreign state, commits an act calculated to bring this about is liable to the death penalty or to imprisonment for life.

98. A person who, with intent to bring about military action against Israel, commits an act calculated to bring about such action is liable to imprisonment for fifteen years; if he intends to assist the enemy, he is liable to the death penalty or to imprisonment for life.

Causing war.
[D/8]

99. (a) A person who, with intent to assist an enemy in war against Israel, commits an act calculated so to assist him is liable to the death penalty or to imprisonment for life.

Assistance to
enemy in war.
[D/9]

(b) For the purposes of this section, "assistance" includes delivering information with intent that it shall fall into the hands of the enemy or in the knowledge that it may fall into his hands; and it shall be immaterial that no war is being waged at the time the information is delivered.

100. A person who does any act evincing one of the intentions referred to in sections 97, 98 and 99 is liable to imprisonment for ten years.

Evincing resolve
to betray.
[D/10]

101. Where an Israeli national or any other person who owes allegiance to the State of Israel either by reason that he is liable to defence service under the Defence Service under the Defence Service Law (Consolidated Version), 5719-1959¹, or that he has served in the State Service serves in the armed forces of an enemy, he shall be liable to imprisonment for fifteen years.

Service in
enemy forces.
[D/11]

102. (a) A person who assists a prisoner of war to escape or attempt to escape from his place of detention or from Israel is liable to imprisonment for ten years; if he intends to impair the security of the State, he shall be liable to imprisonment for fifteen years.

Assistance to
prisoner of war.
[D/12]

(b) A person who is remiss in his duty to prevent the flight of a prisoner of war is liable to imprisonment for three years.

103. A person who, at a time of actual fighting, with intent to cause panic among the public, spreads information calculated to shake the morale of the soldiers and inhabitants of Israel in their stand against the enemy is liable to imprisonment for five years; if he intends to impair the security of the State, he is liable to imprisonment for ten years.

Defeatist
propaganda.
[D/13]

1 *Sefer Ha-Chukkim* of 5719, p. 286; *LSI* vol. XIII, p. 328.

ARTICLE THREE:
ACT PREJUDICIAL TO THE ARMED FORCES

Armed forces.
[D/14]

104. For the purposes of this article, armed forces are —
- (1) the Defence Army of Israel;
 - (2) the Israel Police;
 - (3) other armed forces operating against the enemy in conjunction with the Defence Army of Israel.

Mutiny in
armed forces.
[D/15]

105. (a) "Mutiny", within the meaning of this article, is committed where three or more members of an armed force do any of the following:
- (1) jointly, in disobedience to an order, seize arms or use arms in their possession or use means of coercion against a commander;
 - (2) jointly refuse to carry out an order at the time of a military operation or to carry out an order relating to such an operation.

(b) For the purposes of this section, "commander", in relation to any person, means a person superior to him in rank and includes a person who according to Army Orders or Army usage is authorised to give an order to that first-mentioned person.

Mutiny.
[D/16]

116. A person who instigates or takes part in a mutiny is liable to imprisonment for ten years.

Mutiny with
intent to impair
the security of
the State.
[D/17]

117. A person who does either of the acts referred to in section 106 with intent to impair the security of the State is liable to imprisonment for life.

Acts affecting
property.
[D/18]

108. (a) A person who wilfully causes damage to property used by an armed force or wilfully endangers supplies to the armed forces is liable to imprisonment for seven years.

(b) A person who negligently causes damage to property used by an armed force or negligently endangers supplies to the armed forces is liable to imprisonment for three years.

(c) Where a person commits an offence under this section, and the act constituting the offence is calculated to impair the security of the State, that person shall be liable to imprisonment for ten years.

(d) A person who commits an offence under this section dur-

ing a period in which armed hostilities are carried on by or against Israel is liable to imprisonment for fifteen years.

109. (a) A person who incites or procures a person liable to service in an armed force not to serve therein or not to report for a military operation is liable to imprisonment for five years.

Incitement to evasion of duty.
[D/19]

(b) A person who incites or procures or assists a person serving in an armed force to desert his service or a military operation is liable to imprisonment for seven years.

(c) A person who shelters, or assists in concealing, a person liable to service as specified in subsection (a), having reason to believe that such person is a deserter, is liable to imprisonment for three years.

(d) A person who commits an offence under this section during a period in which armed hostilities are carried on by or against Israel is liable to imprisonment for fifteen years.

(e) In this section, "desertion" means absence from service in an armed force with intent not to return.

110. A person who incites or procures a person serving in an armed force to disobey a lawful order is liable to imprisonment for one year; if he intends thereby to impair the security of the State, he is liable to imprisonment for five years; where the offence is committed during a period in which armed hostilities are carried on by or against Israel, he is liable to imprisonment for seven years.

Incitement to disobedience.
[D/20]

ARTICLE FOUR: ESPIONAGE

111. A person who knowingly delivers information to or for the enemy is liable to imprisonment for ten years; if the information is likely to benefit the enemy, he is liable to imprisonment for fifteen years; if he thereby intends to impair the security of the State, he is liable to imprisonment for life. A person who negligently causes the delivery to or for the enemy of information likely to benefit him is liable to imprisonment for three years.

Delivery of information to enemy.
[D/21]

112. (a) A person who delivers information with intent to impair the security of the State is liable to imprisonment for fifteen years.

Espionage.
[D/22]

(b) A person who obtains, collects, prepares, records or holds possession of information with intent to impair the security of the State is liable to imprisonment for ten years.

Aggravated
espionage.
[D/23]

113. (a) A person who delivers any secret information without being authorised to do so is liable to imprisonment for fifteen years.

(b) A person who delivers any secret information without being authorised to do so and with intent to impair the security of the State is liable to imprisonment for life.

(c) A person who obtains, collects, prepares, records or holds possession of any secret information without being authorised to do so is liable to imprisonment for a term of seven years; if he thereby intends to impair the security of the State, he is liable to imprisonment for fifteen years.

(d) In this section, "secret information" means information whose contents, form or mode of keeping indicate or indicates that the security of the State requires its being kept secret and information relating to a class of matters which the Government, with the approval of the Foreign Affairs and Security Committee of the Knesset, has, by order published in *Reshumot*, declared to be secret matters.

(e) It shall be a good defence for a person charged with an offence under subsection (c) that he did nothing unlawful to obtain information in so far as it was secret information and that he obtained, collected, prepared, recorded or held possession of it in good faith and for a reasonable purpose.

Contact with
foreign agent.
[5727]
[D/24]

114. (a) A person who knowingly maintains contact with a foreign agent and has no reasonable explanation therefor is liable to imprisonment for fifteen years.

(b) A person who attempts to establish contact with a foreign agent or visits the place of residence or place of work of a foreign agent, or is in the company of a foreign agent, or has in his possession the name or address of a foreign agent and has no reasonable explanation therefor shall be treated like a person who maintains contact with a foreign agent.

(c) In this section, "foreign agent" includes a person who may reasonably be suspected to have engaged or been sent to engage, on behalf or for the benefit of a foreign state, in collecting secret information or in any other activity calculated to impair the security of the State of Israel.

(d) A person shall not be convicted under this section if it has been proved to the court that he did not do and did not intend to do anything calculated to impair the security of the State.

115. (a) A person who, without being authorised to do so, enters or attempts to penetrate into or stays in a restricted place or attempts to ascertain the layout thereof or activities conducted therein or who without reasonable explanation loiters in the vicinity thereof or who attempts to interfere with or mislead a sentry or guard in charge thereof is liable to imprisonment for three years; if he thereby intends to impair the security of the State, he is liable to imprisonment for fifteen years.

Entry to
military place.
[D/25]

(b) In this section, "restricted place" means a place occupied by the Defence Army of Israel or used for security purposes, the entrance to which is guarded or which is described as restricted in a notice conspicuously displayed outside it.

116. A person who does any of the following with intent to prepare or to assist another person to prepare an act constituting an offence under this article punishable by imprisonment for seven years or a heavier penalty is liable to imprisonment for five years:

Preparatory act.
[D/26]

- (1) forges a document or possesses a forged document;
- (2) possesses or uses an official document without being authorised to do so;
- (3) uses false pretences or knowingly delivers false information;
- (4) without lawful authority uses a uniform of the Defence Army of Israel or the Israel Police or any other official uniform;
- (5) without lawful authority possesses any official seal, stamp or paper or any secret password.

ARTICLE FIVE: OFFICIAL SECRETS

117. (a) A public servant who without lawful authority delivers information obtained by him by virtue of his office to a person not competent to receive it, or a person who, having obtained any information by virtue of his office as a public servant after ceasing to be a public servant, delivers it without lawful authority to a person not competent to receive it, is liable to imprisonment for three years.

Disclosure in
breach of duty.
[5727]
[D/27]

(b) A public servant remiss in guarding information obtained by him by virtue of his office or who does any act calculated to endanger the safety of such information is liable to imprisonment for one year.

(c) Where a person who obtains any information by virtue of his office as a public servant holds possession thereof, without lawful

authority, in contravention of instructions given him with regard to holding possession thereof or after he has ceased to be a public servant, he is liable to imprisonment for one year.

(d) (1) It shall be a good defence for a person charged under subsection (a) that the information has already been published, or made available for public inspection, by lawful authority.

(2) It shall be a good defence for a person charged under subsection (a) with delivering information after ceasing to be a public servant that its delivery occurred after the lapse of five years from the day on which he ceased to be a public servant, that the information did not concern the security or foreign relations of the State and that its delivery did not prejudice any public interest or the right of any individual.

Disclosure
in breach of
contract.
[D/28]

118. (a) Where a person has a contract from the State or an inspected body, within the meaning of the State (Comptroller Law (Consolidated Version), 5718-1958¹, and such contract contains an undertaking to keep secret any information obtained by him in the execution of the contract, and he delivers any such information without lawful authority to a person not competent to receive it, he is liable to imprisonment for one year.

(b) In this section, "person having a contract" includes a person employed in the execution of the contract as an employee or contractor; but it shall be a good defence for a person charged under this section that he did not know of the undertaking to keep such information as aforesaid secret and that he delivered the information in good faith.

Disclosure in
breach of trust.
[D/29]

119. Where a person to whom an official document has been delivered with the express stipulation that he shall keep it secret delivers it to a person not competent to receive it, he shall be liable to imprisonment for one year; where he is remiss in guarding the document or does any act calculated to endanger its safety, he shall be liable to imprisonment for six months.

Acts connected
with
personation.
[D/30]

120. A person who without lawful authority makes, sells or delivers any seal, stamp or paper purporting to be official or any uniform of

¹ *Sefer Ha-Chukkim* of 5718, p. 92; *LSI* vol. XII, p. 107.

the Defence Army of Israel or the Israel Police or any other official uniform is liable to imprisonment for one year; if he intends to prepare an act constituting an offence under this chapter punishable by imprisonment for seven years or a heavier penalty, he is liable to imprisonment for five years.

ARTICLE SIX: IMPAIRMENT OF FOREIGN RELATIONS

121. (a) A person who conspires to commit an act against a friendly state or its representatives or against an organisation or agency of states or its representatives, such act being calculated to prejudice an interest which Israel has in maintaining relations with such state, organisation or agency, is liable to imprisonment for seven years.

Impairment
of foreign
relations.
[D/31]

(b) Notwithstanding the provisions of any law, a person who commits an offence with intent to damage relations between Israel and any state, organisation or agency referred to in subsection (a) or an interest which Israel has in maintaining such relations is liable to imprisonment for ten years; but if even without proof of the intent referred to in this subsection the penalty for the offence would be imprisonment for seven years or more, he shall be liable to imprisonment for life.

(c) In this section, "friendly state" means a state which maintains diplomatic or trade relations with Israel or permits Israeli nationals to visit its territory.

122. (a) An Israeli national who volunteers to serve in the armed forces of a foreign state is liable to imprisonment for three years, and where an Israeli national serves in an armed force of a foreign state he shall, so long as he has not proved the contrary, be deemed to have volunteered so to serve.

Enlistment in
foreign forces.
[D/32]

(b) If any person, in Israel, enlists a resident of Israel in an armed force of a foreign state, such person not being an official representative of that state and the enlisted person not being a national thereof, he shall be liable to imprisonment for five years.

(e) A person shall not bear criminal responsibility under this section for an act done by permission under any law or under an agreement between Israel and another state or an international agency or organisation or by permission granted on behalf of the Government either to that person or for that act or generally.

ARTICLE SEVEN: PROCEDURE

Information.
[D/33]

123. An information shall not be filed under this chapter save by the Attorney-General or with his written consent.

Detention on
the application
of the Attorney-
General.
[D/34]

124. (a) A Judge of the Supreme Court may, on the application of the Attorney-General, order the detention of a person suspected of an offence under Article Two or Four for a period and further periods which he shall prescribe, the original period or any further period not exceeding thirty days and the aggregate period not exceeding four months.

(b) The Criminal Procedure (Arrest and Searches) Ordinance (New Version), 5729-1969¹ (hereafter in this article referred to as "the Ordinance") shall not apply to detention under this section.

(c) In respect of detention under this section, the powers referred to in Article Two of Chapter Three of the Criminal Procedure Law, 5725-1965, shall vest in the President of the Supreme Court or a Judge of the Supreme Court designated by him in that behalf.

Ordinary
detention.
[D/35]

125. The Ordinance shall apply to the detention of a person suspected of an offence under this chapter unless such detention has been requested under section 124; however, a senior police officer may order a person suspected of an offence under Article Two or Four to be detained for a period of fifteen days prior to being brought before a Judge. The officer shall hear the suspected person before issuing the warrant of arrest or within forty-eight hours from the issue thereof.

Police search
in urgent
cases.
[D/36]

126. Where the Inspector-General of Police or a senior police officer empowered by him in that behalf is satisfied that there are sufficient grounds for believing that an offence under section 111 or 112 has been or is about to be committed, and he is of the opinion that the matter admits of no delay and that the security of the State requires immediate action, he may issue to any police officer a written direction under his hand to carry out a search in connection with the offence, and such a direction shall, for all purposes, be treated like a search warrant issued by a Judge of a Magistrates' Court under the Ordinance, provided that it is confirmed by a Judge within three days from its issue.

¹ *Dinei Medinat Yisrael (Nusach Chadash)* No. 12, p. 284; *NV* vol. II, p. 30.

127. Where the commander of a military unit of or above the rank of *rav-seren* (major) is satisfied that there are sufficient grounds for believing that an offence under section 111, 112 or 115 has been committed, and he is of the opinion that the matter admits of no delay and that the security of the State requires immediate action, and action under section 126 is impossible, he may issue to any soldier a written direction under his hand to carry out a search, in connection with that offence, upon the body and belongings of any person, and such a direction shall, for all purposes, be treated like a search warrant issued by a Judge of a Magistrates' Court under the Ordinance; but a search under this section shall not be carried out in a dwelling-house. A direction as aforesaid shall be confirmed by a Judge of a Magistrates' Court or by the President of a District Court-Martial within three days from its issue.

Military search
in urgent
cases.
[D/37]

128. Where the court which tries an offence under Article Two or Four is of the opinion that the security of the State requires the maintenance of secrecy to an extent which cannot be achieved by the means provided by any other law, it may order —

Secrecy of
proceedings.
[D/38]

(1) that the accused or his counsel shall not be present at a particular proceeding or shall not inspect some particular evidence;

(2) that in a particular proceeding the court shall sit in a place other than the court building;

(3) that something said or some evidence produced in a particular proceeding shall be kept secret in such manner and to such extent as the court shall prescribe;

but the court shall not exercise its power under paragraph (1) unless the accused is assured, to its satisfaction, of a full defence, including defence counsel appointed by it or chosen by him instead of the counsel who will be absent or will not inspect evidence as aforesaid.

129. (a) Where a person is convicted of an offence under this chapter, the court may order that any property which he used or which helped him in committing the offence shall be forfeited to the Treasury, even if his ownership of such property has not been established.

Instruments of
offence.
[D/39]

(b) A person who, not having been an accomplice to the offence, claims a right to property forfeited under subsection (a) may, within one year from the day on which the forfeiture order was made

or within such additional period as may have been prescribed therein, apply to the court which ordered the forfeiture to revoke it and to order that the property be delivered to its owner; if the property is no longer available, the court may, if satisfied that there has been culpable neglect, or negligence, in keeping it, require the Treasury to pay damages of an amount prescribed by it; if the property has been sold, the proceeds of the sale shall take its place.

(c) The procedure in proceedings under subsection (b) shall be prescribed by regulations.

ARTICLE EIGHT: MISCELLANEOUS

Saving of laws.
[D/40]

130. The provisions of this chapter shall be in addition to, and not in derogation of, the provisions of any other law.

Offences committed abroad.
[D/41]

131. A person who commits abroad an offence under this chapter shall be tried for it in Israel:

Provided that a person shall not bear criminal responsibility for an offence under section 97, 98, 100, 104 or 121 committed abroad if at the time of committing it he was not an Israeli national or a resident of Israel or a person owing allegiance to the State of Israel because he was in the State Service or for any other other reason.

Implementation.
[D/43]

132. The Minister of Justice is charged with the implementation of this chapter.

CHAPTER EIGHT: OFFENCES AGAINST THE POLITICAL AND SOCIAL ORDER

ARTICLE ONE: SEDITION

Seditious acts.
[A/59 (1) (a)]

133. Any person who does or attempts to do, or makes any preparation to do, or conspires with any person to do, any act with a seditious intention is liable to imprisonment for five years.

Seditious publications.
[A/59 (1) (b),
(c), (2)]

134. (a) Any person who publishes any words or prints or publishes or reproduces any publication of a seditious nature is liable to imprison-

ment for five years and the publication shall be forfeited.

(b) Any person who imports any publication of a seditious nature is liable to imprisonment for five years and the publication shall be forfeited, unless he has no reason to believe that it is of a seditious nature.

(c) Any person who without lawful excuse is in possession of a publication of a seditious nature is liable to imprisonment for one year and the publication shall be forfeited.

135. (a) No prosecution for an offence under section 133 or 134 shall be begun except within six months after the offence is committed, and no person shall be prosecuted for an offence as aforesaid without the written consent of the Attorney-General.

Restrictions as to prosecution and conviction. [A/59 (3)-(5)]

(b) No person shall be convicted of an offence under section 133 or 134 on the uncorroborated testimony of one witness.

136. For the purposes of this article, "sedition" means —

Sedition defined. [A/60 (1)]

(1) to bring into hatred or contempt or to excite disaffection against the State or its duly constituted administrative or judicial authorities or

(2) to incite or excite inhabitants of Israel to attempt to procure the alteration otherwise than by lawful means of any matter by law established or

(3) to raise discontent or resentment amongst inhabitants of Israel or

(4) to promote feelings of ill-will and enmity between different sections of the population.

137. It shall be no defence to a charge under section 133 or 134 that the words alleged to be seditious are true.

Plea of truth not to be defence. [A/60 (4)]

138. An act, speech or publication is not seditious by reason only that it intends —

Lawful criticism and propaganda. [A/60 (5)]

(1) to show that the Government has been misled or mistaken in any of its measures or

(2) to point out errors and defects in the laws or organisation of the State or in one of its duly constituted agencies or in its administrative or judicial system with a view to remedying such errors or defects or

(3) to persuade the nationals or inhabitants of the State to attempt to procure by lawful means the alteration of any matter by law established or

(4) to point out, with a view to their removal, any matters which are producing or have a tendency to produce feelings of ill-will and hostility between different sections of the population.

Defence in cases of publication by agent.
[A/61]

139. At the trial of a person for the publication by his agent of words alleged to be seditious, it shall be a good defence for the principal that the publication was made without his authority, consent or knowledge and did not arise from any want of due care or caution on his part and that he did everything in his power to assist in ascertaining the identity of the persons responsible for writing and publishing the words.

Oath to commit grave offence.
[A/63]

140. A person who does any of the following is liable to imprisonment for a term of seven years:

(1) administers or is present at and consents to the administration of any oath or engagement in the nature of an oath (both in this article referred to as an "oath") purporting to bind the person who takes it to commit an offence punishable with death or imprisonment for life or imprisonment for twenty years or take to part in a mutinous or seditious enterprise;

(2) takes any such oath as referred to in paragraph (1) without being compelled to do so.

Oath to commit other offence.
[A/64]
[5726]

141. A person who does any of the following is liable to imprisonment for five years:

(1) administers or is present at or consents to the administration of any oath purporting to bind the person who takes it —

(a) to commit any offence not punishable with death, imprisonment for life or imprisonment for twenty years;

(b) to disturb the public peace;

(c) to belong to any association formed for the purpose of doing any such act as referred to in subparagraph (a) or (b);

(d) to obey the instructions of any committee or body of persons not lawfully constituted or of any leader or commander or other person not having authority by law for that purpose;

(e) not to inform or give evidence against any associate or other person;

(f) not to reveal any unlawful association or any illegal act done or to be done or any illegal oath tendered, taken or administered by him or another person or the import of any such oath;

(2) takes any such oath as referred to in paragraph (1) without being compelled to do so.

142. A person who takes any such oath as is mentioned in this article cannot set up as a defence that he was compelled to do so unless within fourteen days after taking it or, if he is prevented by force or sickness, within fourteen days after the termination of such prevention he declares by affidavit before some police officer the whole of what he knows concerning the matter, including the person or persons by whom and in whose presence, and the place where and the time when, the oath was administered or taken. A soldier on active service or a police officer may make the affidavit before his commander.

Plea of
compulsion.
[A/65]

143. (a) A person who does any of the following is liable to imprisonment for seven years:

Unlawful
military
exercises.
[A/66]

(1) without the permission of the Government drills or trains any other persons in the use of arms or the practice of military exercises, movements or operations;

(2) is present at any meeting or assembly of persons held without the permission of the Government for the purpose of drilling or training any other persons in the use of arms or the practice of military exercises, movements or operations.

(b) Any person who at any meeting or assembly held without the permission of the Government is trained or drilled in the use of arms or the practice of military exercises, movements or operations or who is present thereat for the purpose of being so trained or drilled is liable to imprisonment for three years.

144. (a) A person who has in his possession any weapon and is unable to prove lawful authority for its possession is liable to imprisonment for seven years.

Unlawful
possession of
weapon.
[A/66A (a)-(c),
(g)]
[5732]

(b) A person who carries or transports any weapon and is unable to prove lawful authority for its carriage or transportation is liable to imprisonment for ten years.

(c) In this section, "weapon" means —

(1) an instrument for discharging any bullet, projectile, shell, bomb or the like capable of killing a person and includes any part or accessory of or ammunition for such an instrument;

(2) an instrument designed to emit any substance intended to injure a person and includes any part or accessory of or ammunition for such an instrument and also includes any container containing or designed to contain any such substance;

(3) any ammunition, bomb, grenade or other explosive article capable of killing or injuring a person and includes any part of any of these.

(d) Where a weapon has been found in any place, the occupier of such place shall pending proof to the contrary be regarded as the possessor of the weapon.

(e) A certificate signed by a police officer of or above the rank of inspector attesting that a particular article is a weapon shall pending proof to the contrary be evidence thereof; but the accused shall be entitled to summon the signer of the certificate for examination, and upon his doing so, the certificate shall not be evidence unless the signer answers the summons; the court shall inform the accused of his right to summon the signer of the certificate for examination.

(f) This section shall not derogate from the provisions of any law.

ARTICLE TWO: UNLAWFUL ASSOCIATIONS AND ASSEMBLIES

Unlawful
association.
[A/69]

145. For the purposes of this article, "unlawful association" means —

(1) any body of persons, incorporated or unincorporated, which by its constitution or propaganda or otherwise advocates, incites or encourages any of the following unlawful acts:

(a) the subversion of the political order of Israel by revolution or sabotage;

(b) the overthrow by force or violence of the lawful government of Israel or of any other state, or of organised government;

(c) the destruction or injury of property of the State or of property used in commerce within the State or with other countries;

- (2) any body of persons, incorporated or unincorporated, which by its constitution or propaganda or otherwise advocates or encourages the doing of any act having as its declared or implied object sedition within the meaning of Article One;
- (3) any body of persons which does not notify its rules as required by law or continues to meet after being dissolved under law;
- (4) any body of persons, incorporated or unincorporated, which is or appears to be affiliated with an organisation which advocates or encourages any of the doctrines or practices specified in this section;
- (5) any branch, centre, committee, group or faction of an unlawful association and any institution or school managed or controlled by it.
146. Any person who by speech or writing or otherwise advocates or encourages the doing of any act declared by section 145 to be unlawful is liable to imprisonment for three years. Advocating unlawful association. [A/71]
147. Any person who, being over the age of sixteen, is a member of an unlawful association and any person who occupies or acts in any position or office therein or acts as a representative thereof or acts as a teacher in an institution or school managed or controlled or appearing to be managed or controlled thereby is liable to imprisonment for one year. Member of unlawful association. [A/70]
148. A person who pays or solicits a membership fee or a contribution for or on account of an unlawful association is liable to imprisonment for six months. Contributions to unlawful association. [A/72]
149. Any person who prints, publishes or transmits through the post any book, periodical, pamphlet, handbill, poster or newspaper of or for or in the interests of an unlawful association is liable to imprisonment for six months. Publication of writings of unlawful association. [A/73]
150. An information in respect of an offence under any of sections 145 to 149 shall not be filed save by or with the consent of the Attorney-General. Filing of information. [A/76]
151. Where three or more persons assembled with intent to commit an offence or, being assembled with intent to carry out some common Unlawful assembly. [A/79, 80]

purpose, even a lawful one, conduct themselves in such a manner as to give persons in the neighbourhood reasonable grounds to fear that the persons so assembled will commit a breach of the peace or will by such assembly needlessly and without reasonable cause provoke other persons to commit a breach of the peace, the persons so assembled are an unlawful assembly, and any person who takes part in an unlawful assembly is liable to imprisonment for one year.

Riot.
[A/79. 80]

152. When an unlawful assembly has begun to carry out its purpose by a breach of the peace conducive to the terror of the public, the assembly is a riot, and any person who takes part in a riot is liable to imprisonment for two years.

Making order
for rioters to
disperse.
[A/82]

153. Any District Commissioner or District Officer or Judge of a Magistrates' Court, or, in his absence, a police officer of or above the rank of second inspector, in whose view three or more persons are rioting or who apprehends that three or more persons within his view are about to commit a riot may, after notifying his presence by blowing a bugle or whistle or by some similar means or by firing a Verey light from a pistol, order such persons to disperse peaceably.

Dispersion of
rioters.
[A/83]

154. If, on the expiration of a reasonable time after a notification and order under section 153, or after such a notification or order has been prevented by force, three or more persons continue rioting, any person authorised to make such a notification and order, or a police officer, or any person assisting him, may do everything necessary for dispersing or apprehending the persons who continue rioting and, if any person resists apprehension, may use such force as is reasonably necessary for overcoming such resistance and shall not be liable in any criminal or civil proceeding for having caused harm or death to any person or damage to any property.

Rioting after
order to
disperse.
[A/84]

155. If a notification and order are made for rioters or persons assembled with the purpose of committing a riot to disperse, every person who, after the expiration of a reasonable time from the making of the notification and order takes or continues to take part in the riot or assembly is liable to imprisonment for five years.

Preventing the
making of order
to disperse.
[A/85]
[5726]

156. A person who forcibly prevents or obstructs the making of a notification or order to disperse is liable to imprisonment for five years; and every person who, knowing that the making of a notification or order has been so prevented, takes part in the riot or assembly is liable to imprisonment for three years.

157. Rioters unlawfully damaging any building, ship, railway, machinery, structure, telegraph line, electric power line, pipe line or any pipe for water supply, shall each be liable to imprisonment for seven years; and if they pull down or destroy, or begin to pull down or destroy, one of the things aforesaid, they shall each be liable to imprisonment for ten years.

Rioters causing damage.
[A/86, 87]

158. Rioters who, unlawfully and with force, prevent or obstruct the loading, unloading, sailing or navigating of any vessel or unlawfully and with force board any vessel with intent to do as aforesaid are liable to imprisonment for three years.

Rioters interfering with vessel.
[A/88]

ARTICLE THREE: DISTURBANCES OF THE PUBLIC PEACE

159. (a) A person who publishes or reproduces any statement, rumour or report which is likely to cause fear and alarm to the public or to disturb the public peace, knowing or having reason to believe that the same is false, is liable to imprisonment for three years.

Publication of false news causing fear and alarm.
[A/62]

(b) It shall be a good defence to a charge under subsection (a) that the accused did not know or did not have reason to believe that the statement, rumour or report was false, provided that he proves that prior to publication he took reasonable measures to verify its accuracy.

160. If the Government is of the opinion that serious disturbances exist in labour relations, threatening or prejudicing the economy in Israel or trade with foreign states, it may by proclamation declare a state of emergency for the purposes of this section, and so long as such a proclamation is not revoked, a person who takes part in a lockout or strike in relation to the commercial transport of goods or conveyance of passengers in Israel or between Israel and foreign states or in the provision of a public service in Israel or incites to, aids or encourages such a lockout or strike or the continuance thereof is liable to imprisonment for one year.

Disturbance of labour relations.
[A/74]

161. A person who does one of the following acts by violence to the person or property of another or by threat or intimidation or, without reasonable cause or excuse, by boycott or threat of boycott of person and property is liable to imprisonment for three years:

Offences against the maintenance of public services.
[A/75]
[5726]

(1) interferes with or disrupts the maintenance of a public service;

(2) compels or induces a public servant or person employed in connection with a public service to resign or depart from his employment or prevents any person from offering or accepting such employment as aforesaid;

(3) disrupts or interferes with the transport of goods or the conveyance of passengers by way of business or trade in Israel or between Israel and a foreign state;

(4) compels or induces a person employed in or in connection with any such transport or conveyance as referred to in paragraph (3) to resign or depart from his employment or prevents any person from offering or accepting such employment as aforesaid.

Filing of
information,
[A/76]

162. An information in respect of an offence under section 106 or 161 shall not be filed save by or with the consent of the Attorney-General.

ARTICLE FOUR: LABOUR DISPUTES

Wrongful
interference
with exercise
of right.
[A/211]

163. A person who, wrongfully and with a view to compelling another person to do any act which he is not legally bound to do or to abstain from doing any act which he has a right to do, does one of the following acts is liable to imprisonment for one year;

(1) uses violence against or intimidates such other person or his wife or children or injures his property;

(2) persistently follows such person about from place to place;

(3) hides any tools, clothes or other property owned or used by such other person or deprives him of or hinders him in the use thereof;

(4) watches the house or other place where such other person resides or works or carries on business or happens to be, or the approach to such house or place, or prevents access thereto;

(5) follows such other person in a disorderly manner in any street or road.

Permitted
picketing.
[A/210, 211
proviso]

164. (a) Notwithstanding the provisions of section 163, a person may, on his own behalf or on behalf of a body corporate or of an individual employer or a body of persons, in furtherance of a labour dispute, attend at or near a house where persons work or carry on

business if his sole purpose is peacefully to obtain or communicate information or peacefully to persuade persons to work or abstain from working.

(b) In this section —

“labour dispute” means a dispute between employers and employees or between employees and employees which is connected with employment or non-employment or an employment agreement or the terms of employment of any person, other than a dispute which has for one of its causes any objection by employees to the employment of other employees for reasons of race, religion or language;

“employee” means any person employed in trade or industry by the employer with whom a labour dispute arises or by any other employer;

“body corporate” means any association registered under the Ottoman Law of Societies or the Cooperative Societies Ordinance¹ or the Companies Ordinance² which has among its objects the regulation of relations between employees and employers, between employees and employees or between employers and employers.

ARTICLE FIVE: OFFENCES AGAINST A FOREIGN STATE

165. A person who within the State attempts to organise, prepare, aid or facilitate any attempt in a foreign state, by acts of violence, to destroy the political order of that state is liable to imprisonment for ten years.

Violence against
foreign state.
[A/67 (1)]

166. A person who by making a speech in a public place or at a public gathering or by publishing any writing endeavours to incite hostile acts against the government of a friendly state is liable to imprisonment for three years.

Incitement to
hostilities
against friendly
state.
[A/67 (2)]

167. A person who publicly pulls down, destroys or does any act to injure the flag or emblem of a friendly state with intent to show hostility or contempt for such state is liable to imprisonment for three years.

Insult to flag
or emblem of
friendly state.
[A/68]

¹ *Laws of Palestine* vol. I, p. 360 (English Edition).

² *Laws of Palestine* vol. I, p. 161 (English Edition).

Disparagement
of foreign
personalities.
[A/77]

168. A person who without such justification or excuse as would be sufficient in an action for defamation of a private person publishes anything intended to be read, or any sign or visible representation, tending to degrade, revile or expose to hatred and contempt any king, president, ruler, ambassador or other dignitary of a foreign state is liable to a fine of 1,500 pounds, and if the same is likely or intended to disturb peace and friendship between Israel and another state, he is liable to imprisonment for three years.

ARTICLE SIX: PIRACY

Piracy.
[A/78]

169. A person who commits piracy or any act connected with or akin to piracy is liable to imprisonment for twenty years.

ARTICLE SEVEN: OFFENCES AGAINST SENTIMENTS OF RELIGION AND TRADITION

Insult to
religion.
[A/146]

170. A person who destroys, damages or desecrates a place of worship or any object which is held sacred by a group of persons with the intention of thereby reviling their religion or with the knowledge that they are likely to consider such destruction, damage or desecration as an insult to their religion is liable to imprisonment for three years.

Disturbing
worship.
[A/147]
[5726]

171. A person who wilfully and without proving lawful justification or excuse disturbs any meeting of persons lawfully assembled for religious worship or wilfully assaults a person officiating at any such meeting or any of the persons there assembled is liable to imprisonment for one year.

Trespassing on
place of
worship or
burial.
[A/148]

172. A person who, with the intention of wounding the feelings of a person or of reviling his religion or with the knowledge that the feelings of a person are likely to be wounded or his religion likely to be insulted thereby, trespasses on any place of worship or burial or any place set apart for funeral rites or as a depositary for the remains of the dead or offers any indignity to a human corpse or causes disturbance to any persons assembled for a funeral is liable to imprisonment for three years.

173. A person who does any of the following is liable to imprisonment for one year:

Outrage to religious feelings.
[A/149]

- (1) publishes any print, writing, picture or effigy calculated to outrage the religious feelings or belief of other persons;
- (2) utters in a public place and in the hearing of another person any word or sound calculated to outrage his religious feelings or belief.

174. Any person who demolishes, destroys, pulls down or damages any building or monument intended for public use or ornament is liable to imprisonment for three years.

Destroying or damaging public buildings or monuments.
[A/150]

ARTICLE EIGHT: BIGAMY

175. In this article, "marriage" (*nisu'in*) includes *kidushin* *.

Definitions.
[E/1]

176. A married man who marries another woman, or a married woman who marries another man, is liable to imprisonment for five years.

Bigamy.
[E/2]

177. A person who has been married is for the purpose of section 176 presumed to be married unless he proves that his earlier marriage has been annulled or dissolved either by the death of the spouse or by a final judgment of a (civil) court (*bet mishpat*) or competent religious court (*bet din*) or under Jewish religious law in a manner approved by the competent religious court, and he shall in that case be regarded as unmarried with effect only from the time of the death or the time when the judgment or approval was given.

Presumption of marriage.
[E/3]

178. For the purpose of section 176, it is immaterial —

Validity of marriage.
[E/4]

- (1) whether the validity of the earlier marriage derives from the law of the state in which or from the religious law under which it was contracted;
- (2) whether the new marriage is valid or null;
- (3) whether the new marriage was contracted in or outside Israel, so long as the person who contracted it was at the time a national or resident of Israel.

* *Kidushin* is a part of the Jewish marriage rite which by itself creates a valid marriage tie (Tr.).

Marriage by permission under Jewish religious law. [E/5]

179. Where the law applicable to the new marriage is Jewish religious law, a person shall not be convicted of an offence under section 176 if the new marriage was contracted after permission to marry had been given him by a final judgment of a rabbinical court and the judgment had been confirmed by the two Chief Rabbis of Israel or, if one of them was unable to carry out his functions, by a person appointed in that behalf by the Rabbinical Council of Israel.

Marriage by permission given under other law. [E/6]

180. Where the law applicable to the new marriage is not Jewish religious law, a person shall not be convicted of an offence under section 176 if the new marriage was contracted after it had been permitted by a final judgment of the competent religious court on either of the following grounds:

(1) the spouse by the earlier marriage is unable, owing to mental illness, to agree to the dissolution or annulment of that marriage or to take part in any proceeding or act for its dissolution or annulment;

(2) the spouse by the earlier marriage is missing under circumstances raising a reasonable presumption of his death and all trace of him has been lost for at least seven years.

Dissolution of marriage against the will of the wife. [E/1]

181. Where the husband dissolves the marriage against the will of the wife, and there is not, at the time of the dissolution, a final judgment of the (civil) court or of the competent religious court making the dissolution binding on the wife, the husband shall be liable to imprisonment for five years.

Performance of prohibited marriage or divorce. [E/8]

182. (a) A person who officiates at a marriage knowing that it is forbidden by law or that one of the spouses commits an offence by contracting it is liable to imprisonment for six months.

(b) A person who officiates at a divorce knowing that it is forbidden by law or that the husband commits an offence by effecting it is liable to imprisonment for six months.

Testimony of spouse. [E/9]

183. Notwithstanding the provisions of the Evidence Ordinance (New Version), 5731-1971, one spouse is competent to give evidence against the other spouse in the trial of an offence under this article; but a spouse, or a person married to the accused by an invalid marriage, shall not be compelled to give evidence.

ARTICLE NINE: HOOLIGANISM AND PUBLIC MISCHIEF

184. For the purposes of this section —

Definitions.
[A/93, 95]

“dagger” includes a sword, knife or other instrument having a blade ending in a sharp point and which —

(1) is not primarily designed for use in a profession, craft or business or for domestic use or

(2) is primarily designed for use in the profession, craft or business of the person carrying it or for domestic use but is being carried otherwise than for such use;

“knife” includes any instrument, not being a dagger, having a blade, whether ending in a sharp point or not, but does not include a clasp-knife having a blade of not more than ten centimetres in length and not convertible, by means of a spring or otherwise, into a dagger or knife with a fixed blade.

185. Any person who manufactures, sells, offers or exposes for sale, or carries, a dagger in any place to which the provisions of this section have been made applicable by the Government by order, or who imports a dagger, is liable to imprisonment for three years.

Daggers.
[A/90, 95]

186. (a) A person who carries a knife outside his own house and premises in a place to which the provisions of this section have been made applicable by the Government by order and does not prove that the knife was necessary to him for some lawful purpose is liable to imprisonment for one year.

Knives.
[A/91, 95]

(b) The police commander of the district in which the person is found carrying the knife may at his discretion, having regard to the circumstances of the case, direct that no information shall be filed under this section.

187. The officer in charge of any police station may direct that a person suspected of carrying a dagger or knife in contravention of this Law be searched, and he may detain such dagger or knife.

Power to detain
dagger or knife.
[A/92]

188. Any dagger or knife in respect of which a person has been convicted under this Law shall be forfeited.

Forfeiture.
[A/94]

189. A person who enters any immovable property in a violent manner in order to take possession thereof, whether such violence consists in actual force applied to any other person or in threats or in breaking

Forcible entry.
[A/96]

in or in collecting an unusual number of people, is liable to imprisonment for three years even if he is entitled to enter the property, unless it belongs to him and is occupied by his employee or agent.

Forcible holding
of immovable
property.
[A/97]

190. Where a person, without colour of right, holds possession of immovable property of a person entitled by law to possession thereof, and he is likely thereby to cause a breach of the peace or reasonable apprehension of a breach of the peace, he is liable to imprisonment for three years.

Affray.
[A/98]

191. A person who unlawfully takes part in an affray in a public place is liable to imprisonment for one year.

Threats.
[A/100]
[5753]

192. A person who in any manner, with intent to intimidate or annoy another, threatens him with unlawful injury to his body, freedom, property, reputation or livelihood or that of a third person is liable to imprisonment for three years.

Drunkenness.
[A/101]

193. (a) A person who while drunk is riotous or disorderly in a public place is liable to imprisonment for three months.

(b) A person who is drunk while in possession of any loaded firearm, knife or other deadly weapon may be apprehended without a warrant and is liable to imprisonment for six months.

(c) A person who supplies intoxicating liquor to a person who is already drunk, or to any person apparently under the age of eighteen years, or who encourages any such person to consume intoxicating liquor, is liable to a fine of seventy pounds.

(d) If the person doing an act referred to in subsection (c) is the proprietor of or an employee in any establishment where intoxicating liquors are sold, he is liable to imprisonment for three months.

Uproar and
insult in public
place.
[A/102]
[5726]

194. (a) A person who without reasonable cause creates a noise or uproar in a public place in a manner likely to disturb the inhabitants or to cause a breach of the peace is liable to imprisonment for three months.

(b) A person who in a public place insults another in a manner likely to provoke a person present to commit a breach of the peace is liable to imprisonment for three months.

Defacing of
notices.
[A/103]
[5726]

195. A person who wilfully and without proper authority tears down, defaces or destroys any notice, intimation or document affixed or to be

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affixed to a building or public place under law or by direction of a
public servant is liable to imprisonment for three months.

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196. A person who unlawfully writes, paints, draws or carves upon,
or unlawfully affixes any writing or signboard to, the immovable
property of another person is liable to imprisonment for one year.

Defacing of
property.
[A/105A]
[5717]

197. A person who by force, violence or threats or by an act which
is an offence under this Law attempts to prevent, obstruct or disturb
public elections, is liable to imprisonment for three years.

Interference
with election.
[A/104]

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198. A person who does any act likely to cause a public mischief is
liable to imprisonment for three years.

Public mischief.
[A/105]

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ARTICLE TEN: PROSTITUTION AND OBSCENITY

199. (a) The following are liable to imprisonment for five years:

Procuration.
[G/1 (a) (b)]

- (1) a person who lives, wholly or in part, permanently or for
any period of time, on the earnings of a prostitute;
(2) a person who knowingly receives something that has been
given for an act of prostitution of a woman, or a part of what
has so been given.

Where the woman in respect of whom the offence is com-
mitted is under eighteen years of age or is the wife, daughter or step-
daughter of the offender or where he is her guardian, teacher, em-
ployer, superior (by law or agreement) or physician or an employee of
the hospital at which she is a patient, the offender shall be liable to
imprisonment for seven years.

(c) For the purpose of this section, it shall be immaterial —

- (1) whether what is received by the offender is money,
money's worth, a service or some other benefit;
(2) whether he receives it from the woman or from some
other person;
(3) whether he receives what has been given for an act of
prostitution or something substituted therefor.

200. A man who lives or habitually or permanently consorts with
a prostitute or uses his control or influence over a prostitute in a
manner likely to aid or compel her prostitution shall, unless the con-
trary is proved, be presumed to live on her earnings.

Presumption of
procuration.
[G/1 (c)]

Instigation to
act of
prostitution.
[G/2]
[5733]

201. (a) The following shall be liable to imprisonment for five years:
- (1) a person who instigates a woman to an act of prostitution with another person;
 - (2) a person who uses force, coercion, narcotics, intoxicants, threats or deceit in order to procure a woman for an act of prostitution with another person, whether or not the act of prostitution is in fact committed;
 - (3) a person who in any manner whatsoever detains a woman in a brothel against her will or in any other place in order to procure her for an act of prostitution.

(b) Where the woman in respect of whom the offence is committed is under eighteen years of age or is the wife, daughter or stepdaughter of the offender or where he is her guardian, teacher, employer or superior (by law or agreement) or physician or an employee of a hospital at which she is a patient or where the offence is committed in the manner specified in paragraph (2) or (3) while the offender is carrying a firearm or cutting weapon, he is liable to imprisonment for seven years.

(c) For the purposes of this section, it is immaterial whether the offender intends that the act of prostitution shall be committed in Israel or abroad.

Instigation to
practise
prostitution.
[G/3]

202. (a) A person who instigates a woman to leave her place of residence, intending thereby to cause her to practise prostitution, is liable to imprisonment for five years or, if the woman is under eighteen years of age, to imprisonment for seven years.

(b) A person who instigates a woman to leave Israel, intending thereby to cause her to practise prostitution abroad, is liable to imprisonment for seven years.

Presumption of
knowledge.
[G/4]

203. For the purposes of this article, it is immaterial whether or not the offender knows that the woman is under eighteen years of age.

Maintenance of
place for the
purpose of
prostitution.
[G/5, 7]

204. A person who maintains or operates a place, including a vehicle or a vessel, for the practice of prostitution is liable to imprisonment for five years.

Letting of place
for the
purpose of
prostitution.
[G/6, 7]

205. A person who lets or renews the lease of a place, including a vehicle or a vessel, knowing that it is or will be used by a woman for acts of prostitution, is liable to imprisonment for six months. The

same shall apply to a person who, after learning that the place is used as aforesaid, does not terminate the lease although he has the right to terminate it and sue for eviction for that reason.

206. In proceedings for an offence under this article in connection with an act of prostitution of a woman —

(1) the woman shall be competent to give evidence against her husband and her parents;

(2) the woman shall not be regarded as an accomplice to the offence but her evidence shall require corroboration.

207. Where a person has been convicted of an offence under any of sections 199 to 202, a penalty of imprisonment shall be imposed upon him, either as the sole penalty or in conjunction with another penalty, but conditional imprisonment shall not be imposed on him.

208. A person having the custody or care of a minor between the ages of two and seventeen years who allows the minor to reside in or frequent a brothel is liable to imprisonment for three years.

209. (a) A person who, by word or gesture, solicits for immoral purposes a person who is in a public place is liable to imprisonment for three months.

(b) The parent or guardian of a minor under the age of eighteen years, or any other person entrusted with the charge or care of any such minor, who aids the minor to commit the offence mentioned in this section is liable to imprisonment for three years.

210. A person who addresses indecent suggestions to any person under the age of sixteen years or to any female is liable to imprisonment for three months.

211. A male person who in female dress enters a place reserved for women is liable to imprisonment for one year.

212. When a woman is in any place for the purpose of having unlawful sexual intercourse or in a brothel, a person shall be deemed to detain her if, with intent to compel or induce her to remain there, he withholds from her any wearing apparel or other property belonging to her or, where wearing apparel has been lent or otherwise supplied to her by him or by his directions, he threatens her with legal proceed-

Provisions as to woman.
[G/8]

Mandatory imprisonment.
[G/10]

Permitting minor to reside in brothel.
[A/165]
[5726]

Solicitation and aid to solicitation.
[A/167]
[5726]

Indecent suggestions.
[A/168]
[5726]

Male in female dress.
[A/169]

Constructive detention by withholding clothes.
[A/171]

ings if she takes it away. No legal proceedings shall be taken against the woman for taking away or having possession of such wearing apparel as was necessary to enable her to leave the place.

Search warrant.
[A/172]

213. (a) A Judge of a Magistrates' Court may issue a search warrant authorising the person named in the warrant to search any premises if he has reason to believe that such premises are being used for a purpose contrary to this article or to Article Five of Chapter Ten or that a person is detained, concealed or present therein with regard to whom an offence under one of the said articles has been or is about to be committed. If any such person as aforesaid is found upon the premises, such person may be detained by the police in a place of safety pending inquiries or may by order of the Judge be delivered up to his or her parents or guardian or otherwise dealt with according to circumstances.

(b) Sections 27 to 31 of the Criminal Procedure (Arrest and Searches) Ordinance (New Version), 5729-1969, shall apply to a warrant issued under this section, but section 26 of that Ordinance shall not apply.

(c) For the purposes of this section, "premises" includes a vessel and a train and any other vehicle.

(d) A woman shall be deemed to be unlawfully detained for immoral purposes if she is detained for the purpose of having unlawful sexual intercourse either generally or with a particular man and —

- (1) she is under the age of sixteen years; or
- (2) she is of or over the age of sixteen years but under the age of eighteen years and is detained against her will or against the will of her father or mother or of any person having the lawful care and charge of her; or
- (3) she is of or over the age of eighteen years and is detained against her will.

Obscene
publications.
[A/179]
[5736]

214. (a) A person who does one of the following is liable to imprisonment for a term of three years:

- (1) sells or has in his possession or prints or otherwise reproduces any obscene matter for sale, hire or distribution;
- (2) exposes to view in a public place, or distributes for exhibition in a public place, any obscene matter;
- (3) carries on or takes part in any business for the sale, publication or exhibition of any obscene matter;

(4) advertises or makes publicly known by any other means that a person is engaged in the sale, printing, reproduction, exhibition or distribution of any obscene matter or that any obscene matter can be directly or indirectly procured from any person.

(b) For the purposes of this section, it is immaterial whether the obscene matter is printed or written matter or is a picture, photograph, drawing, model or any other object tending to corrupt morals.

ARTICLE ELEVEN: NUISANCES

215. (a) A person who does an act not authorised by law or omits to discharge a legal duty and thereby causes the public any injury, danger or annoyance or obstructs or causes inconvenience to it in the exercise of public rights commits a public nuisance and is liable to imprisonment for one year.

Public nuisance.
[A/189]

(b) It is immaterial to the matter of a public nuisance that the act or omission is convenient to a larger number of the public than it inconveniences, but the fact that it facilitates the lawful exercise of their rights by a part of the public may show that it is not a nuisance to any of the public.

(c) A person who is in any place, in such circumstances as to be a nuisance to the residents of the neighbourhood or a hindrance to road traffic, for the purpose of engaging in prostitution is liable to imprisonment for one year.

[5725]

216. (a) A person who does one of the following is liable to imprisonment for six months:

Disorderly
behaviour in
public place.
[A/195]
[1946, 5726]

(1) behaves in a disorderly or indecent manner in a public place;

(2) causes, procures or encourages a child under the age of sixteen years to beg or gather alms in a public place;

(3) goes about as a beggar or gatherer of alms, or endeavours to procure charitable contributions of any kind, under a false or fraudulent pretence;

(4) conducts himself in a public place in a manner likely to cause a breach of the peace;

(5) wanders in or upon or near any premises or in any road or highway or place adjacent thereto or in any public place at such

time and in such circumstances as to lead to the conclusion that he is there for an illegal or disorderly purpose.

(b) A person who begs or gathers alms in a public place by the exposure of wounds or deformities or similar means is liable to imprisonment for one month.

Contempt of
uniform.
[A/194]

217. Any person who, not being a soldier or police officer, wears the uniform of the Army or the Police, or any dress similar thereto or bearing any of the distinctive marks thereof, in such manner or in such circumstances as to be likely to bring contempt on that uniform, or employs any other person so to do, is liable to imprisonment for three months.

Act likely to
spread disease.
[A/195]
[1944]

218. A person who wilfully or negligently does an act which is, and which he knows or has reason to believe to be, likely to lead to the spread of a disease dangerous to life or of a venereal disease is liable to imprisonment for three years.

Sale of
adulterated
food.
[A/196]

219. (a) A person who sells as food or drink or possesses for sale any commodity which has been rendered or has become noxious or unfit for food or drink, knowing or having reason to believe it to be so is liable to imprisonment for one year.

(b) A person who adulterates any food or drink so as to make it noxious, intending to sell it or knowing that it is likely to be sold as food or drink, is liable to imprisonment for one year.

Possession of
unclean food.
[A/197]
[5726]

220. A retail vendor of articles of food or drink, or the manager of a hotel, lodging house, restaurant or other establishment for the sale of food or drink to be consumed on the premises, who does not keep the commodities supplied by him clean or contravenes any regulation concerning public health is liable to imprisonment for six months. The court convicting the offender may order the destruction of any articles of food or drink unfit for consumption.

Pollution of
water.
[A/198]
[5726]

221. A person who corrupts or fouls the water of any spring, tank, reservoir or other place so as to render it less fit for the purpose for which it is ordinarily used is liable to imprisonment for three years.

Pollution of
air.
[A/199]

222. A person who voluntarily pollutes the air so as to make it noxious in general to the health of persons dwelling or carrying on business in the neighbourhood or passing along a public way is liable to imprisonment for three years.

223. A person who for any purpose creates or spreads loud noises or offensive or unwholesome smells in such places and circumstances as to annoy persons in the exercise of their public rights is liable to imprisonment for one year.

Offensive
trades.
[A/200]

ARTICLE TWELVE:

PROHIBITED GAMES; LOTTERIES AND BETTING

224. In this article —

Definitions.
[I/1]

“prohibited game” means a game at which a person may win money, money’s worth or a benefit according to the results of the game, such results depending more on chance than on understanding or ability;

“place of prohibited games” means premises in which prohibited games are habitually conducted, whether such premises are open to the public or to certain persons only; and it is immaterial whether such premises are occupied also for some other purpose;

“lottery” means any arrangement under which it is possible — by drawing lots or otherwise — to win money, money’s worth or a benefit, winning depending more on chance than on understanding or ability;

“betting” means any arrangement under which it is possible to win money, money’s worth or a benefit, winning depending on the guessing of something; it includes a lottery connected with the results of sports matches and contests.

[5727]

225. A person who organises or conducts a prohibited game or any lottery or betting is liable to imprisonment for three years or a fine of 25,000 pounds.

Prohibition of
lotteries and
betting.
[I/2] [5725]

226. A person who plays a prohibited game is liable to imprisonment for one year or a fine of 5,000 pounds.

Prohibition of
games.
[I/3] [5725]

227. A person who offers, sells or distributes tickets or any other things designed to attest to a right to take part in any lottery or betting, or a person who prints or publishes an announcement of a lottery or betting is liable to a fine of 2,000 pounds.

Taking part
in conduct of
lotteries or
betting.
[I/4]

Prohibition of
keeping or
managing a
place.
[1/5]
[5735]

228. A person who keeps or manages a place for prohibited games or a place for the conduct of lotteries or betting or a place in respect of which an order under section 229 has not been complied with is liable to imprisonment for three years or a fine of 25,000 pounds. A person who lets or permits the use of premises knowing that they will be used as a place for prohibited games or for the conduct of lotteries or betting is liable to imprisonment for six months or a fine of 5,000 pounds.

Closure of
places.
[1/5A]
[5735]

229. (a) A district police commander of the Israel Police may direct the closing of —

(1) a place for prohibited games or a place for the conduct of lotteries or betting;

(2) a place used for the conduct of games by means of cards, gambling machines or the like, even if those games do not come within the definition of prohibited games and even if a licence under the Licensing of Businesses Law, 5728-1968¹, has been issued for that place, if he is of the opinion that its continued existence may adversely affect the public welfare or the well-being of the inhabitants of the neighbourhood or lead to criminality, including the conduct of a prohibited game.

(b) A person who considers himself aggrieved by an order under subsection (a) may apply for its annulment to the District Court in whose area of jurisdiction the place is situated, and the court may annul, confirm or vary the order.

¹ *ibid.* (c) The filing of an application under subsection (b) shall not stay the implementation of the order unless the court otherwise decides.

Special
circumstances.
[1/6]

230. The provisions of sections 225 to 228 shall not apply to any game, lottery or betting which fulfils the following three requirements:

- (1) its conduct is intended for a particular circle of persons;
- (2) it does not exceed the scope of amusement or entertainment;
- (3) it is not held at a place of prohibited games or a place for the conduct of lotteries or betting.

Permit.
[5727]

231. (a) The provisions of this article shall not apply —

- (1) to classes of lotteries, or to a particular lottery, for the con-

1 *Sefer Ha-Chukkim* of 5728, p. 204; *LSI* vol. XXII, p. 232.

duct of which a permit has been granted in advance by the Minister of Finance or a person empowered by him in that behalf;

(2) to betting, or to a particular betting event, conducted by the Payis Lottery Scheme, for which a permit has been granted in advance by the Minister of Finance or a person empowered by him in that behalf, provided that betting so conducted shall not relate to the results of sports matches and contests.

(b) Notice of the grant of a permit under this section shall be published in *Reshumot*.

232. At the trial of an offence under this article involving a prohibited game —

Evidence.
[1/8]

(1) the court may convict the accused on the unsupported evidence of an accomplice;

(2) a judgment in a criminal case determining that a prohibited game was conducted at a particular place shall be admissible as evidence to such effect at any other trial under this article, irrespective of who the accused was.

233. For the purposes of this article — without excluding any other mode of proof —

Presumptions.
[1/9]

(1) a person who is in a place of prohibited games where a commissioned officer of police has reason to believe that prohibited games are being played at the time shall be deemed to have been playing a prohibited game there so long as he does not prove that he was in that place for some other purpose only;

(2) a game of cards, of dice or played with a gambling machine shall, so long as the contrary has not been proved, be regarded as a game by which a person may win money, money's worth or a benefit;

(3) premises shall be regarded as a place where prohibited games are habitually conducted —

(a) if a prohibited game has been conducted there at least twice within the six months preceding the commission of the offence by the accused, so long as the contrary has not been proved; in respect of a person charged with occupying the premises, it is immaterial whether he occupied them during the whole or part of that period;

(b) if they have been used as a club for card games and a prohibited game has been conducted there at least once during the six months preceding the commission of the offence by the accused.

Forfeiture of
game
implements.
[I/10]

234. Where a person has been convicted of an offence under this article, the court may order that any implements or instruments or other things used for the conduct of the game, lottery or betting shall, whether or not the accused is the owner thereof, be forfeited to the Treasury.

Forfeiture of
instruments of
offence.
[I/10A]
[5727]

235. (a) Where a police officer has reasonable grounds for believing that any implements, instruments or tickets or any other thing have or has been used to organise or conduct any prohibited game, lottery or betting, he may seize the same, as well as moneys or any other thing which he has reasonable grounds for believing to have been received as a result of organising or conducting that prohibited game, lottery or betting.

(b) The Minister of Justice may make regulations for the purposes of subsection (a).

(c) Where the court is satisfied that things, other than moneys, seized as specified in subsection (a) were used for, or received as a result of, organising or conducting any prohibited game, lottery or betting, it may, on the application of a police officer, or a prosecutor within the meaning of the Criminal Procedure Law, 5725-1965, order that they shall be forfeited to the Treasury, even if no person has been convicted of an offence by reason of the prohibited game, lottery or betting.

CHAPTER NINE:
OFFENCES RELATING TO PUBLIC AUTHORITY
AND THE ADMINISTRATION OF JUSTICE

ARTICLE ONE: OBSTRUCTION OF JUSTICE

236. In this article, "testimony" means statements made orally or in writing by way of evidence, not including unsworn statements by an accused person in a criminal proceeding, but including statements of opinion given in evidence and translations by a translator in a judicial proceeding.

Definitions.
[A/116]

237. (a) A person who in a judicial proceeding knowingly gives false testimony as to a matter which is material to a question dealt with in that proceeding commits perjury and is liable to imprisonment for seven years or, if the perjury is committed in return for some benefit, nine years.

Perjury.
[A/117, 118]
[5753]

(b) In respect of perjury, it is immaterial —

(1) whether or not the testimony is given on oath or under some other sanction authorised by law;

(2) what form or ceremony is used in swearing the person who gives the testimony or otherwise binding him to speak the truth provided he assents to the form or ceremony used;

(3) whether the court, tribunal, judicial authority or commission of inquiry is properly constituted or sits in the proper place, provided it acts in its proper capacity in the proceeding in which the testimony is given; [5729]

(4) whether the person who gives the testimony is a competent witness and whether the testimony is admissible in the proceeding.

238. A person who, with intent to mislead any judicial authority or commission of inquiry in a judicial proceeding, fabricates evidence otherwise than by means of perjury or subornation of perjury or knowingly makes use of such fabricated evidence is liable to imprisonment for five years.

Fabricating
evidence.
[A/119]
[5729]

239. A person who knowingly makes a false declaration, whether or not on oath or affirmation, before a person authorised to receive it is liable to imprisonment for three years.

False swearing.
[A/120]

Conflicting evidence.
[A/120A]
[5725, 5729, 5732]

240. (a) A person who, in the same matter before different authorities, with intent to mislead, makes conflicting statements, or gives conflicting testimony, on a material point of fact is liable to imprisonment for two years.

(b) For the purposes of this section, "authority" means a court trying a criminal matter, a court of discipline, and a police officer or other authority holding an examination, under any law, prior to an indictment in a court or court of discipline, and also a commission of inquiry under the Commissions of Inquiry Law, 5729-1968¹, and a person appointed under section 13 of that Law.

(c) A record of the trial, and a statement or testimony duly taken down in an examination as aforesaid shall be *prima facie* evidence of the statements of a witness contained therein.

Refusal to testify.
[A/120B]
[5728]

241. (a) A person who, being bound to testify or otherwise give evidence in a judicial proceeding, refuses to do so is liable to imprisonment for two years.

(b) The imposition of imprisonment under section 5 of the Contempt of Court Ordinance² upon a person who has refused as aforesaid shall not prevent his being tried under subsection (a); but where a person is sentenced to imprisonment under subsection (a), the period of imprisonment served by him under the said section 5 shall be deducted from his sentence.

Destroying evidence.
[A/122]

242. A person who, knowing that any book, document or other thing is or may be required in evidence in a judicial proceeding, wilfully destroys it or renders it illegible or undecipherable or incapable of identification, with intent thereby to prevent it from being used in evidence, is liable to imprisonment for five years.

False information.
[A/123]
[5733]

243. A person who gives to a police officer or a person authorised to institute a criminal prosecution information of an offence which he knows to be false is liable to imprisonment for three years or, if the offence is a felony, five years, and it is immaterial whether or not a criminal prosecution is instituted in consequence of the information.

Obstructing the course of justice.
[A/124]
[5733]

244. A person who does anything with intent to prevent or foil a judicial proceeding or to cause a perversion of justice, whether by frustrating the summons of a witness or by concealing evidence or

1 *Sefer Ha-Chukkim* of 5729, p. 28; *LSI* vol. XXIII, p. 32.

2 *Laws of Palestine* vol. I, p. 356 (English Edition).

otherwise, is liable to imprisonment for three years. For this purpose, "judicial proceeding" includes a criminal investigation and the carrying out of the direction of a court.

245. (a) A person who induces or attempts to induce another not to make a statement, or to make a false statement, or to withdraw a statement, or to withdraw a statement made, in an examination under any law is liable to imprisonment for five years.

Subornation in connection with examination.
[A/124A (a) (b)]
[5733]

(b) A person who induces or attempts to induce as specified in subsection (a) by way of fraud, deceit, force, threats, intimidation, the conferment of a benefit or any other improper means is liable to imprisonment for seven years.

246. (a) A person who induces or attempts to induce another not to testify or to give false testimony, or to withdraw any testimony given or statement made, in a judicial proceeding is liable to imprisonment for seven years.

Subornation in connection with testimony.
[A/124A (c) (d)]
[5733]

(b) A person who induces or attempts to induce as specified in subsection (a) by way of fraud, deceit, force, threats, intimidation, the conferment of a benefit or any other improper means is liable to imprisonment for nine years.

247. Sections 245 (a) and 246 (a) shall not apply to an act intended to inform a person of his legal right to refrain from giving testimony or making a statement or to an act lawfully done in the course of any trial or examination.

Restrictions on application.
[A/124A (f) opening passage]
[5733]

248. Where a person is charged with preventing the making or giving, or causing the withdrawal of, any statement or testimony as specified in section 245 (a) or 246 (a), it shall be a defence for him to prove that he did so in the interest of discovering the truth or preventing a falsehood.

Defence.
[A/124A (f) closing passage]
[5733]

249. A person who harasses another as to any statement or testimony made or given or about to be made or given by the other person in an examination under any law or in a judicial proceeding is liable to imprisonment for three years.

Harassment of witness.
[A/124A (c)]
[5733]

250. A person who by solicitation or request addressed to a Judge or court official endeavours improperly to influence the result of a judicial proceeding is liable to imprisonment for one year.

Improper influence.
[A/125]

Publishing false report of judicial proceedings. [A/127]

251. A person who by any means of publication publishes in bad faith an incorrect report of proceedings in a court or in a commission of inquiry under the Commissions of Inquiry Law, 5729-1968, is liable to imprisonment for six months.

Invitation to subscribe to the payment of a fine. [A/128]

252. A person who by any means of publication opens or gives publicity to a subscription for paying any fine, costs or damages adjudged by a court in a criminal case is liable to imprisonment for six months.

Concealment of offence. [A/129] [5753]

253. (a) A person who receives or attempts to receive any benefit for himself or another for the non-disclosure or concealment of an act being a misdemeanour or felony or of any information as to such an act is liable to imprisonment for three years.

(b) A person who receives or attempts to receive any benefit for himself or another in order that he may not give evidence in an examination under any law or at a trial is liable to imprisonment for five years.

Advertisements for stolen property. [A/130] [5726]

254. A person who does one of the following is liable to imprisonment for six months:

(1) publicly offers a reward for the return of any property which has been stolen or lost, and in the offer makes use of any words purporting that no questions will be asked, or that the person producing such property will not be seized or molested;

(2) publicly offers to return to any person who may have bought or lent money on any stolen or lost property the money so paid or lent, or some sum of money or reward, for the return of such property;

(3) prints or publishes any offer mentioned in paragraph (1) or (2).

Scandalising court. [A/131]

255. A person who says or writes anything concerning a Judge, whether of a secular or religious court, in respect of his office with intent to impair his status or publishes any invective against a Judge, whether of a secular or religious court, with a view to bringing the administration of justice into suspicion or contempt is liable to imprisonment for three years; but the discussion with candour and decency of the merits of the decision of a Judge in a matter of public concern shall not be an offence under this section.

256. (a) A person who carries arms or without reasonable explanation carries any other harmful instrument or material in the building of a secular or religious court or in any other place where judicial proceedings are conducted is liable to imprisonment for two years.

Carrying arms
in court.
[A/131A]
[5733]

(b) This section shall not apply —

(1) to a police officer or to a person who has received a permit from a competent authority under the Firearms Law, 5709-1949¹, or from or on behalf of the Director of Courts to carry such arms, instrument or material in such building or place;

(2) in a court-martial or military court within the meaning of the Military Justice Law, 5715-1955, or in any other place where a judicial proceeding is conducted under the said Law — to a person who has received appropriate permission under Army Orders, within the meaning of the said Law.

257. A person who, being in lawful custody for a criminal offence, escapes from such custody —

Escape.
[A/133]

(1) if he is charged with or has been convicted of a felony — is liable to imprisonment for seven years;

(2) in any other case — is liable to imprisonment for three years.

258. A person who does one of the following is liable to imprisonment for seven years:

Aiding in
escape.
[A/134]

(1) aids a prisoner or detainee in escaping or attempting to escape from lawful custody;

(2) conveys anything or causes anything to be conveyed into a prison in order to facilitate the escape of a prisoner or detainee.

259. A person who by force rescues or attempts to rescue another from lawful custody is liable —

Rescue.
[A/132]

(1) if the other has been charged with or convicted of an offence punishable with death or imprisonment for life — to imprisonment for twenty years;

(2) if the other has been charged with or convicted of any other felony — to imprisonment for seven years;

(3) in any other case — to imprisonment for three years.

¹ *Sefer Ha-Chukkim* of 5709, p. 143; *LSI* vol. III, p. 61.

Accessory.
after fact.
[A/26 (1), 27]

260. (a) A person who, knowing that another has committed an offence, receives or assists him with intent to enable him to escape punishment is an accessory after the fact unless he is the spouse, parent, son or daughter of the offender:

Provided that a wife shall not become an accessory after the fact by receiving or assisting in her husband's presence and by his authority a person who has committed an offence in which her husband has taken part in order to enable that person to escape punishment.

For the purposes of this section, "offence" does not include a contravention.

(b) An accessory after the fact may be brought to trial and convicted even if the perpetrator of the offence has not first been convicted or it is impossible to institute proceedings or enforce any punishment against him in respect of the offence.

Penalty of
accessory after
fact.
[A/26 (2)]

261. An accessory after the fact is liable —

- (1) if the offence is a felony — to imprisonment for three years;
- (2) if the offence is a misdemeanour — to half the period of imprisonment prescribed for the offence.

Failure to
prevent felony.
[A/33]
[1939]

262. A person who, knowing that a person designs to commit a felony, fails to use all reasonable means to prevent the commission or completion thereof is liable to imprisonment for two years.

Refusal to aid
in prevention
of crime.
[A/135]

263. Where a person, being lawfully commanded by any public servant, police officer or other person to give aid for the prevention of crime or for arresting any person or for preventing the rescue or escape of any person, refuses or fails to give such aid according to his ability, he is liable to imprisonment for three years.

Defeating
attachment.
[A/136]

264. A person who, knowing that any property has been attached or taken under the process of any court, receives, removes, retains, conceals or disposes of such property with intent to hinder or defeat the attachment or process is liable to imprisonment for three years.

Breaking of
seal.
[A/137]

265. A person who wilfully breaks, removes or renders ineffective a seal affixed by order of an official authority or of a secular or religious court is liable to imprisonment for two years or, if he is entrusted with the custody of the seal, three years.

266. A person who, having been entrusted with the custody of a seal affixed by order of an official authority or of a secular or religious court, negligently allows it to be broken, removed or rendered ineffective is liable to imprisonment for six months.

Negligent
keeping of
seal.
[A/138]

267. A person who wilfully obstructs or resists any person lawfully charged with the execution of an order or warrant of a secular or religious court or of a commission of inquiry under the Commissions of Inquiry Law, 5729-1968, or of the chairman of any such commission is liable to imprisonment for one year.

Obstructing
court
officers.
[A/139]

ARTICLE TWO: CONCEALMENT OF OFFENCES

268. In this article —

Definitions.
[F/1, Schedule]

“criminal offence” means any of the following:

(1) an offence under Chapter Seven or under Article Five of Chapter Nine;

(2) an offence against life, the person, or morality, punishable with imprisonment for three years or more;

(3) an offence under any of the sections of Article Four of Chapter Nine and of Chapters Eleven (except sections 401 and 429) and Twelve, or under section 489, affecting property or rights of the State or of an inspected body, within the meaning of the State Comptroller Law (Consolidated Version), 5718-1958;

“judicial proceeding” means a proceeding aimed at effecting any of the following:

(1) the expulsion of a person from a body of which he is a member;

(2) the denial of any of a person's rights in any such body as aforesaid;

(3) a reprobatory publication concerning a person's acts;

(4) any other sanction involving reprobation and not being of a purely religious character.

269. A person shall not carry out any function in a judicial proceeding when, in the course of such proceeding, a suspicion of a criminal offence has arisen, unless the Attorney-General or his representative has been notified.

Duty to notify.
[F/1]

Discontinuance
of proceeding.
[F/2]

270. Where notification as referred to in section 269 has been made, or where a person has been charged with an offence under this article, and the Attorney-General or his representative has decided to take proceedings in a court of law, the Attorney-General may order the discontinuance of the judicial proceeding in question until termination of the proceedings in the court of law.

Penalty.
[F/3]

271. A person who contravenes any of the provisions of this article is liable to imprisonment for one year.

Defence.
[F/4]

272. Where a charge has been brought under this article, it shall be a good defence to prove —

(1) that notification of the act in question has already been made to the Attorney-General or his representative or to the police or

(2) that a police investigation has already been conducted, or that a person has already been charged, in respect of the act in question.

ARTICLE THREE: ASSAULT ON POLICE OFFICERS

Assault on
police officer
in exercise of
his duty.
[C/1]

273. A person who assaults a police officer engaged in the lawful exercise of his duty or a person assisting a police officer is liable to imprisonment of not more than three years and not less than one month.

Assault on
police officer
in aggravating
circumstances.
[C/2]

274. Where a person assaults a police officer engaged in the lawful exercise of his duty and one of the following applies, he is liable to imprisonment for not more than five years and not less than three months:

(1) he intends to foil the police officer in the exercise of his duty or to prevent or hinder him therefrom;

(2) he is armed with a firearm, a club, a stick, a stone or any other instrument;

(3) the assault is carried out jointly by more than three persons.

Hindering
police officer
in exercise
of his duty.
[C/3]

275. A person who does any act with intent to hinder or foil a police officer in the lawful exercise of his duty or to hinder or foil a person assisting a police officer is liable to imprisonment for not more than three years and not less than two weeks.

Interpretation.
[F/4]

276. In this article, "assault" has the same meaning as in section 378.

ARTICLE FOUR:
OFFENCES COMMITTED IN OR AGAINST
THE PUBLIC SERVICE

277. A public servant who does one of the following is liable to imprisonment for three years:
- Oppression by public servant.
[A/109B]
[1944]
- (1) uses or directs the use of force or violence against a person for the purpose of extorting from him or from anyone in whom he is interested a confession of an offence or information relating to an offence;
 - (2) threatens any person, or directs any person to be threatened, with injury to his person or property or to the person or property of anyone in whom he is interested for the purpose of extorting from him a confession of an offence or any information relating to an offence.
278. Where a public servant who by virtue of his office has judicial or administrative powers in respect of property of a particular kind, or in respect of any manufacture, trade or business of a particular kind, exercises such powers, either by himself or through another, whilst having, directly or indirectly, a private interest in such property, manufacture, trade or business, he is liable to imprisonment for three years.
- Public servant having private interest.
[A/110]
[1946, 5726]
279. A public servant who, being required or enabled to furnish a return or statement as to a sum claimed by him or another or as to any other matter required to be certified for the purpose of receiving any money or goods, furnishes such return or statement knowing it to be false in a material particular is liable to imprisonment for three years.
- False claims by public servant.
[A/111]
[1946]
280. A public servant who does one of the following is liable to imprisonment for three years:
- Abuse of office.
[A/112]
[1946, 5726]
- (1) does or directs to be done, in abuse of his authority, any arbitrary act prejudicial to the rights of another;
 - (2) enters the residence of another against his will otherwise than authorised by law or without observing the formalities prescribed by law.
281. A person who, being authorised or required by law to give a certificate by which the rights of a person may be affected, gives it knowing it to be false in a material particular is liable to imprisonment for five years.
- False certificate.
[A/113]
[1944, 5726]

False assumption of authority. [A/114]

282. A person who does one of the following is liable to imprisonment for three years:

- (1) not being a judicial officer, assumes to act as such;
- (2) without authority assumes to act as a person authorised by law to administer an oath or take an affidavit or to do any other act of an official nature which only a person authorised by law may do;
- (3) represents himself as authorised by law to sign a document testifying to the contents of a register or record kept by lawful authority or testifying to any fact or event, and signs such document as being so authorised, when he knows that he is not so authorised.

Personating public servant. [A/115]

283. A person who does one of the following is liable to imprisonment for three years:

- (1) personates a public servant when the latter is required to do any act or attend in any place in that capacity;
- (2) falsely represents himself as a public servant and assumes to do any act, or to attend in any place for the doing of any act, in that capacity.

Fraud and breach of trust. [A/140]

284. A public servant who in the discharge of his functions commits any fraud or breach of trust affecting the public, whether or not such fraud or breach of trust would have been an offence if committed against a private person, is liable to imprisonment for three years.

Non-fulfilment of official duty. [A/141]

285. A public servant who wilfully fails to fulfil a duty which he is bound by law to fulfil is liable to imprisonment for three years unless the fulfilment of such duty involves greater danger than a person of ordinary strength and will-power can withstand.

Infringement of statutory duty. [A/142]

286. Where a person wilfully contravenes an enactment by doing an act which it forbids or omitting to do an act which it requires to be done and such act concerns the public, such person is liable to imprisonment for two years unless it appears from the enactment that some other penalty was intended for such contravention.

Contravention of lawful direction. [A/143]

287. A person who disobeys a direction duly issued by any court, officer or person who acts in an official capacity and is authorised in that behalf is liable to imprisonment for two years unless any other penalty or mode of proceeding is expressly prescribed for such disobedience.

288. A person who by gestures, words or acts insults a public servant or a Judge or officer of a religious court or a member of a commission of inquiry under the Commissions of Inquiry Law, 5729-1968, whilst engaged in the discharge of his duties or in connection with the same is liable to imprisonment for six months.

Insult to public servant.
[A/144]

289. A person who by words either spoken or written or by signs or by visible representations or otherwise instigates expressly or by implication any person or class of persons not to make or to defer making a compulsory payment of which the Government has given notice in *Reshumot*, and a person who does any act intending, or knowing it to be likely, that any such means of instigation as aforesaid shall thereby be communicated directly or indirectly to any person or class of persons in any manner whatsoever is liable to imprisonment for six months.

Instigation to withhold compulsory payments.
[A/145]

ARTICLE FIVE: BRIBERY OFFENCES

290. (a) A public servant who takes a bribe for an act connected with his functions is liable to imprisonment for seven years or to imprisonment for seven years and a fine of 10,000 pounds.

Taking bribe.
[B/1]
[5724, 5730]

(b) In this section, "public servant" includes an employee of a body corporate providing a service to the public.

291. A person who gives a bribe shall be treated in like manner as the person who takes it:

Giving bribe.
[B/3]
[5724]

Provided that the penalty to which he is liable shall be half the penalty specified in section 290.

292. (a) A person who gives a bribe with intent to influence the holding, progress or outcome of a sporting or other contest in the holding or outcome of which the public is interested is liable to imprisonment for three years.

Bribery in connection with contest.
[B/3A]
[5731]

(b) The person who takes the bribe shall be treated in like manner as the person who gives it.

293. In regard to a bribe it is immaterial —

(1) whether it consists in money, money's worth, a service or any other benefit;

Modes of bribery.
[B/4]

(2) whether it is given for doing or not doing, or for delaying, expediting or retarding anything, or for discriminating in favour of or against any person;

(3) whether it is given for a specific act or to obtain preferential treatment generally;

(4) whether it is given for an act of the person taking it or for his influence on the act of another person;

(5) whether it is given personally by the person giving it or through another person; whether it is given directly to the person taking it or to another person for him; whether it is given in advance or *ex post facto*; or whether it is enjoyed by the person taking it or by another person;

(6) whether the function of the person taking it is one of authority or service, permanent or temporary, general or specific, or whether it is performed with or without remuneration, voluntarily or in discharge of a duty;

[5724]

(7) whether it is given for a deviation from the line of duty or for an act which the public servant is required to do by virtue of his functions.

Further provisions.
[B/5]

294. (a) A person who solicits or stipulates a bribe shall, even if he meets with no response, be considered as a person taking a bribe.

(b) A person who offers or promises a bribe shall, even if he meets with a refusal, be considered as a person giving a bribe.

(c) A person who is a candidate for any function, although it has not yet been assigned to him, or a person to whom any function has been assigned, although he has not yet begun to perform it, shall be considered as a person performing such function.

(d) In an action for bribery, the court shall not entertain the plea —

(1) that there was a defect or invalidating circumstance in the assignment of the function to, or the appointment or election of, the person who took the bribe;

(2) that the person who took the bribe did not do or even intend doing the act or that he was not competent or authorised to do it.

Go-betweens.
[B/6]
[5723, 5724,
5731]

295. (a) A person who receives money, money's worth, a service or some other benefit with a view to giving a bribe shall be treated as having taken a bribe, and it shall be immaterial whether or not any

consideration is given to him or another for his acting as a go-between or whether or not he intended to give a bribe.

(b) A person who receives money, money's worth, a service or any other benefit with a view to inducing, by himself or through another, a public servant, within the meaning of section 290 (b), to give preferential treatment or to practise discrimination shall be treated as having taken a bribe.

(c) A person who gives money, money's worth, a service or some other benefit to a person who receives it as specified in subsection (a) or (b) shall be treated as having given a bribe.

(d) For the purposes of this section, "receipt" includes receipt on behalf of or through another person.

296. In an action for an offence under this article the court may convict on the testimony of a single witness, even if he is an accomplice to the offence.

Evidence.
[B/7]

297. Where a person has been convicted of an offence under this article, the court may, in addition to the penalty imposed —

Forfeiture and
reparation.
[B/8]

(1) order the forfeiture of what was given as a bribe or what may have taken its place;

(2) require the person who gave the bribe to pay to the Treasury the value of the benefit derived by him from the bribe.

(b) The provisions of this section shall not preclude a civil claim.

CHAPTER TEN:

OFFENCES AGAINST THE PERSON

ARTICLE ONE: CAUSING DEATH

298. A person who by an unlawful act or omission causes the death of another is guilty of manslaughter and liable to imprisonment for twenty years.

Manslaughter.
[A/212, 213]
[5736]

299. An unlawful omission is an omission amounting to culpable negligence to discharge a duty, whether or not such omission is accompanied by an intention to cause death or bodily harm.

Unlawful
omission
defined.
[A/217]

Murder.
[A/214, 215]
[5714]

300. (a) A person who does one of the following is guilty of murder and is liable to imprisonment for life and only to that penalty:

- (1) by an unlawful act or omission wilfully causes the death of his father or mother or grandfather or grandmother;
- (2) with premeditation causes the death of any person;
- (3) wilfully causes the death of a person in the commission of an offence or in preparing for or to facilitate the commission of an offence;
- (4) where another offence has been committed, causes the death of a person in order to secure the escape or avoidance of punishment of himself or of a person who participated in the commission of that offence.

(b) A person convicted of murder under section 2 (f) of the Nazis and Nazi Collaborators (Punishment) Law, 5710-1950, is liable to the penalty of death.

Premeditation.
[A/216]

301. (a) For the purposes of section 300, a person shall be deemed to have killed another person with premeditation if he resolved to kill him, and killed him in cold blood without immediate provocation in circumstances in which he was able to think and realise the result of his actions and after having prepared himself to kill him or after having prepared the instrument with which he killed him.

(b) As regards the resolution and preparation to kill, it is immaterial whether the accused resolved to kill the other person or a particular member, or any member, of his family or race.

(c) To prove premeditation, it is not necessary to show that the accused was in any state of mind for any particular period before the commission of the offence or that the instrument with which the offence was committed was prepared at any particular time before the act.

Procuring or
abetting suicide.
[A/225]
[5726]

302. A person who procures a person to kill himself or counsels a person to kill himself and thereby induces him to do so, or aids a person in killing himself, is liable to imprisonment for twenty years.

Infanticide.
[A/226, (1), (2)]
[1939, 5726]

303. (a) Where a woman by a wilful act or omission causes the death of her child under twelve months of age and at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation subsequent to the birth

of the child, then, notwithstanding that according to the circumstances the offence comes within the definition of murder or manslaughter, she is liable to imprisonment for five years.

(b) Nothing in this section shall derogate from the power of the court to convict a person charged with the murder of a child under twelve months of age of the offence of manslaughter or of concealment of birth or to find that he does not bear criminal responsibility, by reason of insanity or a defect in his mental faculties, under section 19.

304. A person who by want of precaution or by a rash or careless act, not amounting to culpable negligence, unintentionally causes the death of a person is liable to imprisonment for three years.

Causing death by negligence.
[A/218]
[3626]

305. A person who does one of the following is liable to imprisonment for twenty years:

Attempt to murder.
[A/222]
[5726]

- (1) attempts unlawfully to cause the death of a person;
- (2) with intent to cause the death of another, unlawfully does any act or unlawfully omits to do an act which it is his duty to do, such act or omission being by its nature likely to endanger human life.

306. A person who, being under sentence of imprisonment, attempts to commit murder is liable to imprisonment for twenty years.

Attempt to murder by person sentenced to imprisonment.
[A/223] [5726]

307. A person who, knowing the contents thereof, directly or indirectly causes another to receive a writing threatening murder is liable to imprisonment for seven years.

Written threat to murder.
[A/224]

308. For the purposes of this article, a child becomes a person when it has completely proceeded in a living state from the body of its mother, whether it has breathed or not, and whether it has an independent circulation or not, and whether the umbilical cord is severed or not.

When child deemed to be a person.
[A/220]

309. A person shall be deemed to have caused the death of another person although his act or omission is not the immediate or sole cause of death, in any of the following cases:

Causing of death defined.
[A/219]

- (1) if he inflicts bodily injury which necessitates medical or surgical treatment and the treatment causes the death of the injured person; it is immaterial whether the treatment was mistaken so long as it was given in good faith and with ordinary

knowledge and skill; if it was not so given, the person inflicting the injury shall not be deemed to have caused the death of the injured person;

(2) if he inflicts bodily injury which would not have caused the death of the injured person had he submitted to proper medical or surgical treatment or had observed proper precautions as to his mode of living;

(3) if by violence or threats of violence he causes a person to do some act which causes his own death, such act, in the circumstances of the case, appearing to such person a natural way of avoiding such violence or threats;

(4) if by his act or omission he hastens the death of a person suffering from any disease or injury which even without such act or omission would have caused death;

(5) if the act or omission would not have caused death unless it had been accompanied by an act or omission of the person killed or of some other person.

Date of
death.
[A/221]

310. A person shall not be deemed to have caused the death of another if the death occurs at or after the expiration of a year and a day from the day on which it was caused, such day being included in computing such period. The said period shall begin with the day on which the last of the unlawful acts causing death was done or the day on which the omission causing death ceased, as the case may be. Where death was caused in part by an unlawful act and in part by an unlawful omission, the period shall begin with whichever of the two days is the later.

Concealment of
birth.
[A/227]
[5726]

311. A person who endeavours to conceal the birth of a child by secretly disposing of its dead body, whether the child died before, at or after its birth, is liable to imprisonment for one year.

Definitions.
[M/1]

312. In this article —
“recognised medical institution” means an institution or clinic recognised by the Minister of Health as a medical institution for the purposes of this article, notice of recognition having been published in *Reshumot*;
“gynaccologist” means a qualified medical practitioner holding the

title of specialist in obstetrics and gynaecology conferred on him under the Medical Practitioners Ordinance (New Version), 5737-1976¹ (hereafter in this article referred to as "the Ordinance") or a qualified medical practitioner who, for the purpose of obtaining that title is undergoing specialised training at a recognised medical institution under the supervision of a medical practitioner holding the said title.

313. Any person who knowingly interrupts a woman's pregnancy, either by medical treatment or in any other manner, shall be liable to imprisonment for five years or a fine of fifty thousand pounds.

Prohibition of interruption of pregnancy.
[M/2]

314. A gynaecologist shall not bear criminal responsibility for interrupting a woman's pregnancy if —

Approved interruption of pregnancy.
[M/3]

- (1) it is performed at a recognised medical institution and
- (2) approval under section 316 has been given in advance.

315. Approval for the purposes of section 314 shall be given by a committee of three whose members shall, in the case of a recognised medical institution which is a hospital registered under section 25 of the Public Health Ordinance 1940², be designated by the manager of the institution, and in the case of any other recognised medical institution, by the Minister of Health or a person empowered by him in that behalf. The committee shall consist of —

Committee.
[M/4]

- (1) a qualified medical practitioner holding the title of specialist in obstetrics and gynaecology under the Ordinance;
- (2) another qualified medical practitioner practising obstetrics and gynaecology, internal medicine, psychiatry, family medicine or public health;
- (3) a person registered as a social worker under the Welfare Services Law, 5718-1958³.

316. (a) The committee may, after obtaining the woman's informed consent, approve the interruption of pregnancy if it considers it justified on one of the following grounds:

Approval.
[M/5]

- (1) the woman is under marriage age or over forty years of age;

1 *Dinei Medinat Yisrael (Nusach Chadash)* No. 30, p. 594.

2 *P.G.* of 1940, Suppl. I, p. 239 (English Edition).

3 *Sefer Ha-Chukkim* of 5718, p. 103; *LSI* vol. XII, p. 120.

- (2) the pregnancy is due to relations prohibited by the criminal law or incestuous relations, or to extramarital relations;
- (3) the child is likely to have a physical or mental defect;
- (4) continuance of the pregnancy is likely to endanger the woman's life or cause her physical or mental harm;
- (5) continuance of the pregnancy is likely to cause grave harm to the woman or her children owing to the difficult family or social circumstances in which she finds herself and which prevail in her environment.

(b) For the purposes of this section, a woman's informed consent to the interruption of her pregnancy means her written consent after the physical and mental risks involved have been explained to her; for this purpose, the consent of a minor does not require the approval of her representative.

(c) The committee shall not refuse its approval before having given the woman an opportunity to appear before it and state her reasons to it.

(d) The approval shall be in writing and shall set out the ground justifying the interruption of the pregnancy.

Interruption of pregnancy in special cases.
[M/6]

317. A qualified medical practitioner shall not bear criminal responsibility for interrupting a woman's pregnancy in any of the following cases, provided that reasoned notification in writing is made to the Director-General of the Ministry of Health within five days after the act:

- (1) it is necessary to interrupt the pregnancy forthwith in order to save the woman's life or to prevent grave irreparable injury to her;
- (2) the pregnancy is interrupted in the course of other medical treatment performed on the woman's body, the practitioner did not know of the pregnancy before and its interruption is necessary for that treatment.

Objection for reasons of conscience or medical considerations.
[M/7]

318. Approval under this article shall not bind a gynaecologist to interrupt the pregnancy if such is contrary to his conscience or medical judgment.

Inapplicability.
[M/8]

319. Section 22 shall not apply to an offence under this article.

Restriction on responsibility.
[M/9]

320. A woman upon whom an offence under this article is committed shall not bear criminal responsibility in connection with that offence.

321. The Minister of Health is charged with the implementation of this article and may, in consultation with the Minister of Justice and the Public Services Committee of the Knesset, make regulations for its implementation, and *inter alia*, as to —

Implementation
and regulations.
[M/11]

- (1) conditions for the approval of a medical institution as a recognised institution, procedure for granting such approval and its period of validity, renewal and cancellation;
- (2) procedure for granting approval under section 316.

ARTICLE THREE: RESPONSIBILITY FOR PERSON'S WELFARE

322. It is the duty of a person having charge of another who is unable by reason of age, sickness, unsoundness of mind, detention or any other cause to withdraw himself from such charge and who is unable to provide himself with the necessaries of life — whether the charge is undertaken under a contract or is imposed by law or arises by reason of any act, whether lawful or unlawful, of the person who has such charge — to provide for that other person the necessaries of life; and he is held to have caused any consequences which result to the life or health of the other person by reason of not fulfilling the said duty.

Responsibility
for helpless
persons.
[A/228]

323. It is the duty of a person who, as head of a family, has charge of a child under the age of fourteen years, being a member of his household, to provide the necessaries of life for such child; and he is held to have caused any consequences which result to the life or health of the child by reason of not fulfilling the said duty, whether the child is helpless or not.

Responsibility
for minor being
member of
household.
[A/229]

324. It is the duty of a person who as employer has undertaken to provide necessary food, clothing or lodging for an employee or apprentice under the age of sixteen years to provide the same; and he is held to have caused any consequences which result to the life or health of the employee or apprentice by reason of not fulfilling the said duty.

Duty of
employer.
[A/230]

325. It is the duty of a person who, except in a case of necessity, undertakes to administer medical or surgical treatment or to do any other lawful act which is or may be dangerous to human life or health, to have reasonable skill and to use reasonable care in doing so; and he is held to have caused any consequences which result to the life or health of any person by reason of not fulfilling the said duty.

Duty of persons
in charge of
dangerous acts.
[A/231]

Duty of persons
in charge of
dangerous
things.
[A/232]
[5725]

326. It is the duty of a person who has in his charge or under his control anything, whether living or inanimate, and whether moving or stationary, of such a nature or under such conditions that, in the absence of care or precaution in its use or management the life, safety or health of any person may be endangered, to use reasonable care and take reasonable precautions to avoid such danger, and he is held to have caused any consequences which result to the life or health of any person by reason of his not fulfilling the said duty.

ARTICLE FOUR: ENDANGERING LIFE AND HEALTH

Depriving of
capacity to
resist in order
to commit
offence.
[A/253]
[5726]

327. A person who, by means of suffocation and with intent to commit or to facilitate the commission of a felony or misdemeanour or to facilitate the flight of an offender after the commission or attempted commission thereof, renders or attempts to render a person incapable of resistance is liable to imprisonment for twenty years.

Stupefying in
order to commit
offence.
[A/254]

328. A person who with intent to achieve one of the purposes mentioned in section 327 administers or attempts to administer a stupefying or overpowering drug or thing to any person is liable to imprisonment for twenty years.

Harm with
aggravating
intent.
[A/255]
[5726]

329. A person who does one of the following with intent to disable, disfigure or do grievous harm to another or to resist or prevent the lawful arrest or detention of himself or another is liable to imprisonment for twenty years:

- (1) unlawfully wounds or does grievous harm to a person;
- (2) unlawfully attempts to strike a person with a projectile, knife or other dangerous or offensive weapon;
- (3) unlawfully causes an explosive substance to explode;
- (4) sends or delivers an explosive substance or other dangerous or noxious thing to a person or causes a person to receive any such substance or thing;
- (5) puts a destructive or explosive substance or a corrosive fluid in any place;
- (6) throws any substance or fluid mentioned in paragraph (5) at a person or otherwise applies it to his body.

Attempting to
injure by explo-
sive substances.
[A/239]

330. A person who with intent to do harm to another, unlawfully puts an explosive substance in any place is liable to imprisonment for fourteen years.

331. A person who unlawfully prevents or obstructs the efforts of a person on board of or escaping from a vessel in distress or wrecked to save his life or that of another so situated is liable to imprisonment for ten years. Preventing escape from vessel in distress. [A/236] [5726]
332. A person who does one of the following with intent to injure or to endanger the safety of a passenger on a railway is liable to imprisonment for twenty years: Endangering person travelling by railway. [A/237] [5726]
- (1) places anything on the railway;
 - (2) deals with the railway or anything on or near it in such a manner as to affect or endanger the free and safe use of the railway or the safety of any such passenger;
 - (3) shoots or throws anything at, or causes anything to come into contact with, a person or thing on the railway;
 - (4) shows a light or signal, or in any way deals with an existing light or signal, on or near the railway;
 - (5) by omitting to do an act which it is his duty to do causes the safety of any such passenger as aforesaid to be endangered.
333. A person who unlawfully does grievous harm to another person is liable to imprisonment for seven years. Grievous harm. [A/238]
334. A person who unlawfully wounds another person is liable to imprisonment for three years. Wounding. [A/241 (a)]
335. Where an offence under section 333 or 334 is committed — Harm and wounding under aggravating circumstances. [A/251A] [5733]
- (1) while the offender carries a firearm or cutting weapon, he is liable to double the penalty prescribed for the offence;
 - (2) in the presence of two or more persons who have combined for the commission of the act by one or some of them, each of them is liable to double the penalty prescribed for the offence.
336. A person who unlawfully causes any poison or other noxious thing to be administered to or taken by any person, with intent to injure or annoy him or another is liable to imprisonment for three years; if he thereby endangers the life of that person or does him grievous harm, he is liable to imprisonment for fourteen years. Use of dangerous poison. [A/240, 241 (b)]
337. A person who without lawful justification fails in his duty of providing necessaries of life for another and thereby endangers or is likely to endanger his life or injures or is likely to injure his health permanently is liable to imprisonment for three years. Failure to supply necessaries. [A/242]

Reckless and
negligent acts.
[A/243]
[5725]

338. A person who does one of the following in a manner so rash or negligent as to endanger human life or to be likely to cause harm to a person is liable to imprisonment for three years:

- (1) drives a vehicle or rides on a public way;
- (2) navigates or takes part in the navigation or operation of a vessel;
- (3) does any act with fire or combustible matter, or omits to take precautions against probable danger from fire or combustible matter in his possession;
- (4) does any act with respect to or omits to take proper precautions against probable danger from machinery of which he is solely or partly in charge;
- (5) does any act with respect to or omits to take proper precautions against any probable danger from an explosive in his possession;
- (6) omits to take precautions against probable danger from an animal in his possession;
- (7) gives medical or surgical treatment to a person whom he has undertaken to treat;
- (8) sells, supplies, gives away or administers any medicine or poisonous or dangerous matter;
- (9) uses or has possession of or abandons any poisonous or dangerous matter or abandons a container in which any such matter as aforesaid was kept and which may cause poisoning or is potentially dangerous.

Neglect to take
care of firearms
and dangerous
matter.
[A/243A]
[5725]

339. (a) A person who keeps, leaves behind or abandons a firearm, or any explosive or other matter capable of causing injury to or endangering the life of a person, without taking reasonable precautions to prevent another person from causing injury therewith to himself or to another, either in handling it or otherwise, is liable to imprisonment for one year.

(b) This section shall not apply to the keeping, leaving behind or abandoning of anything, by a person subject to military justice under the Military Justice Law, 5716-1955, in a place which is a military camp or in which military operations are carried on or in the course of exercises within the framework of the Army, but it shall apply to an instructor referred to in section 5B (b) of the Firearms

Laws, 5709-1949, or in section 22 (2) of the Explosives Law, 5714-1954¹.

340. Where a person leaves behind or abandons any thing in a place accessible to children and there are reasonable grounds for assuming that children will play with or otherwise handle such thing and that in doing so they may injure their health or endanger their lives, and he does not take reasonable precautions to prevent such consequences, he is liable to imprisonment for one year.

Danger to children.
[A/243B]
[5725]

341. Where a person unlawfully does any act, or omits to do any act which it is his duty to do, not being an act or omission specified in sections 338 to 340, and by such act or omission harm is caused to a person, he is liable to imprisonment for one year.

Harm through negligence.
[A/244]
[5726]

342. A person who exhibits any false light, mark or buoy, intending or knowing it to be likely that it will mislead any navigator, is liable to imprisonment for seven years.

Misleading a navigator.
[A/245]

343. A person who knowingly or negligently conveys or causes to be conveyed, for hire, any person in a vessel which is in an unsafe condition or so loaded as to be unsafe is liable to imprisonment for three years.

Conveying person in unsafe vessel.
[A/246]

344. A person who by doing any act, or by omitting to take reasonable care with any property in his possession or under his charge, causes danger, obstruction or injury to a person in any public way or public line of navigation, is liable to imprisonment for three years.

Danger in public way or line of navigation.
[A/247]
[5726]

ARTICLE FIVE: OFFENCES AGAINST MORALITY

345. A person who has unlawful sexual intercourse with a female against her will by the use of force or threats of death or severe bodily harm, or when she is in a state of unconsciousness or otherwise incapable of resisting, is liable to imprisonment for fourteen years.

Rape.
[A/152 (1)(a)]

346. A person who has unlawful sexual intercourse with a female whom he knows to be insane or imbecile or whose consent has been obtained by threats or deception as to the nature of the act or as to the person committing it is liable to imprisonment for ten years.

Rape by deception.
[A/153]

¹ *Sefer Ha-Chukkim* of 5714, p. 64; *LSI* vol. VIII, p. 57.

Intercourse
with minor
girl.
[A/152 (1) (c),
opening passage
and proviso,
and (3)]
[5722, 5731]

347. (a) A person who has sexual intercourse with a minor girl under the age of seventeen years, not being his wife, is liable to imprisonment for five years.

(b) A person who has unlawful sexual intercourse with a minor girl under the age of sixteen years is liable to imprisonment for fourteen years:

Provided that if he had reasonable cause to believe that she was above the age of sixteen though under the age of seventeen years, he shall be liable to imprisonment for five years.

(c) It shall be a good defence to a charge under this section if the accused had reasonable cause to believe that the minor was of or above the age of seventeen years.

Intercourse
with girl under
one's control.
[A/155]
[5722]

348. A person who has, or aids or abets another to have, sexual intercourse with an unmarried girl above the age of seventeen and under the age of twenty-one years who is his descendant or the descendant of his wife or is his ward or has been entrusted to him for the purpose of education or supervision is liable to imprisonment for five years.

Intercourse
with minor
by husband.
[A/156]

349. (a) A person who, being married to a girl under the age of fifteen years, has sexual intercourse with her is liable to imprisonment for two years:

Provided that it shall be a good defence to a charge of that offence if the girl has reached puberty and prior to the intercourse he held a certificate from a duly licensed physician that no physical injury was likely to be caused to her by such intercourse.

(b) A person who, being married to a girl under the age of fifteen years, endeavours to facilitate sexual intercourse with her by an instrument or other physical means is liable to imprisonment for two years.

Act of sodomy.
[A/152 (1) (b),
(c) and closing
passage]

350. (a) A person who does any of the following is liable to imprisonment for fourteen years:

(1) commits an act of sodomy with a person against his will by the use of force or threats of death or severe bodily harm or when he is unconscious or otherwise incapable of resisting;

(2) commits an act of sodomy with a minor under the age of sixteen years;

(3) has unlawful sexual intercourse with a minor as aforesaid,

(b) Any person who procures or attempts to procure a minor under the age of sixteen years to commit an act of sodomy is liable to imprisonment for three years.

351. A person who does one of the following is liable to imprisonment for ten years:

- (1) has carnal knowledge of a person against the order of nature;
- (2) has carnal knowledge of an animal;
- (3) permits a male person to have carnal knowledge of him;
- (4) permits a male person to have carnal knowledge of her against the order of nature.

Deviations from the order of nature.
[A/152 (2)]

352. A person attempting to commit an act being an offence under section 346 or 351 is liable to imprisonment for seven years.

Attempt to commit sexual offence.
[A/154] [5722]

353. Where an offence under section 345, 347 (b) or 350 (a) is committed or attempted to be committed or where an offence under section 352 is committed —

- (1) while the offender is carrying a firearm or cutting weapon, he is liable to imprisonment for twenty years;
- (2) in the presence of two or more persons who have combined for the commission of the act by one or some of them, each of them is liable to imprisonment for twenty years.

Aggravating circumstances.
[A/154A]
[5733]

354. (a) A person who commits or attempts to commit an indecent act upon the person of another against his will by the use of force or threats or when he is unconscious or otherwise incapable of resisting, or by use of force or threats compels a person to commit or to submit to an indecent act, is liable to imprisonment for five years.

Indecent act by means of compulsion.
[A/157, 251A]
[5733]

(b) Where an offence under this section is committed —

- (1) while the offender carries a firearm or cutting weapon, he is liable to imprisonment for ten years;
- (2) in the presence of two or more persons who have combined for the commission of the act by one or some of them, each of them is liable for imprisonment for ten years.

355. A person who commits or attempts to commit an indecent act upon the person of another without his consent, but without force and threats or where consent is obtained by deception as to the nature

Indecent act otherwise than by means of compulsion.
[A/158]

of the act or as to the person by whom it is committed, or induces or attempts to induce a person whom he knows to be insane or imbecile to commit or to submit to an indecent act, is liable to imprisonment for two years.

Indecent act
committed
upon minor.
[A/159]

356. A person who commits an indecent act upon a minor under the age of sixteen years is liable to imprisonment for three years.

Indecent act
in public
place.
[A/160]

357. A person who does or makes any indecent act or gesture in a public place or public gathering or in such a way that a person in a public place can see it is liable to imprisonment for six months.

Knowledge of
age.
[A/178]

358. Except as otherwise expressly provided, where an offence committed in respect of a woman depends on her age it is immaterial that the accused did not know that she was under that age or believed that she was not under that age.

Fraudulent
pretence of
marriage.
[A/180]
[5726]

359. A person who wilfully and fraudulently causes a woman not lawfully married to him to believe that she is lawfully married to him and therefore to co-habit or have sexual intercourse with him is liable to imprisonment for seven years.

Conspiracy
to obtain
consent to
unlawful
intercourse.
[A/174]
[5726]

360. A person who conspires with another to induce a female, by false pretences or other fraudulent means, to agree to have unlawful sexual intercourse is liable to imprisonment for seven years.

ARTICLE SIX:

OFFENCES WITH REGARD TO MINORS AND INVALIDS

Abandonment
of child.
[A/184]

361. A person who unlawfully abandons or deserts a child under the age of two years, whereby its life is endangered or its health is or is likely to be permanently injured is liable to imprisonment for five years.

Neglect of
children and
invalids.
[A/185]
[5725]

362. The parent of a child under fourteen years of age or of an invalid unable to provide for his own needs (each of these in this and the next section referred to as a "helpless person"), or a person bound by law or agreement to provide for the needs of a helpless person in his charge, who does not supply him with food, clothes, bedding and other essentials of life to the extent required to preserve his well-being

and health is liable to imprisonment for three years unless he proves that he took steps which in the circumstances were reasonable in order to secure the means of supplying those essentials and that he is unable to supply them.

363. The parent of a helpless person, or a person bound by law or agreement to provide for the needs of a helpless person, who refuses to receive the helpless person in his charge from a person not bound to provide for his needs or leaves him in the hands of a person who has not agreed so to provide is liable to imprisonment for six months; if he abandons the helpless person, he is liable to imprisonment for three years.

Abandonment of children and invalids.
[A/186]
[5725]

364. A person who offers or gives a consideration for permission to have possession of a minor under the age of fourteen years or asks for or receives a consideration for such permission is liable to imprisonment for three years, and it is immaterial whether the consideration is money or money's worth.

Relinquishing possession of minor for a consideration.
[A/186A]
[5731]

365. (a) A parent or guardian of a minor under fourteen years of age who surrenders the minor, or permits him to be surrendered, to a person not his parent or guardian, such surrender involving repudiation of his obligations or rights with regard to the minor, is liable to imprisonment for two years.

Surrender of minor in repudiation of rights and obligations.
[A/186B]
[5731]

(b) It shall be a good defence to a charge under this section if one of the following is proved:

(1) the minor was surrendered for the purpose of adoption under the Adoption of Children Law, 5720-1960¹;

(2) the minor was surrendered for a determinate period and with the consent of a welfare officer within the meaning of the Welfare Services Law, 5718-1958²;

(3) the minor was surrendered to his grandparent, uncle, aunt, brother or sister and the surrender was in the interest of the minor.

366. An employer who, being legally liable to provide an apprentice or employee with necessary food, clothing or lodging, wilfully and without lawful excuse refuses or fails to provide the same, or mali-

Employer ill-treating employee or apprentice.
[A/187]

1 *Sefer Ha-Chukkim* of 5720, p. 96; *LSJ* vol. XIV, p. 93.

2 *Sefer Ha-Chukkim* of 5718, p. 103; *LSJ* vol. XII, p. 120.

ciously and unlawfully does or causes to be done any bodily harm to him so that his life is endangered or his health permanently injured, is liable to imprisonment for three years.

Child stealing.
[A/188]

367. (a) A person who fraudulently or forcibly takes or entices away or detains a child under the age of fourteen years, or receives or conceals such a child knowing him to have been so taken or enticed away or detained, with intent that the parent, guardian or other person who has the lawful care or charge of the child be thereby deprived of possession of him is liable to imprisonment for seven years.

(b) It is a defence to a charge of an offence under subsection (a) if the accused person claims in good faith a right to the possession of the child or, in the case of an illegitimate child, is his mother or claims to be his father.

Change of religion of minor.
[A/188A]
[5725]

368. (a) A person who performs the ceremony of or any other act leading to a change of the religion of a minor in contravention of the provisions of section 15A of the Capacity and Guardianship Law, 5722-1962¹, is liable to imprisonment for six months.

(b) A person who instigates a minor, by directly addressing himself to him, to change his religion is liable to imprisonment for six months.

ARTICLE SEVEN: OFFENCES AGAINST LIBERTY

Abduction from Israel or from custody.
[A/252, 253, 255]

369. A person who does one of the following is liable to imprisonment for seven years:

(1) conveys a person beyond the boundaries of the State without the consent of that person or of a person legally authorised to consent on behalf of that person;

(2) takes or entices a male minor under fourteen years of age or a female minor under sixteen years of age or a person of unsound mind from the custody of his or her lawful guardian without the consent of such guardian.

Definition of abduction.
[A/254]

370. A person who does an act described in section 369 or by force compels or by any deceitful means induces any person to go from any place is said to commit abduction.

¹ *Sefer Ha-Chukkim* of 5722, p. 120 — *LSI* vol. XVI, p. 106; *Sefer Ha-Chukkim* of 5725, p. 114 — *LSI* vol. XIX, p. 113.

371. A person who abducts another in order that such other may be murdered or be put in danger of being murdered is liable to imprisonment for ten years. Abducting in order to murder. [A/256]
372. A person who abducts another with intent to cause such other to be secretly and wrongfully confined is liable to imprisonment for seven years. Abducting with intent secretly to confine. [A/257]
373. A person who abducts a child under the age of fourteen years with intent dishonestly to take from him any article is liable to imprisonment for seven years. Abducting child with intent to steal from his person. [A/260]
374. A person who abducts another in order that such other may be subjected, or be put in danger of being subjected, to grievous harm, to unlawful sexual intercourse or to a life of prostitution or to the unnatural lust of any person, or knowing it to be likely that the abducted person will be so subjected or put in danger is liable to imprisonment for ten years. Abducting in order to subject to harm or to sexual abuse. [A/258] [1944]
375. A person who, knowing that another has been abducted, wrongfully conceals or confines such other shall be punished as if he had abducted such person with the same intent or knowledge or for the same purpose as that with or for which he conceals or confines such person. Concealing abducted person. [A/259]
376. A person who unlawfully compels another to work against his will is liable to imprisonment for one year. Forced labour. [A/261]
377. A person who unlawfully arrests or confines another is liable to imprisonment for one year. If he arrests him while holding himself out as a person with official status, or pretending to have a warrant, he is liable to imprisonment for three years. False imprisonment. [A/262]

ARTICLE EIGHT: ASSAULT

378. A person who directly or indirectly strikes, touches, pushes or otherwise applies force to the person of another without his consent or with his consent obtained by fraud is said to commit an assault; for this purpose, the application of force includes the application of heat, light, electricity, gas, odour or any other thing or substance if applied in such a degree as to cause injury or discomfort. Definition of assault. [A/248]



Common
assault.
[A/249]

379. A person who unlawfully assaults another is liable to imprisonment for two years save in so far as this Law provides a different punishment for the offence in view of the circumstances.

Assault causing
actual bodily
harm.
[A/250]

380. A person who commits an assault causing actual bodily harm is liable to imprisonment for three years.

Various kinds
of assault.
[A/251, 289]
[5712, 5733]

381. A person who does one of the following is liable to imprisonment for three years:

- (1) assaults another in order to commit a felony;
- (2) assaults another in order to steal anything;
- (3) assaults another in order to resist or prevent the lawful arrest or apprehension of himself or another for any offence;
- (4) assaults, resists or obstructs a person engaged in an execution proceeding, or in imposing an attachment, in order to prevent execution or to rescue any property lawfully taken in an execution or attachment proceeding;
- (5) assaults a person on account of an act done by him in the execution of a duty imposed on him by law.

Assault under
aggravating
circumstances.
[A/251A]
[5733]

382. Where an offence under any of sections 379, 380 and 381 (1) and (3) to (5) is committed in the presence of two or more persons who have combined for the commission of the act by one or some of them, each of them is liable to double the penalty prescribed for the offence.

CHAPTER ELEVEN: OFFENCES RELATING TO PROPERTY

ARTICLE ONE: STEALING

Definition of
stealing.
[A/263]

383. (a) A person steals who —
- (1) without the consent of the owner, fraudulently and without a claim of right made in good faith, takes and carries away anything capable of being stolen with intent, at the time of taking, permanently to deprive the owner thereof;

(2) having lawful possession of a thing capable of being stolen, being a bailee or part owner thereof, fraudulently converts it to his own use or to the use of another person not being the owner.

(b) In respect of stealing under subsection (a), it is immaterial [A/268] that the person taking or converting the thing in question is a director or officer of a body corporate which is the owner thereof, provided that the other circumstances together amount to stealing.

(c) For the matter of stealing —

(1) “taking” includes obtaining possession —

(a) by a trick;

(b) by intimidation;

(c) under a mistake on the part of the owner with knowledge on the part of the taker that possession has been so obtained;

(d) by finding, where at the time of the finding the finder believes that the owner can be discovered by reasonable means;

(2) “carrying away” includes the removal of a thing from the place which it occupies, but in the case of a thing attached, only if it has been completely detached;

(3) “ownership” includes part ownership, possession, a right to possession and control;

(4) “thing capable of being stolen” means a thing which has value and is the property of a person, but in the case of a thing attached to an immovable, only if it has been severed therefrom.

384. A person who steals is liable to imprisonment for three years unless some other punishment is provided in view of the circumstances of the theft or the nature of the thing stolen.

Punishment for theft.
[A/270]
[5726]

385. (a) Where a factor or agent charges any goods, or document of title to goods, entrusted to him for sale or some other purpose, and the charge is security for an amount of money not greater than the amount due to him from his principal at the time of creating the charge, together with the amount of any bill of exchange or promissory note accepted or made by him on account of his principal, such dealing with the goods or document of title is not deemed to be theft.

Taking not deemed to be theft.
[A/264]

(b) Where an employee, contrary to his employer's orders, takes from his possession any food in order to give it to an animal belonging to or in the possession of his employer, such taking is not deemed to be theft.

Funds held
under
direction.
[A/265]

386. Where a person, alone or jointly with another, receives any money or security, or a power of attorney for the sale, mortgage, pledge or other disposition of any property, whether capable of being stolen or not, with a direction that such money or property or money received in exchange therefor or the proceeds thereof shall wholly or in part be applied to a particular purpose or paid to a person specified in the direction, such money or money received in exchange is deemed to be the property of the person for whom the money, security or power of attorney was received until the direction has been complied with.

Money received
for another.
[A/267]

387. Where a person, alone or jointly with another, receives any money on behalf of another, the money is deemed to be the property of the person on whose behalf it is received, unless it is given on the terms that it shall form an item in a debtor and creditor account and that only the relation of debtor and creditor shall exist between the parties in respect thereof.

Funds received
by agent.
[A/266]

388. Where a person, alone or jointly with another, receives any property from another with authority to sell it or otherwise dispose of it and to pay or account for the proceeds of the property or any part of such proceeds, or deliver anything received in exchange for the property, to the person from whom the property is received or some other person, then the proceeds of the property and anything received in exchange for it are deemed to be the property of the person from whom the property was received, until the property has been disposed of in accordance with the terms on which it was received, unless the authorisation includes instructions that the proceeds shall form an item in a debtor and creditor account between him and the person to whom he is bound to pay them or account for them and that only the relation of a debtor and creditor shall exist between them in respect thereof.

Procuring to
steal from
spouse.
[A/269]

389. A person who, while a man and his wife are living together, procures either of them to deal with anything which is, to his knowledge, the property of the other in a manner which would be theft if they were not married is deemed to have stolen the thing.

Stealing by
public servant.
[A/274]
[5724]

390. A public servant who steals a thing which is the property of the State or came into his possession by virtue of his employment and the value of which exceeds five hundred pounds is liable to imprisonment for ten years.

391. An employee who steals a thing which is the property of his employer or came into his possession on account of his employer and the value of which exceeds five hundred pounds is liable to imprisonment for seven years.

Stealing by
employee.
[A/275, opening
passage]
[5724]

392. A director or officer of a body corporate who steals a thing which is the property of the body corporate is liable to imprisonment for seven years.

Stealing by
director.
[A/275, closing
passage]

393. A person who does one of the following is liable to imprisonment for seven years:

Stealing by
agent.
[A/276]

(1) steals property which has been received by him with a power of attorney for its disposition;

(2) steals property which has been entrusted to him, alone or jointly with another, for him to retain it in safe custody or to apply the whole or part of it or of its proceeds to a particular purpose or to deliver the whole or part of it or of its proceeds to a particular person;

(3) steals property which has been received by him, alone or jointly with another, for or on the account of another person;

(4) steals the proceeds of a security, or of the disposition of any property under a power of attorney, having received instructions that the same shall be used for a particular purpose or be paid to a particular person.

ARTICLE TWO: OFFENCES ALLIED TO STEALING

394. A person who, with intent to defraud, conceals or takes from its place of deposit any register which is authorised or required by law to be kept for authenticating or recording the title to any property, or for recording births, baptisms, marriages, deaths or burials, or a copy of any part of any such register which is required by law to be sent to a public office, is liable to imprisonment for five years.

Concealing
register.
[A/279]
[5726]

395. A person who, with intent to defraud, conceals a testamentary instrument, whether the testator is living or dead, is liable to imprisonment for five years.

Concealing will.
[A/280]

396. A person who, with intent to defraud, conceals a document, or part thereof, which is evidence of title or of a right to title to any land is liable to imprisonment for three years.

Concealing
deed.
[A/281]

Killing animal
with intent to
steal.
[A/282]

397. A person who kills any animal capable of being stolen with intent to steal the skin or carcass or any part thereof is liable to the same punishment as if he had stolen the animal.

Severing with
intent to steal.
[A/283]

398. A person who completely severs anything attached to an immovable thing with intent to steal it is liable to the same punishment as if he had stolen the thing after it had been severed.

Fraudulent
dealing with
minerals.
[A/284]
[5726]

399. A person who takes, conceals or otherwise disposes of any ore or any metal or mineral in or about a mine with intent to defraud any person is liable to imprisonment for three years.

Diversion of
power and
water.
[A/285]
[5726]

400. (a) A person who maliciously or fraudulently abstracts, causes to be wasted or diverted, or uses, any electricity is liable to imprisonment for three years.

(b) A person who fraudulently abstracts or diverts to his own or another's use any running water, the property of another person, is liable to imprisonment for three years.

Use of vehicle
without
permission.
[I/1]

401. (a) A person who uses a vehicle for a journey without obtaining permission from the owner of the vehicle or a person lawfully in possession thereof is liable to imprisonment for three years.

(b) For the purposes of this section, "vehicle" means a motor vehicle within the meaning of the Traffic Ordinance¹ and includes a mechanically propelled ship or boat and an animal-drawn carriage.

ARTICLE THREE: ROBBERY

Robbery.
[A/287,
288 (1)]
[5726]

402.(a) A person who steals a thing and, at the time of the act or immediately before or immediately thereafter, carries out or threatens to carry out an act of violence to any person or property in order to obtain or retain the thing or to prevent or overcome resistance to its being stolen is said to commit robbery and is liable to imprisonment for fourteen years.

(b) If the robber is armed with any dangerous or offensive weapon or is in a group or if, at or immediately before or immediately after the time of the robbery, he wounds, strikes or otherwise uses personal violence against a person, he is liable to imprisonment for twenty years.

¹ *Dinei Medinat Yisrael (Nusach Chadash)* No. 7, p. 173; *NV* vol. I, p. 222.

403. A person who assaults another for the purpose of robbery is liable to imprisonment for seven years. If the offence is committed in the circumstances described in section 402 (b), he is liable to imprisonment for twenty years.

Attempted robbery.
[A/288 (2)]
[5726]

404. A person who, with intent to steal any valuable thing, demands it from another with threats or force is liable to imprisonment for five years. If the offence is committed while the offender carries a firearm or cutting weapon, he is liable to imprisonment for ten years.

Demanding property by threats.
[A/293]
[5733]

ARTICLE FOUR:

BREAKING PART OF BUILDING ETC. AND HOUSEBREAKING

405. (a) A person who breaks any external or internal part of a building or opens, by unlocking, pulling, pushing, lifting or otherwise, any door, window, shutter or other thing intended to close or cover an opening in a building or an opening giving passage from one part of a building to another is said to break the building.

Breaking, entering and housebreaking.
[A/294]

(b) A person who introduces any part of his body or of an instrument used by him into a building is said to enter the building.

(c) A person who breaks and enters or breaks and leaves a building is said to commit housebreaking.

(d) A person who enters a building by means of any threat or artifice, or by collusion with any person in the building, or who enters any chimney or other aperture of a building permanently left open for a particular purpose but not intended to be ordinarily used as a means of entrance is deemed to have broken and entered the building.

406. (a) A person who enters or is in a place used as the dwelling of a person or a place of worship with intent to commit theft or a felony is liable to imprisonment for five years.

Entering, and breaking into or out of, dwelling or place of worship.
[A/295, 296]
[5726]

(b) A person who breaks into a place referred to in subsection (a) with intent to commit theft or a felony or breaks out of any such place after committing theft or a felony therein or after entering it for the purpose of committing theft or a felony is liable to imprisonment for seven years.

407. (a) A person who breaks into a building not used as a dwelling or place of worship or a building adjacent to a dwelling and occupied with it but not part of it with intent to commit theft or a felony therein is liable to imprisonment for five years.

Breaking into or out of building other than dwelling or place of worship.
[A/297, 298]
[5726]

(b) A person who breaks into a building referred to in subsection (a) and commits theft or a felony therein or who breaks out of any such building as aforesaid after committing theft or a felony therein is liable to imprisonment for seven years.

Entering, and breaking in or out, under aggravating circumstances. [A/295-298] [5733]

408. If an offence under section 406 or 407 is committed while the offender is carrying a firearm or cutting weapon, he is liable to double the penalty prescribed for the offence.

Possession of instruments of housebreaking. [A/299 (2)] [5726]

409. A person who without proof of lawful excuse has in his possession any instrument of housebreaking is liable to imprisonment for three years.

Circumstances arousing suspicion of intention of housebreaking. [A/299 (1)] [5726]

410. A person found under any of the following circumstances is liable to imprisonment for five years:

- (1) being armed with any dangerous or offensive weapon or instrument with intent to break or enter a building and commit theft or a felony therein;
- (2) having in his possession any instrument of housebreaking with intent to commit theft or a felony;
- (3) having his face masked or blackened or being otherwise disguised, with intent to commit theft or a felony;
- (4) being in a building with intent to commit theft or a felony therein and having taken precautions to conceal his presence.

ARTICLE FIVE: STOLEN PROPERTY

Receiving property obtained by felony. [A/309] [5726]

411. A person who, by himself or by an agent, wilfully receives or, by himself or by an agent, either alone or jointly with another person, assumes the control or disposition of any thing, money, security or other property, knowing the same to have been stolen, procured by blackmail, obtained or disposed of in a manner which constitutes a felony, is liable to imprisonment for seven years:

Provided that he may be tried by the court competent to try the person who committed the felony and shall in that case be liable to the same punishment as the latter.

Receiving property obtained by misdemeanour. [A/310]

412. A person who, by himself or by an agent, receives or, either alone or jointly with another person, assumes the control or disposition of any thing, money, security or other property, knowing the same to

have been taken, obtained, converted or disposed of by a misdemeanour, is liable to the same punishment as the person who committed the misdemeanour.

413. A person who has in his possession any thing, money, security or other property reasonably suspected of having been stolen is liable to imprisonment for six months unless he establishes to the satisfaction of a court that he lawfully acquired possession thereof.

Possession of
suspect
property.
[A/311]

ARTICLE SIX: DECEIT, BLACKMAIL AND EXTORTION

414. In this article —

“thing” means immovable property and movable property and any right or interest;

“deceit” means a factual assertion concerning any past, present or future matter, made in writing, orally or by conduct, which the person making it knows to be untrue or does not believe to be true; and “deceive” means to induce a person by deceit to do or refrain from doing any act;

“document” means a written instrument and any other means, whether in writing or in any other form, capable of being used as evidence;

“forgery” means —

(1) the making of a document purporting to be what it is not, and likely to mislead;

(2) the alteration of a document — including the addition or deletion of any particular — made with intent to deceive or made without lawful authority and purporting to be made with lawful authority;

(3) the signing of a document with the name of a particular person without lawful authority or with a fictitious name and purporting to be signed by a particular person;

“cheque” has the same meaning as in the Bills of Exchange Ordinance¹ and includes a bill of exchange drawn on a cooperative credit society and payable on demand;

“banker” means the person on whom the cheque is drawn.

Definitions.
[H/1]

¹ *Dinei Medinat Yisrael (Nusach Chadash)* No. 2, p. 12; *NV* vol. I, p. 17.

- Obtaining thing by deceit.
[H/2]
415. A person who obtains a thing by deceit is liable to imprisonment for three years; if the offence is committed under aggravating circumstances, he is liable to imprisonment for five years.
- Trick.
[H/3]
416. A person who obtains a thing by a trick or by deliberately taking advantage of another person's error, such trick or taking advantage not amounting to deceit, is liable to imprisonment for two years.
- Witchcraft.
[H/4]
417. (a) A person who pretends to perform an act of witchcraft with intent to obtain any thing is liable to imprisonment for two years; if he obtains anything in return for or on the strength of the pretended act of witchcraft, he is liable to imprisonment for three years; for the purposes of this section, "witchcraft" includes magic and fortune-telling.
- (b) The provisions of subsection (a) shall not apply to magic or fortune-telling not exceeding the scope of amusement or entertainment, such amusement or entertainment being provided free of charge or for consideration consisting only of the price of admission to the place where it is held.
- Forgery.
[H/5]
418. A person who forges a document is liable to imprisonment for one year; a person who forges a document with intent to obtain any thing by means thereof is liable to imprisonment for three years; if the offence is committed under aggravating circumstances he is liable to imprisonment for five years.
- Forgery affecting transactions.
[H/6]
419. A person who with intent to deceive forges a document containing information about a person or body corporate is liable to imprisonment for three years; for this purpose, it is immaterial whether the person or body corporate exists or whether the body corporate was about to be established but has not been established.
- Use of forged document.
[H/7]
420. A person who submits or utters or otherwise uses a forged document, knowing it to be forged, shall be treated as if he had forged it.
- Forgery by public servant.
[H/8]
421. A public servant who forges a document with the making or keeping of which he is charged or to which he has access by virtue of his office is liable to imprisonment for three years with or without a fine; if he does so with intent to obtain any thing, he is liable to

imprisonment for five years with or without a fine; if he obtains any things by means of the forged document, he is liable to imprisonment for seven years with or without a fine.

422. A person who, by deceit, procures another to make or sign a document or to obtain the signature of some person or a seal to a document shall be treated as a forger and the document shall be treated as a forgery; a person who, by deceit, procures another to destroy a document and is likely thereby to cause that other to lose some thing shall be treated as a person who obtains a thing by deceit; these provisions shall not derogate from the provisions of any law relating to procuration.

Procuration by
deceit.
[H/9]

423. A founder, manager, member or official of a body corporate who with intent to deceive enters or causes to be entered a false particular in a document of the body corporate or with intent to deceive refrains from entering therein any particular which he is under a duty to enter shall be liable to imprisonment for five years. For the purposes of this section and of sections 424 and 425, "body corporate" includes a body corporate about to be established.

False entry in
documents of
body
corporate.
[J/9A]
[5730, 5735]

424. A director or a manager or other employee of a body corporate who —

(1) knowingly does anything, in respect of the business or property of the body corporate, which impairs the ability of the body corporate to meet its obligations is liable to imprisonment for five years or a fine of 100,000 pounds;

(2) knowingly does anything, in respect of the business of the body corporate, in such a manner as to impair the proper conduct of that business is liable to imprisonment for one year or a fine of 20,000 pounds.

Offences by
directors and
employees
of body
corporate.
[H/9B]
[5735]

425. A director or a manager or other employee, or a receiver, liquidator, provisional liquidator, property manager or special manager, of a body corporate who, in the discharge of his functions, commits deceit, or a breach of trust, harmful to the body corporate is liable to imprisonment for three years.

Deceit, and
breach of trust,
in body
corporate.
[H/9C]
[5735]

426. A person who with intent to deceive conceals or destroys or relinquishes any document or property is liable to imprisonment for three years.

Concealment
with intent to
deceive.
[H/10]

Blackmail with
use of force.
[H/11]
[5733]

427. (a) A person who unlawfully uses force to induce a person to do some act or to refrain from doing an act which he is permitted to do is liable to imprisonment for seven years or, if the use of force leads to the doing or omission of the act, nine years.

(b) For the purposes of this section, a person who administers drugs or intoxicating liquors shall be treated as a person using force.

Blackmail by
means of
threats.
[H/12]
[5733]

428. (a) A person who, in writing or by word of mouth, threatens a person with unlawful injury to his or another person's body, freedom, property, reputation or livelihood unless he does some act or refrains from doing an act which he is permitted to do is liable to imprisonment for three years or, if the act is done or omitted because of or at the time of the threat, nine years.

(b) For the purposes of this section, a person who writes, signs, prints, sends or brings a threatening letter knowing its contents shall be treated in like manner as the person making the threat.

Blackmail by
publication or
abstention from
publication.
[A/204]

429. (a) A person who publishes or threatens to publish any defamatory matter concerning another person, or directly or indirectly threatens to print or publish or directly or indirectly proposes to abstain from printing or publishing any matter or thing concerning another person, with intent to obtain any money or security for money or valuable thing from the other person or anyone else or with intent to induce the other person or anyone else to confer on or procure for someone any appointment or office of profit or trust is liable to imprisonment for three years.

Taking property
for the purpose
of blackmail.
[H/12A]
[5730]

430. A person who unlawfully takes the property of another to induce him to give something or to make or sign any document is liable to imprisonment for one year.

Extortion.
[H/13]

431. A person who, taking advantage of the distress, physical or mental weakness, inexperience or lightheadedness of another person, does one of the following is liable to imprisonment for one year:

- (1) demands or obtains a thing not legally due to him;
- (2) demands or obtains for any commodity or service a consideration unreasonably in excess of the usual consideration;
- (3) gives for any commodity or service a consideration unreasonably less than the usual consideration.

432. A person who draws a cheque knowing that on the date specified thereon the banker is not bound to pay it is liable to imprisonment for one year. Drawing of cheque without cover. [H/14]
433. (a) For the purposes of section 432, the drawer shall be presumed to have known that on the date specified on the cheque the banker was not bound to pay it if — Knowledge of lack of cover. [H/15]
- (1) the drawer had no account with the banker at that time; or
 - (2) the cheque was presented within sixty days from the day specified thereon as the date of drawing and the banker did not pay it, either because it had no cover or for some other reason, and the drawer did not pay the cheque within ten days from the day on which he was called upon to do so on behalf of the holder of the cheque; or
 - (3) after the cheque was made out, the drawer unlawfully did any act with intent to prevent payment of the cheque.
- (b) The provisions of subsection (a) shall not preclude other ways of proving that the drawer knew that on the day specified on the cheque as the date of drawing the banker was not bound to pay it.
434. It shall be a good defence for a person charged with an offence under section 432 to prove that on the day specified on the cheque as the date of drawing there were, in the circumstances of the case, reasonable grounds for assuming that the banker would be bound, with regard to the drawer, to pay the cheque. Defence. [H/16]
435. Criminal liability under section 432 shall not derogate from criminal liability under any other enactment. Saying of criminal liability under other laws. [H/17]
436. A person who contravenes section 415 or 416 or section 418, except the initial passage thereof, after being convicted of a previous offence thereunder is liable to imprisonment for seven years. Previous convictions. [H/18]
437. For the purposes of this article — Special cases. [H/19]
- (1) a person who orders any commodity or service at a restaurant, hotel or the like shall be deemed to assert that he has sufficient money to pay for that commodity or service;
 - (2) a person who pays by cheque shall be deemed to assert that from the date specified on the cheque to the last reasonable date

for its presentation for payment sufficient money to cover it is available, to the order of the deliverer of the cheque, at the bank on which it is drawn.

Obtaining and giving.
[H/20]

438. For the purposes of this article, a thing shall be considered to have been obtained whether or not the ownership thereof passed to the person who obtained it and whether it was obtained for or by the person who did the act or for or by another person; and a thing shall be considered to have been given whether it was given to the person who did the act or to another person.

ARTICLE SEVEN: FRAUD

Defrauding one's creditors.
[A/304]
[5723]

439. (a) A person who with intent to defraud one of his creditors makes or causes to be made any gift, delivery, transfer or charge of any of his property is liable to imprisonment for three years.

(b) A person who with intent to defraud his creditors sells or removes part of his property after, or within two months before, the date of any unsatisfied judgment or order for payment of money obtained against him is liable to imprisonment for three years.

Conspiracy to defraud.
[A/305]

440. A person who conspires with another to affect by deceit or any fraudulent means the market price of a thing publicly sold or to defraud the public or any person or to obtain property from any person by blackmail is liable to imprisonment for three years.

Personation.
[A/374]
[5726]

441. A person who with intent to defraud falsely represents himself to be some other person, living or dead, is liable to imprisonment for three years; if he represents himself as a person entitled by will or operation of law to any specific property and he does so to obtain such property or possession thereof, he is liable to imprisonment for five years.

False acknowledgment of liability.
[A/375]

442. A person who without proof of lawful authority or excuse makes in the name of another person, before a court or a person lawfully authorised in that behalf, an acknowledgment of liability or of any instrument is liable to imprisonment for three years.

Personation of holder of certificate.
[A/376]

443. A person who utters, and falsely represents himself to be the person named in, any certificate issued by lawful authority to another person and certifying that other person to be possessed of any qualifi-

cation recognised by law for any purpose, or to be the holder of any office, or to be entitled to exercise any profession, trade or business, or to be entitled to any right, privilege, rank or status is liable to the same punishment as if he had forged the certificate.

444. Where a person to whom a certificate has been issued by lawful authority, certifying him as specified in section 443, sells, gives or lends the certificate to another person with intent that that other person may represent himself to be the person named therein, he is liable to imprisonment for three years.

Passing on certificate for personation.
[A/377]

445. A person who, for the purpose of obtaining employment, utters a testimonial of character of another person is liable to imprisonment for one year.

Personation of holder of testimonial of character.
[A/378]

446. Where a person to whom a testimonial of character has been given, sells, gives or lends it to another person with intent that that other person may utter it for the purpose of obtaining employment, he is liable to imprisonment for three years.

Passing on testimonial of character.
[A/379]

ARTICLE EIGHT: TRESPASS

447. (a) A person who does one of the following with intent to intimidate, insult or annoy the person in possession of any property or to commit an offence is liable to imprisonment for two years:

Trespass with intent to commit offence.
[A/286]
[5733]

- (1) enters into or upon such property;
- (2) having lawfully entered, unlawfully remains there.

(b) If an offence under this section is committed while the offender is carrying a firearm or cutting weapon, he is liable to imprisonment for four years.

ARTICLE NINE: INJURY TO PROPERTY

448. A person who wilfully and unlawfully sets fire to one of the following is liable to imprisonment for fifteen years:

Arson.
[A/317, 319, 321]
[5726]

- (1) a building or structure, whether completed or not;
- (2) a vessel, whether completed or not;
- (3) a stack of cultivated vegetable produce or a store of mineral or vegetable fuel;

- (4) a mine or the workings, fittings or appliances of a mine;
- (5) a motor vehicle;
- (6) an aircraft;
- (7) a crop of cultivated vegetable produce, whether standing or cut;
- (8) standing trees, saplings or shrubs under cultivation;
- (9) any matter or thing being in, against or under a building, whether or not the building is set on fire.

Attempted
arson.
[A/318, 320,
322]

449. A person who does one of the following is liable to imprisonment for ten years:

- (1) attempts unlawfully to set fire to any of the things specified in section 448;
- (2) wilfully and unlawfully sets fire to a thing so situated that any of the things specified in section 448 (1) to (8) is likely to catch fire from it.

Casting away
vessel.
[A/323, 324]
[5726]

450. (a) A person who does one of the following is liable to imprisonment for fifteen years:

- (1) wilfully and unlawfully casts away or destroys a vessel whether completed or not;
- (2) wilfully and unlawfully does an act which tends to the immediate loss or destruction of a vessel in distress;
- (3) with intent to bring a vessel into danger, interferes with any light, beacon, buoy, mark or signal used for navigation, or exhibits any false light or signal.

(b) A person who attempts unlawfully to do an act referred to in subsection (a) (1) or (2) is liable to imprisonment for ten years.

Injury to animal.
[A/325]
[5726]

451. A person who wilfully and unlawfully kills, injures, wounds or administers poison to an animal capable of being stolen is liable to imprisonment for three years.

Malicious
injury.
[A/326 (1)]

452. A person who wilfully and unlawfully destroys or damages any property is liable to imprisonment for three years unless another punishment has been prescribed.

Injury in
special cases.
[A/326 (2)]
[5726]

453. A person who commits an offence under section 452 in respect of a well or bore for water or the dam, bank, wall or floodgate of a pool or mill-pond or any trees under cultivation, or a bridge, water carrier or water reservoir, is liable to imprisonment for five years.

454. Where a person commits an offence under section 452 in respect of a dwelling house or a vessel by means of an explosive and there is a person in the house or vessel or the destruction or damage actually endangers human life, the offender is liable to imprisonment for fifteen years. Injury by explosive. [A/326 (3)] [5726]
455. A person who commits an offence under section 452 in respect of a testamentary instrument, whether the testator is living or dead, or a record which is authorised or required by law to be kept for authenticating or recording the title to any property, or for recording births, baptisms, marriages, deaths or burials, or a copy of any part of any such register which is required by law to be sent to a public office, is liable to imprisonment for five years. Injury to will or register. [A/326 (4)]
456. A person who unlawfully and with intent to destroy or damage any property puts any explosive in any place whatever is liable to imprisonment for fifteen years. Attempt to destroy property by explosive. [A/327] [5726]
457. A person who wilfully and unlawfully causes an infectious disease to be communicated to an animal capable of being stolen is liable to imprisonment for five years. Communicating infectious diseases to animals. [A/328]
458. A person who wilfully, unlawfully and with intent to defraud removes or defaces any object or mark lawfully put up to indicate the boundary of any land is liable to imprisonment for three years. Interference with boundary mark with intent to defraud. [A/329]
459. (a) A person who does one of the following is liable to imprisonment for three months: Interference with certain marks. [A/330]
- (1) wilfully removes, defaces or injures a survey mark or boundary mark put up by or under the direction of a Government Ministry or for the purposes of a Government survey;
 - (2) being under an obligation to maintain in repair a boundary mark put up as aforesaid, omits or refuses to repair the same;
 - (3) wilfully removes or defaces a mark put up by an intending applicant for any lease, licence or other right under any law relating to mines or minerals.
- (b) In the case of an offence under this section, the court may also order the offender to pay the cost of repairing or replacing the survey mark or boundary mark and of making any survey rendered necessary by his act or omission.

Threat to burn
or destroy.
[A/331]
[5714, 5726]

460. A person who, knowing the contents thereof, sends, delivers, utters or directly or indirectly causes to be received, a letter or note threatening to burn or destroy any house, barn or other building, or any agricultural produce, or any vessel, motor vehicle or aircraft, or to kill or injure any animal is liable to imprisonment for three years.

CHAPTER TWELVE: FORGERY OF MONEY AND STAMPS

ARTICLE ONE: BANK NOTES

Definition.
[A/348]
[5725]

461. For the purposes of this article, "bank note" means any note or bill of exchange issued by a bank in Israel, including the Bank of Israel, or by a person or body corporate carrying on the business of banking in any part of the world, and a bank note, a blank bill of exchange and any currency note which are legal tender in Israel or in the country in which they were issued.

Forgery of
bank note.
[A/349]
[5726]

462. A person who does one of the following is liable to imprisonment for seven years:

(1) with intent to defraud, forges or alters a bank note or utters a note purporting to be a bank note knowing it to be forged or altered;

(2) without proof of lawful authority or excuse, brings or receives from outside Israel or acquires or receives in Israel or has in his possession or custody a note purporting to be a bank note knowing it to be forged or altered.

Imitation of
bank notes.
[A/350]
[5726]

463. (a) A person who makes or causes to be made or uses for any purpose whatsoever or utters a document purporting to be or in any way resembling, or so nearly resembling as to be calculated to deceive, a bank note or part thereof is liable to imprisonment for three months; and the court shall order the document and any copies thereof and any instrument or other thing in his possession used or capable of being used for printing or reproducing any such document to be forfeited.

(b) Where a person whose name is on a document the making of which is an offence under this section, knowing the name and address of the person by whom it was printed or made, refuses to

disclose them to a police officer, he is liable to imprisonment for three months.

(c) Where the name of a person appears on a document in respect of which a person is charged with an offence under this section or on any other document used or uttered in connection with that document, it shall be *prima facie* evidence that he caused that document to be made.

464. A person who without proof of lawful authority or excuse does one of the following shall be liable to imprisonment for five years:

(1) makes, sells, exposes for sale, uses or knowingly has in his custody or possession any paper resembling and likely to pass as special paper used for making bank notes;

(2) makes, uses or knowingly has in his custody or possession any frame, mould or instrument for making any such paper as referred to in paragraph (1) or for producing on or in such paper any words, figures, device or distinctive mark peculiar to and appearing in such paper;

(3) by any art or contrivance causes any such words, device or distinctive mark as referred to in paragraph (2) or as are intended to resemble and likely to pass for the same to appear visibly in the substance of any paper;

(4) engraves or otherwise makes on a plate or on any material a note purporting to be a bank note or part thereof or a name, word, number, figure, device, character or ornament resembling, or apparently intended to resemble, a signature to a bank note;

(5) uses or knowingly has in his custody or possession any plate, material, instrument or device referred to in his session for the making or printing of bank notes;

(6) knowingly utters or has in his custody or possession any paper on which an impression of any such matter as aforesaid has been impressed or printed.

Possession of material for forging bank notes.
[A/351]

465. A person who issues a bank note without lawful authority is liable to imprisonment for five years.

Unlawful issue of bank note.
[A/352]

466. A person who wilfully defaces, tears, cuts or otherwise mutilates a currency note which is legal tender in Israel is liable to imprisonment for three months.

Mutilating currency note.
[A/353] [5725]

Imitation of
currency notes.
[A/353A]
[5725]

467. A person who makes or utters any thing, not being a currency note, which is essentially similar to a currency note being legal tender in Israel is liable to a fine of 500 pounds.

Forfeiture of
forged bank
notes.
[A/354 (J)]
[1945, 5725]

468. The court shall order a forged or counterfeit bank note, and any thing referred to in section 467 found in the possession of a person convicted of making or uttering it to be forfeited without compensation to the holder thereof, and upon being forfeited it shall be destroyed or otherwise disposed of, as the Minister of Justice may direct.

Search for and
forfeiture of
counterfeiting
equipment.
[A/354 (2)]
[1945]

469. (a) A Judge of a Magistrates' Court may issue a search warrant if, on the strength of an affidavit, he considers that there is reasonable cause to believe that a person has, or has had, any of the following in his custody or possession without lawful authority or excuse:

- (1) a forged or counterfeit bank note;
- (2) an implement for making paper or an imitation of paper used for bank notes;
- (3) material having on it any words, forms, devices or characters capable of producing or intended to produce the impression of a bank note.

(b) If anything searched for is found, it shall be seized and forfeited by order of the court which tries the offender or, where there is no trial, by order of a Judge of a Magistrates' Court and upon being forfeited shall be destroyed or otherwise disposed of, as the Minister of Justice may direct.

ARTICLE TWO: COIN

Definitions.
[A/355]

470. In this article:

"coin" means metal coin of any kind and denomination lawfully current in Israel or in any other state;

"metal" includes any mixture or alloy of metals;

"counterfeit coin" means coin not genuine but resembling or apparently intended to resemble or pass for genuine coin, and includes genuine coin which has been altered so as to resemble or to be apparently intended to resemble or pass for coin of a higher denomination, and also genuine coin which has been clipped or filed or the size or weight of which has been otherwise diminished and which has been altered so as to conceal such clipping,

filing or diminution; and it shall be immaterial whether the coin is or is not in a fit state to be uttered and whether the process of alteration is or is not complete;

“precious coin” means gold or silver coin;

“base coin” means coin other than precious coin;

“gild” and “silver”, applied to coin, include producing the appearance of gold or silver by any other means;

“manufacture” means make or mend or begin or prepare to make or mend;

“tool” includes a machine.

471. A person who makes or begins to make a counterfeit precious coin is liable to imprisonment for seven years.

Counterfeiting
precious coin.
[A/356]
[5726]

472. A person who gilds or silvers a piece of metal of appropriate size or form to be coined, with intent that it shall be coined into a counterfeit precious coin, or who brings a piece of metal into appropriate size and form to facilitate the coining from it of a coin as aforesaid, with intent that shall be coined, is liable to imprisonment for seven years.

Preparation of
metal for
counterfeiting
precious coin.
[A/357 (a), (b)]
[5726]

473. A person who without proof of lawful authority or excuse does one of the following is liable to imprisonment for seven years:

Preparation of
tools for
counterfeiting
precious coin.
[A/357 (c) (3),
(4), (5)]
[5726]

(1) manufactures or has in his possession or disposes of a stamp or mould adapted to make the resemblance of both or either of the sides of a precious coin or of part of either side thereof, knowing it to be so adapted;

(2) manufactures or has in his possession or disposes of a tool adapted or intended to be used for marking coin round the edges with marks or figures apparently resembling those on the edges of a precious coin, knowing it to be so adapted or intended;

(3) manufactures or has in his possession or disposes of a press for coinage, or a tool adapted for cutting round blanks out of gold, silver or other metal, knowing it to have been used or to be intended to be used for making any counterfeit precious coin.

474. A person who deals with a precious coin in such a manner as to diminish its weight with intent that, after being so dealt with, it may pass as precious coin, or who unlawfully has in his possession or disposes of any filings or clippings of gold or silver, or any gold or silver in bullion, dust, solution or any other state, obtained by

Clipping of
precious coin.
[A/358]
[5726]

dealing with precious metal coin in the manner aforesaid, knowing the same to have been so obtained, is liable to imprisonment for seven years.

Trade in counterfeit precious coin.
[A/357 (c) (1)]
[5726]

475. A person who without proof of lawful authority or excuse buys, sells, receives, pays or disposes of any counterfeit precious coin at a lower rate than it imports or is apparently intended to import or offers to do any such thing, is liable to imprisonment for seven years.

Bringing counterfeit precious coin.
[A/357 (c) (2)]

476. A person who without proof of lawful authority or excuse brings or receives into Israel any counterfeit precious coin, knowing it to be counterfeit, is liable to imprisonment for seven years.

Counterfeit base coin.
[A/362]

477. A person who does one of the following is liable to imprisonment for seven years:

- (1) makes or begins to make any counterfeit base coin;
- (2) without proof of lawful authority or excuse knowingly manufactures or has in his possession or disposes of a tool adapted or intended for making any counterfeit base coin;
- (3) buys, sells, receives, pays or disposes of any counterfeit base coin at a lower rate than it imports or was apparently intended to import, or offers to do any such act.

Removal of tools and materials from mint of the State.
[A/357 (c) (6)]
[5726]

478. A person who without proof of lawful authority or excuse knowingly removes from a mint of the State any stamp, mould, tool or press or any serviceable part of any such thing, or any coin, bullion or metal, is liable to imprisonment for seven years.

Uttering counterfeit coin.
[A/359, 360, 363]

479. A person who does one of the following is liable to imprisonment for three years:

- (1) knowingly utters any counterfeit coin;
- (2) knowingly has in his possession three or more pieces of counterfeit coin with intent to utter any of them.

Defacing coin.
[A/364]

480. A person who defaces any coin by stamping thereon any name or word is liable to imprisonment for one year.

Uttering substitute coin.
[A/365]
[5726]

481. A person who with intent to defraud utters one of the following as precious coin is liable to imprisonment for three years:

- (1) any coin which is not a coin within the meaning of this article;

(2) any metal, whether a coin or not, which is of less value than the coin as which it is uttered.

482. A person who without proof of lawful authority or excuse knowingly exports, or places in a vessel or vehicle for the purpose of export, any counterfeit coin is liable to imprisonment for three years.

Exporting counterfeit coin.
[A/366]
[5726]

483. (a) A Judge of a Magistrates' Court may issue a search warrant if, on the strength of an affidavit, he considers that there is reasonable cause to believe that a person has, or has had, one of the following in his custody or possession without lawful authority or excuse:

Search for and forfeiture of counterfeit coin.
[A/368]

- (1) any counterfeit coin;
- (2) a tool adapted or intended for the counterfeiting of coin;
- (3) any gold or silver bullion or any filings, clippings, dust or solution, or gold or silver in any other form, produced or obtained by diminishing or lightening any precious coin.

(b) If anything searched for is found, it shall be seized and forfeited by order of the court before which the offender is tried or, where there is no trial, by order of a Judge of a Magistrates' Court.

484. A State employee or bank manager who receives any coin he has reasonable grounds for believing to be counterfeit shall seize it and shall forthwith deliver it to a police-station, and the police, after taking such action and making such investigation with regard thereto as they deem expedient, shall transmit it to the Minister of Finance. If the Minister decides that the coin is counterfeit, he may cut, deface or destroy it, with or without compensation, and his action shall be final and conclusive.

Power to seize counterfeit coin.
[A/369]
[1939]

ARTICLE THREE: STAMPS

485. In this article, "manufacture" means make or mend, begin to make, mend or use, or prepare to make or mend.

Definitions.

486. A person who without proof of lawful authority or excuse does one of the following is liable to imprisonment for seven years:

- (1) knowingly has in his possession or disposes of or manufactures or prepares for use any die or other tool capable of making an impression resembling that made by any such tool in printing or impressing adhesive or impressed revenue stamps or postage

Manufacture of tool for making stamps.
[A/371]

stamps used for the purposes of the State of Israel or of a foreign state or capable of producing any words, figures, letters, marks or lines resembling those appearing on paper specially provided by the proper authority for any of the said purposes;

(2) knowingly has in his possession or disposes of any paper or other material which has on it the impression of any such die or tool as referred to in paragraph (1) or any paper which has on it any such words, figures, letters, marks or lines as therein referred to.

Making or preparing to make imitation postage stamps.
[A/372]

487. (a) A person who without proof of lawful authority or excuse does one of the following is liable to imprisonment for one year:

(1) makes or begins or prepares to make or uses for any postal purpose or has in his possession or disposes of any imitation or representation, on paper or any other material, of any stamp used as a postage stamp in the State of Israel or a foreign state;

(2) manufactures or has in his possession or disposes of any tool or material for making any imitation or representation referred to in paragraph (1).

(b) Any such thing as mentioned in subsection (a) found in the possession of the offender shall be forfeited.

(c) For the purposes of this section, a stamp denoting a rate of postage of any country shall, pending proof of the contrary, be taken to be a stamp used for postal purposes in that country.

Tool for making seals.
[A/373]

488. A person who does one of the following without proof of lawful authority or excuse is liable to imprisonment for one year:

(1) knowingly has in his possession or disposes of or manufactures a tool capable of making an impression resembling that made by a tool used for making any impressed or adhesive seal employed for the purposes of the public service or of a person duly authorised so to employ it or capable of producing on paper any words, figures, letters, marks or lines resembling those appearing on paper specially provided by the proper authority for any of the said purposes;

(2) knowingly has in his possession or disposes of any paper or other material which has on it the impression of any tool referred to in paragraph (1) or any paper which has on it any words, figures, letters, marks or lines referred to in that paragraph.

CHAPTER THIRTEEN: MINOR OFFENCES

489. A person refusing to take at its face value any coin or note which is legal tender in Israel is liable to imprisonment for three months.

Refusal to
accept currency
at face value.
[A/370] [5726]

490. A person who without lawful cause does one of the following is liable to imprisonment for one month and, in the case of paragraph (1), (4), (5) or (9), is liable also to pay the cost of removing the obstruction or repairing the damage:

Street offences.
[A/380]

(1) obstructs the free passage on a public way by depositing or leaving anything thereon or placing or permitting anything to be placed so as to project over it and interfere with the safety or freedom of passage thereon or by digging excavations therein or in any other manner encroaches thereon;

(2) having lawfully made excavations in or constructions on or deposited anything on a public way, fails to place a lamp or light upon any heap of earth, stones or other material or any channel, drain or excavation or otherwise to protect or warn passers-by;

(3) extinguishes a lamp or lantern used for lighting a public way or removes or extinguishes a light placed to indicate an excavation or anything else on a public way;

(4) places or leaves on a public way any filth, sweepings, refuse or any other offensive matter or thing;

(5) puts any refuse or other things on a public way in such manner as to cause injury or inconvenience to a passer-by;

(6) leaves or fastens an animal in such a manner as to cause obstruction in a public way or allows any animal used for draught, burden or riding to stray on a public way or allows a vehicle to be in a public way in such manner as to cause obstruction longer than is necessary for loading or unloading or the taking up and setting down of passengers;

(7) fails to repair or demolish a building or structure which is in a dangerous or ruinous state when ordered in writing so to do by the local authority;

(8) fails to clean or repair any furnace or chimney of a house, workshop or factory;

(9) discharges a firearm within the limits of any town or other inhabited locality or lets off a firework in a public way where it is liable to cause damage or inconvenience;

(10) makes any noise or uproar disturbing the tranquillity of the public.

Refusal to lend assistance.
[A/281]
[5726]

491. A person who refuses to lend assistance within his power when required to do so by a public servant in a case of flagrant crime or of shipwreck, fire, inundation, earthquake or any other public calamity is liable to imprisonment for one month.

Offences by hotel keepers.
[A/383]
[5726]

492. A hotel keeper or lodging house keeper who fails to exhibit a lantern or light on his premises at night in accordance with regulations in force at the time or to keep a register of persons staying or lodging or to produce such register to a police officer for inspection on demand is liable to imprisonment for one month.

Cultivation of land adjacent to public way.
[A/384]
[5726]

493. A person who without authority sows, plants or cultivates land lying within seventy-five centimetres from the outer edge of a public way is liable to imprisonment for one month. For the purposes of this section, a public way is deemed to extend to the outer edge of any channel or gutter or the foot of any embankment.

Entry upon agricultural area.
[A/385, 385]
[1944, 5728]

494. (a) A person who without proof of lawful authority or excuse, does one of the following shall be liable to imprisonment for three months:

(1) enters upon or is in a garden, or on land sown or prepared for sowing or on which a crop, or grass sown for pasture, is standing;

(2) causes an animal, or suffers an animal of which he is the owner or is in charge, to enter upon or be in a garden, or on land, referred to in paragraph (1) or on land which has been cultivated during the twelve months prior to the entry.

(b) Where an animal enters upon land prepared for crops or on which there are crops and causes damage to that land, to the crops or to anything provided for the purposes of the crops, or where an animal enters an area kept for pasture and pastures therein, the owner or keeper of the animal shall be liable to imprisonment for one month unless he proves to the satisfaction of the court that he took reasonable steps to prevent such entry as aforesaid.

Cruelty to animals.
[A/386]
[5726]

495. (a) A person who does one of the following is liable to imprisonment for one month:

(1) cruelly beats, or overloads, tortures or otherwise ill-treats

a tame or domestic animal or a wild animal which has been deprived of its liberty, or causes or, being the owner, permits an animal to be so treated;

(2) willfully works an animal which by reason of age, sickness, wounds or infirmity is not fit to work, or causes or, being the owner, permits any such animal to be so worked;

(3) confines, ties up, carries or conveys an animal in such a way as to cause it unnecessary suffering or, being the owner, permits such suffering to be caused.

(b) An animal in respect of which an offence is committed under this section may be seized and detained and taken to an authorised veterinary hospital by a police officer or any authorised person. It shall be lawful for the person in charge of such hospital to detain the animal until it is fit to work or, upon a certificate of a Government veterinarian or licensed veterinarian, to destroy it. The cost of feeding and treating the animal shall be recoverable from the owner thereof, and in default of payment the animal may be sold by order of the court. Where an animal is destroyed upon a certificate as aforesaid, no compensation shall be payable.

(c) For the purposes of this section, "animal" includes any bird, fish or reptile.

496. A person who, having been entrusted with secret information, other than an official secret within the meaning of Article Five of Chapter Seven, by reason of his profession or occupation, discloses it without being by law required to do so is liable to imprisonment for six months.

Disclosure of
professional
secret.
[A/387]
[5726]

CHAPTER FOURTEEN:

PREPARATORY OFFENCES AND CONSPIRACY

497. A person who makes or knowingly has in his possession an explosive substance, or a dangerous or noxious engine, instrument or thing whatever with intent by means thereof to commit or to enable another by means thereof to commit a felony or misdemeanour is liable to imprisonment for three years.

Preparation to
commit offence
with dangerous
substances.
[A/32]

Providing means
for commission
of felony.
[A/53A]
[5733]

498. (a) A person who gives to another any instruments, materials, money, information or any other means, knowing that the same may directly or indirectly be used for the commission or to facilitate the commission of a felony, is liable to imprisonment for three years.

(b) For the purposes of this section, it is immaterial whether the thing is given permanently or temporarily, for a consideration or without consideration and whether or not a felony is committed.

(c) The provisions of this section shall be in addition to, and not in derogation of, the other provisions of this Chapter and the provisions of Chapters Four and Five and sections 260 to 262.

Conspiracy to
commit a
felony or
misdemeanour.
[A/34, 35]

499. A person who conspires with another to commit a felony or misdemeanour or to do any act in a place outside Israel which if done in Israel would be a felony or misdemeanour and which is an offence under the laws of that place is liable —

(1) if the offence is a felony, to imprisonment for seven years or to the punishment prescribed for that offence, whichever is the lighter punishment;

(2) if the offence is a misdemeanour, to imprisonment for two years or to the punishment prescribed for that offence, whichever is the lighter punishment.

Conspiracy to
commit other
acts.
[A/36]

500. A person who conspires with another for one of the following purposes is liable to imprisonment for two years:

(1) to prevent or defeat the execution or enforcement of a law;

(2) to cause injury to the body or reputation of a person;

(3) to depreciate the value of the property of a person;

(4) to prevent or obstruct the free and lawful disposition of any property by the owner thereof at its fair value;

(5) to injure a person in his vocation or profession;

(6) to prevent or obstruct, by means of an act which if done by an individual person would constitute an offence, the free and lawful exercise by a person of his vocation, profession or occupation;

(7) to effect an unlawful purpose;

(8) to effect a lawful purpose by unlawful means.

CHAPTER FIFTEEN:
MISCELLANEOUS PROVISIONS

501. A District Court which tries an offence under one of sections 144, 333 in the circumstances described in section 335, 347 (b), 350 (a) (2) or (3), 354 (b), 402 (a), 404 to 408 and 414 to 438 may do so by a single Judge unless the President of the District Court otherwise directs.

Power to try
by single Judge.
[A/66A (D),
H/20A]
[5732, 5733]

502. (a) Where a person is convicted under section 189 or 447 and it appears to the court that by the act constituting the offence a person has been dispossessed of any immovable property, the court may make order for the ejection of the offender from such property and/or an order for possession of such property to be restored to the person dispossessed or to be given to some other person appearing to the court to be entitled thereto. An order as aforesaid shall be enforceable in the same manner as a judgment given in a civil proceeding.

Order with
respect to
possession of
immovable
property.
[A/388A]
[1946]

(b) For the purposes of subsection (a) —

(1) the finding that under section 19 a person does not bear criminal responsibility by reason of insanity or a defect in his mental faculties shall be deemed to be a conviction;

(2) no appeal shall lie from an order save incidentally to, and in conjunction with, an appeal against the conviction, if any, and it shall be heard by the court which hears the appeal against the conviction, and no appeal shall lie against a refusal to make an order;

(3) the filing of appeal against an order shall not stay the execution thereof unless the court appealed from or the appellate court otherwise directs; an application for a stay of execution of the order shall in the first instance be made to the court appealed from;

(4) an order shall not prejudice any right to or interest in the immovable property concerned which is capable of realisation by a civil action.

503. (a) Where a person having the custody of a child under the age of sixteen years is convicted of or committed for trial for an offence under Article Eight or Ten of Chapter Eight or Article Two, Five or Six of Chapter Ten or under section 2 of the Marriage Age Law,

Custody of
child whose
guardian is
convicted or
charged.
[A/389]

5710-1950, in respect of such child, the court convicting the offender or before which he is committed for trial may, if it considers it expedient, order that the child be committed to the custody of a relative or of some other fit person or institution named in the order and consenting, to the satisfaction of the court, to undertake such custody until the child attains the age of sixteen years or for a shorter period. In making such order, the court shall have regard to the religion of the parents of the child.

(b) If the child has a parent or legal guardian, an order under subsection (a) shall only be made if such parent or guardian has been convicted of or committed for trial for an offence under the provisions referred to in subsection (a) or has been proved to the satisfaction of the court making the order to have been a party or privy to the offence or cannot be found.

(c) If the person concerned is acquitted of the charge by reason of which the order was made or if the charge is dismissed for want of prosecution, the order shall forthwith be void, except with regard to what has been lawfully done thereunder.

(d) For the purposes of the Youth (Care and Supervision) Law, 5720-1960¹, an order under this section shall be treated like a decision under the said Law. Where it appears to the court that the making of an order under this section will bear delay, it shall refer the matter to the court competent under that Law.

Commencement. 504. This Version shall come into force on the 24th Adar Bet, 5738 (2nd April, 1978).

SCHEDULE (Section 6)

The World Zionist Organisation.
The Jewish Agency for Israel.
The Keren Kayemet Le-Israel.
Keren Haycsod — United Israel Appeal.
An inspected body, within the meaning of the State Comptroller Law (Consolidated Version), 5718-1958.

MENAHEM BEGIN
Prime Minister

¹ *Sefer Ha-Chukkim* of 5720, p. 52; *LSI* vol. XIV, p. 44.

