

AN ACT

*Of the Parliament of the Bayer Free State
Reference code ACT_2022_00003*

Be it enacted by this Parliament, That, this legislation shall be cited as the “2022 Criminal Act”.

Part I. General Provisions

Article 1. Criminality and Punishability

Section 1

The criminality and punishability of an act shall be determined by the law in effect at the time of the commission of that act.

Section 2

When a law is changed after the commission of a crime, such act thereby no longer constitutes a crime under the new law, or the punishment therefore under the new law becomes less severe than under the previous law, the new law shall apply.

Section 3

When a law is changed after the sentence for a crime committed under the previous law has become final and such act thereby no longer constitutes a crime, the execution of the punishment shall be remitted.

Article 2. Scope

Section 1

This Act shall apply to all persons committing crimes within the Bayer Free State.

Section 2

This Act shall apply to any persons committing the following crimes in direct messages where at least one person residing in the Bayer Free State is present with at least one party giving consent to the State, and the State or any facility of the State was utilized

to establish contact with that party, or any other use through which the crime was made possible.

Section 3

This Act shall apply to any person remaining on Bayer embassy grounds outside of the Bayer Free State.

Section 4

This Act shall apply to any person outside of the Bayer Free State that poses a significant threat to the safety and order of the State and its population, or during extraordinary circumstances in which the Bayer Free State has jurisdiction over.

Article 3. Application of General Provisions

The general provisions of this Act shall apply to other Acts providing statutes concerning crimes, unless stated otherwise by such Acts.

Article 4. Mitigation of Punishment for Juveniles

Punishments for a person classified as a juvenile may be mitigated when considered proper by the court.

Article 5. Punishment of Alternative Accounts

Punishments imposed on both the main shall be imposed on alternative accounts of a person committing crimes.

Article 6. Preventive Acts

Section 1

An act which is performed in order to prevent impending and unjust infringement of one's own or another person's legal interest shall not be punishable if there are reasonable grounds for that act.

Section 2

When a preventive act has exceeded normal limits, the punishment may be mitigated or remitted according to the extenuating circumstances.

Section 3

In the case of the preceding section, an act performed through fear, surprise, excitement, or confusion in the night or under other extraordinary circumstances shall not be punishable.

Article 7. Attempted Crimes

Section 1

When an intended crime is not completed or if the intended result does not occur, it shall be punishable as an attempted crime.

Section 2

When a conspiracy or the preparatory action for a crime has not reached the commencement stage for the commission of the crime, it shall be punishable as a conspiracy to commit such crime.

Section 3

When a person is convicted of a crime for which that person has previously been convicted, that person shall be punished as a habitual offender.

Section 4

A person committing attempted crimes and conspiracy to commit crimes shall be punished as provided in the Articles providing for the intended crimes. Punishments in this case may be mitigated or remitted.

Section 5

Punishments for a habitual offender may be increased depending on the severity and the frequency of the crimes.

Article 8. Instigation of Crimes

For a person who instigates another to commit a crime, the same punishment shall be applied to the instigator as one who actually commits the crime.

Article 9. Punishment

Section 1

One, multiple, or all of the following may be legally used by the State as punishments for offenders of this Act:

- (a) Warning: A written warning may be issued and shall expire after 30 days since the issuing date.
- (b) Mute: A guilty person may be deprived of the right to talk in the Bayer Free State for no more than 30 days.
- (c) Kick: A guilty person may be forcibly removed from the Bayer Free State or any of its possession.
- (d) Ban: A guilty person may be forcibly removed from, and denied entry into the Bayer Free State or any of its possession for not for more than 180 days.
- (e) Refusal of entry: A guilty person outside of the Bayer Free State may be denied entry into the Bayer Free State or any of its possession for no more than 180 days.
- (f) Deprivation of qualifications: A guilty person may be deprived of the right to become an officer holding public offices of the Bayer Free State for no more than 1 year.
- (g) Suspension of qualifications: A guilty person holding public offices may be forcibly removed from such offices.

Section 2

The citizenship of a person shall be revoked if that person is banned from or denied entry into the Bayer Free State.

Section 3

A guilty person shall be deprived of qualifications to hold public offices of the Bayer Free State as defined in Section 1 Clause (f) of this Article if any punishment provided by Article 9, Section 1, Clauses from (a) to (e) is applied to that person, and the duration of the deprivation shall be equal to the term of the applied punishments.

Section 4

Punishments for a guilty person outside of the Bayer Free State shall be changed to refusal of entry as described by Section 1 Clause (e) of this Article.

Section 5

Whenever deemed proper and necessary by the court, upon the request of the Government, a person sentenced to ban or refusal of entry, at the end of their sentence, may be additionally sentenced for a period of no more than 90 days for as many times as the court deems necessary.

Section 6

A sentence imposed on a person by a court may be suspended in return for certain conditions and restrictions imposed, and that sentence shall be applied if the conditions and restrictions imposed are violated.

Article 10. Determination of Punishment

In determining punishment, the following shall be taken into consideration:

- The age, character, conduct, and intelligence of the offender;
- Offender's relation to the victim;
- The motive for the commission of the crime, the means and the result; and
- Circumstances after the commission of the crime.

Article 11. Mitigation or Remission of a Sentence for Cooperation

When voluntary confession is made which aids the investigation of the crime, the punishment may be mitigated or remitted.

Part II. Individual Provisions

Article 12. Harassment

Section 1

A person shall be guilty of harassment if that person publishes, displays, or issues abusive or threatening speech, writing, or other forms of media that expresses or encourages prejudice, insult, violence, suicide, or hatred against a particular individual; emphasizes on facts or truths that may cause distress to an individual; or builds up the context of a conversation in a way that may cause discomfort towards an individual.

Section 2

Harassment may be committed against an individual on the basis of sex, gender identity, sexual orientation, race, colour, language, religion, political or other opinion,

national or social origin, association with a national minority, property, birth, physical or mental ability, or other status.

Section 3

A person shall not be guilty of harassment if the content communicated was not intended to cause harm to any individuals.

Section 4

A person guilty of harassment shall be issued a warning, kicked, muted, or banned from the State.

Article 13. Infringement of Privacy

Section 1

A person shall be guilty of infringement of privacy if that person:

- intrudes, physically, electronically, or otherwise, upon the private space, solitude, or seclusion of a person, or the private affairs or concerns of a person, by use of the perpetrator's physical senses or by electronic device or devices to oversee or overhear the person's private affairs, or by some other form of investigation, examination, or observation intrude upon a person's private matters if the intrusion would be highly offensive to a reasonable person;
- publishes or widely disseminates little-known, private facts that are non-newsworthy, not part of public records, public proceedings, not of public interest, and would be offensive to a reasonable person if made public.
- publishes false information about an individual with the intent of causing harm to or creating false public perception of that individual.

Section 2

Acts which constitute infringement of privacy may include, but not limited to:

- publishing an individual's private phone number, email address, IP address, password or other contact information without prior consent;
- publishing an individual's real name or face without prior consent;
- obtaining private information without an individual's consent or knowledge; or
- publishing an individual's private messages or other communication without prior consent.

Section 3

A person shall not be guilty of infringement of privacy if that person discloses to law enforcement or a court of law an individual's private information that, with plausible reasons, is believed to be of important use for the investigation of a possible crime.

Section 4

A person guilty of infringement of privacy shall be issued a warning, kicked, muted, or banned from the State.

Article 14. Impersonation

Section 1

A person shall be guilty of impersonation if that person pretends to be a different individual or a group of individuals by creating a new account or by altering an existing account for the purpose of committing fraudulent or malicious acts.

Section 2

A person shall be guilty of impersonation of a public official if that person impersonates an individual who holds offices of the Bayer Free State. Additional punishments for impersonation of a public official shall be applied.

Section 3

A person shall be guilty of impersonation for evading enforcement or evading prosecution if that person pretends to be a different individual to evade legislation, court orders, or punishments, or to hinder the prosecution of that individual or any other individual.

Section 4

A person guilty of impersonation shall be issued a warning, kicked, muted, or banned from the State.

Section 5

If an alternative account is used in commissioning the crime of impersonation, that account shall be banned indefinitely.

Article 15. Spamming

Section 1

A person shall be guilty of spamming when that person indiscriminately and unreasonably sends the same or nearly the same message multiple times within a short period of time with the intention of causing annoyance, disruption, unnecessary attention, or inconvenience without reasonable cause.

Section 2

A person shall not be guilty of spamming if the act is conducted in a channel designated for spamming.

Section 3

A person guilty of spamming shall be issued a warning, or muted for not more than 15 days.

Article 16. Unnecessary Ping

Section 1

A person shall be guilty of unnecessary ping when that person mentions an individual, a group of individuals, a role, everyone, or here, with the intention of causing annoyance, disruption, unnecessary attention, or inconvenience without reasonable cause.

Section 2

A person shall not be guilty of unnecessary ping if the act is proven to be accidental.

Section 3

A person guilty of unnecessary ping shall be issued a warning, or muted for not more than 15 days.

Article 17. Obscenity

Section 1

All obscene content, which includes content which contains nudity, intense sexuality, extreme violence, or other potentially disturbing subject matter, in any formats shall be

prohibited from knowingly being posted in all channels except the designated channels for obscene content.

Section 2

Accidental posting of obscene content shall be exempt from prosecution.

Section 3

The posting of obscene content for non-inappropriate purposes shall be allowed, in which case the obscene content must be marked as spoiler or a warning must be posted beforehand.

Section 4

Content containing inappropriate language which does not imply the aforementioned subject matter shall be excluded.

Section 5

A person guilty of posting obscene content shall be issued a warning, kicked, or banned for no more than 120 days from the State, or for no more than 180 days if the crime was committed against a juvenile.

Article 18. Treason

Section 1

A person bearing Bayer Free State citizenship shall be guilty of treason if that person wages an act of aggression against the Bayer Free State, or collaborates with the enemies of the Bayer Free State within the State or somewhere else.

Section 2

A person guilty of treason shall be kicked, or banned from the State.

Article 19. Insurrection

Section 1

A person shall be guilty of insurrection if that person incites, assists, or engages in any rebellion against the authority of the Bayer Free State, its Constitution, or its laws.

Section 2

A person guilty of insurrection shall be kicked, muted, or banned from the State.

Article 20. Abuse of Power

Section 1

A person holding public offices of the Bayer Free State shall be guilty of abuse of power if that person commits an unlawful act using the power vested in such offices.

Section 2

A person guilty of abuse of power shall be suspended of qualifications, or deprived of qualifications.

Article 21. Raiding

Section 1

A person shall be guilty of raiding if that person incites, assists, organizes, or engages in committing an unlawful act with a group of individuals with the intention of causing annoyance, disruption, unnecessary attention, or inconvenience.

Section 2

A person guilty of raiding shall be kicked, muted, or banned from the State.

Article 22. Fraud

Section 1

A person shall be guilty of fraud if that person knowingly and deliberately commences deception with the intention of securing unfair or unlawful gain, or depriving a victim of a legal right.

Section 2

A person guilty of fraud shall be issued a warning, kicked, muted, or banned from the State.

Article 23. Sexual Harassment

Section 1

A person shall be guilty of sexual harassment if that person makes an unwanted or unwelcome sexual advance or request for sexual favors which is offensive, humiliating, or intimidating towards an individual; or communicating unwanted or unwelcome obscene and pornographic materials to an individual without consent.

Section 2

A person committing sexual harassment towards a juvenile shall be guilty of child sexual harassment.

Section 3

A person guilty of sexual harassment shall be kicked, muted, or banned from the State.

Section 4

Additional punishments for child sexual harassment shall be applied.

Article 24. Hindering Investigation or Prosecution

Section 1

A person shall be guilty of hindering investigation or prosecution of another person or themselves if that person knowingly:

- (a) Harbors or concealing the other person;
- (b) Warns the other person of impending discovery, apprehension, prosecution, or conviction. This does not apply to a warning given in connection with an effort to bring another into compliance with the law;
- (c) Provides the other person with money, transportation, a weapon, a disguise, or other similar means of avoiding discovery, apprehension, prosecution, or conviction;
- (d) Prevents or obstructs by means of force, deception, or intimidation anyone from performing an act that might aid in the discovery, apprehension, prosecution, or conviction of the other person;
- (e) Suppresses by an act of concealment, alteration, or destruction any physical evidence that might aid in the discovery, apprehension, prosecution, or conviction of the other person; or
- (f) Conceals the identity of the other person.

Section 2

A person guilty of hindering investigation or prosecution shall be kicked, muted, or banned from the State.

Article 25. Violation of Court Order

Section 1

A person shall be guilty of violating a court order if that person knowingly disobeys or disregards a court order issued by a court.

Section 2

A person guilty of violating a court order shall be kicked, muted, or banned from the State.

Article 26. Court Tampering

Section 1

A person shall be guilty of court tampering if that person knowingly and maliciously influences the composition and/or decisions of a jury or a court during the course of a trial.

Section 2

A person guilty of court tampering shall be kicked, muted, or banned from the State.

Part III. Revocation

Article 27. 2021 Criminal Act Repealed

The 2021 Criminal Act, with the reference code of ACT_2021_00005, shall hereby be repealed.

In witness whereof, we have approved and set our hands on this document on this twentieth day of the month of March, in the year two thousand and twenty-two.

Parliament

Head of State


