

This file corresponds to book 2, title 1 (crimes against freedom and sexual self-determination) of the Portuguese penal code.

Section I - Crimes Against Sexual Freedom

Article 163.^o - Sexual Coercion

1 - Whoever, alone or accompanied by another, forces another person to suffer or perform a significant sexual act is punished with a prison sentence of up to 5 years.

2 - Whoever, by means of violence, serious threat, or after, for this purpose, having rendered them unconscious or made it impossible to resist, constrains another person to suffer or to practice, with themselves or with another, a significant sexual act is punished with a prison sentence of 1 to 8 years.

3 - For the purposes of paragraph 1, constraint is understood to be any means, not provided for in the previous paragraph, used to carry out a significant sexual act against the victim's cognizable will.

Article 164 - Violation

1 - Whoever constrains another person to:

- a) Suffering or practicing copulation, anal intercourse or oral intercourse with oneself or with another; or
- b) Suffer or practice acts of vaginal, anal or oral introduction of parts of the body or objects;

is punished with a prison sentence of 1 to 6 years.

2 - Whoever, through violence, seriously threatens, or after, for this purpose, having rendered the person unconscious or made it impossible to resist, embarrasses another person:

- a) Suffering or practicing, with oneself or with others, copulation, anal intercourse or oral coitus; or
- b) Suffering or carrying out acts of vaginal, anal or oral introduction of parts of the body or objects;

is punished with a prison sentence of 3 to 10 years.

3 - For the purposes of paragraph 1, constraint is understood to be any means, not provided for in the previous paragraph, used to carry out the acts referred to in the respective paragraphs a) and b) against the victim's cognizable will.

Article 165 - Sexual Abuse of a Person Incapable of Resisting

1 - Anyone who performs a significant sexual act with a person who is unconscious or unable, for any other reason, to resist, taking advantage of their condition or incapacity, is punished with a prison sentence of 6 months to 8 years.

2 - If the relevant sexual act consists of copulation, anal coitus, oral coitus or vaginal or anal introduction of parts of the body or objects, the offender is punished with a prison sentence of 2 to 10 years.

Article 166 - Sexual Abuse of an Inpatient

1 - Whoever, taking advantage of the functions or position that, in any capacity, exercises or holds in:

- a) Establishment where criminal reactions depriving liberty are carried out;
- b) Hospital, hospice, asylum, convalescent or health clinic, or other establishment intended for assistance or treatment; or
- c) Educational establishment, educational center or residential care home;

Performing a significant sexual act with a person who is hospitalized there and who is in any way entrusted to you or is in your care is punishable by a prison sentence of 6 months to 5 years.

2 - If the relevant sexual act consists of copulation, anal coitus, oral coitus or vaginal or anal introduction of parts of the body or objects, the offender is punished with a prison sentence of 1 to 8 years.

Article 167 - Sexual Fraud

1 - Anyone who, fraudulently taking advantage of an error regarding their personal identity, performs a significant sexual act with another person is punished with a prison sentence of up to 1 year.

2 - If the relevant sexual act consists of copulation, anal intercourse, oral intercourse or vaginal or anal introduction of parts of the body or objects, the offender is punished with a prison sentence of up to 2 years.

Article 168 - Non-Consensual Artificial Procreation

Anyone who performs an act of artificial procreation on a woman, without her consent, is punished with a prison sentence of 1 to 8 years.

Article 169 - Lenocínio

1 - Who, professionally and/or with the intention of making a profit, encourage, encourage or facilitate the practice of prostitution by another person shall be punished with a prison sentence of 6 months to 5 years.

2 - If the perpetrator commits the crime provided for in the previous paragraph:

- a) By means of violence or serious threat;
- b) By means of deceit or fraudulent maneuver;
- c) By abuse of authority resulting from a family relationship, guardianship or curatorship, or hierarchical, economic or work-related dependence; or
- d) By taking advantage of the victim's mental incapacity or situation of special vulnerability;

shall be punished with a prison sentence of 1 to 8 years.

Article 170 - Sexual harassment

Anyone who harasses another person, performing acts of an exhibitionist nature in front of them, making sexual proposals or forcing them into sexual contact, shall be punished with a prison sentence of up to 1 year or a fine of up to 120 days, if a more severe penalty is not applicable under another legal provision.

Section II - Crimes Against Sexual Self-Determination

Article 171 - Sexual Abuse of Children

1 - Anyone who commits a major sexual act with or on a minor under 14 years of age, or causes him/her to commit it with another person, shall be punished with a prison sentence of 1 to 8 years.

2 - If the major sexual act consists of copulation, anal intercourse, oral intercourse or vaginal or anal insertion of body parts or objects, the perpetrator shall be punished with a prison sentence of 3 to 10 years.

3 - Anyone who:

- a) Harasses a minor under 14 years of age, committing an act provided for in Article 170; or
- b) Acts upon a minor under 14 years of age, through pornographic conversation, writing, show or object;
- c) Entices a minor under 14 years of age to watch sexual abuse or sexual activities;

shall be punished with a prison sentence of up to 3 years. 4 - Anyone who commits the acts described in the previous number with the intention of making a profit is punished with a prison sentence of 6 months to 5 years.

5 - Attempts are punishable.

Article 172 - Sexual Abuse of Dependent Minors or Minors in Particularly Vulnerable Situations

1 - Anyone who commits or causes to be committed an act described in paragraphs 1 or 2 of the previous article, in relation to a minor between 14 and 18 years of age:

- a) In relation to whom he exercises parental responsibilities or who has been entrusted to him for education or assistance; or
- b) Abusing a position of manifest trust, authority or influence over the minor; or
- c) Abusing another situation of particular vulnerability of the minor, in particular for reasons of health or disability;

is punished with a prison sentence of 1 to 8 years.

2 - Anyone who commits an act described in the paragraphs of paragraph 3 of the previous article, in relation to a minor included in the previous number of this article and under the conditions described therein, is punished with a prison sentence of up to 1 year. 3 - Anyone who commits the acts described in the previous paragraph with the intention of making a profit is punished with a prison sentence of up to 5 years.

4 - Attempts are punishable.

Article 173 - Sexual Acts with Adolescents

1 - Anyone who, being an adult, commits a major sexual act with a minor between the ages of 14 and 16, or causes the minor to commit the same with another person, taking advantage of the minor's inexperience, is punished with a prison sentence of up to 2 years.

2 - If the major sexual act consists of copulation, oral intercourse, anal intercourse or vaginal or anal insertion of body parts or objects, the perpetrator is punished with a prison sentence of up to 3 years.

3 - Attempts are punishable.

Article 174 - Resorting to the Prostitution of Minors

1 - Anyone who, being an adult, commits a major sexual act with a minor between the ages of 14 and 18, in exchange for payment or other consideration, is punished with a prison sentence of up to 2 years. 2 - If the relevant sexual act consists of copulation, oral intercourse, anal intercourse or insertionvaginal or anal use of parts of the body or objects, the offender is punished with a prison sentence of up to 3 years.

3 - The attempt is punishable.

Article 175 - Pimping of Minors

1 - Whoever promotes, favors or facilitates the practice of prostitution of a minor or entices a minor for this purpose is punished with a prison sentence of 1 to 8 years.

2 - If the agent commits the crime provided for in the previous paragraph:

- a) Through violence or serious threat;
- b) Through ruse or fraudulent maneuver;
- c) With abuse of authority resulting from a family relationship, guardianship or guardianship, or hierarchical, economic or work dependence;
- d) Acting professionally or with profit-making intent; or
- e) Taking advantage of the victim's mental incapacity or situation of special vulnerability;

is punished with a prison sentence of 2 to 10 years.

Article 176 - Pornography of Minors

1 - Who:

a) Using a minor in a pornographic show or enticing him or her for this purpose;

b) Using a minor in pornographic photography, film or recording, regardless of its medium, or enticing him or her for this purpose;

c) Produce, distribute, import, export, disseminate, display, transfer or make available in any capacity or by any means, the materials provided for in the previous paragraph;

d) Acquire, hold or host materials referred to in paragraph b) for the purpose of distributing, importing, exporting, disseminating, displaying or giving them;

is punished with a prison sentence of 1 to 5 years.

2 - Anyone who carries out the acts described in the previous paragraph professionally or with profit-making intent is punished with a prison sentence of 1 to 8 years.

3 - Anyone who carries out the acts described in paragraphs a) and b) of paragraph 1 using any form of threat, embarrassment or violence is punished with a prison sentence of 1 to 8 years.

4 - Anyone who carries out the acts described in paragraphs c) and d) of paragraph 1 using pornographic material with a realistic representation of a minor is punished with a prison sentence of up to 2 years.

5 - Anyone who intentionally acquires, holds, accesses, obtains or facilitates access, through a computer system or any other means, to the materials referred to in paragraph b) of paragraph 1 is punished with a prison sentence of up to 2 years.

6 - Whoever, in person or through a computer system or by any other means, being of legal age, watches, facilitates or provides access to a pornographic show involving the participation of minors is punished with a prison sentence of up to 3 years.

7 - Anyone who carries out the acts described in paragraphs 5 and 6 with the intention of making a profit is punished with a prison sentence of up to 5 years.

8 - For the purposes of this article, any material that, for sexual purposes, represents minors engaged in sexually explicit behavior, real or simulated, or contains any representation of their sexual organs or any other part of their body, is considered pornographic.

9 - The attempt is punishable.

Article 176-A - Grooming of Minors for Sexual Purposes

1 - Whoever, being of legal age, by means of information and communication technologies, entices a minor to meet with a view to carrying out any of the acts included in paragraphs 1 and 2 of article 171 and in subparagraphs a), b) and c) paragraph 1 of the previous article, is punished with a prison sentence of up to 1 year.

2 - If this solicitation is followed by material acts leading to the meeting, the agent is punished with a prison sentence of up to 2 years.

Article 176-B - Organization of Travel for Sexual Tourism Purposes with Minors

1 - Whoever organizes, provides, facilitates or advertises a trip or trip, knowing that such trip or trip is intended to commit crimes against the freedom and sexual self-determination of a minor, is punished with a penalty of imprisonment of up to 2 years, if a more serious penalty is not applicable due to another legal provision.

2 - When the conduct referred to in the previous paragraph is carried out in the context of professional activity or with the intention of making a profit, the agent is punished with a prison sentence of up to 3 years, if a more serious penalty is not applicable under another legal provision.

3 - The provisions of the previous paragraphs apply even if conduct against the freedom and sexual self-determination of minors carried out in the place of destination is not punished in that jurisdiction or when the punitive power is not exercised in that place.

Article 176-C - Acts Contrary to Sexual Orientation, Gender Identity or Expression

1 - Anyone who subjects another person to acts aimed at altering or repressing their sexual orientation, gender identity or expression, including the performance or promotion of medical-surgical procedures, practices using pharmacological, psychotherapeutic or other psychological or behavioral resources, is punished with a prison sentence of up to 3 years or with a fine, if a more severe penalty is not applicable to him under another legal provision.

2 - Without prejudice to the provisions of the previous paragraph, procedures applied in the context of self-determination of gender identity and expression, as established in articles 3 and 5 of Law no. 38/2018, of 7 December, are not punishable. August, and which are carried out in accordance with the *leges artis*.

3 - Whoever, within the scope of the conduct described in paragraph 1, develops treatments or performs surgical, pharmacological or other interventions that imply irreversible changes to the person's body and sexual characteristics, is punished with

a prison sentence of up to 5 years, if a more serious penalty is not applicable under another legal provision.

4 - The attempt is punishable.

Section III - Common Provisions

Article 177 - Aggravation

1 - The penalties provided for in articles 163 to 165 and 167 to 176 are increased by one third, at their minimum and maximum limits, if the victim:

- a) Is an ascendant, descendant, adopter, adoptee, relative or similar up to the second degree of the agent; or
- b) Is in a family relationship, cohabitation, guardianship or guardianship, or hierarchical, economic or work dependence on the agent and the crime is committed taking advantage of this relationship.
- c) Is a particularly vulnerable person, due to age, disability, illness or pregnancy.

2 - The aggravations provided for in the previous paragraph are not applicable in the cases of subparagraph c) of no. 2 of article 169 and subparagraph c) of no. 2 of article 175.

3 - The penalties provided for in articles 163 to 167 and 171 to 174 are increased by one third, in their minimum and maximum limits, if the offender is a carrier of a sexually transmitted disease.

4 - The penalties provided for in articles 163 to 168, 171 to 175, in paragraphs 1 and 2 of article 176 and in articles 176-A and 176-C are aggravated by one third, in its minimum and maximum limits, if the crime is committed jointly by two or more people.

5 - The penalties provided for in articles 163.^o to 168.^o, 171.^o to 174.^o and 176.^o-C are increased by half, in their minimum and maximum limits, if the behaviors described therein result in pregnancy, offense to serious physical integrity, transmission of a pathogen that poses a danger to the life of the victim, suicide or death of the victim.

6 - The penalties provided for in article 176-C are increased by a quarter, at their minimum and maximum limits, when crimes are committed against victims under 18 years of age.

7 - The penalties provided for in articles 163 to 165, 168, 174, 175, paragraph 1 of article 176 and article 176-C are increased by one third, in its minimum and maximum limits, when crimes are committed in the presence of or against a minor victim of 16 years.

8 - The penalties provided for in articles 163.^o to 165.^o, 168.^o, 175.^o, in no. 1 of article 176.^o and in 176.^o-C are increased by half, in their minimum and maximum if the victim is under 14 years of age.

9 - The penalty provided for in article 176-C is increased by one third if the victim is a particularly vulnerable person, due to disability, illness or pregnancy.

10 - If more than one of the circumstances referred to in the previous paragraphs occur in the same behavior, it is only considered for the purpose of determining the applicable penalty the one that has the strongest aggravating effect, with the other or others being valued to the extent of the penalty.

Article 178 - Complaint

1 - Criminal proceedings for the crimes provided for in articles 163 to 165, 167, 168 and 170 depend on a complaint, unless they are committed against a minor or result in suicide or death of the victim.

2 - When the procedure for the crimes provided for in articles 163 and 164 depends on a complaint, the Public Prosecutor's Office may initiate the same, within a period of one year counting from the date on which it became aware of the fact and its perpetrators, whenever the victim's interest so dictates.

3 - Criminal proceedings for the crime provided for in article 173 depend on a complaint, unless it results in suicide or death of the victim.

4 - In crimes against the freedom and sexual self-determination of minors not aggravated by the result, the Public Prosecutor's Office, taking into account the interest of the victim, may determine the provisional suspension of the process, with the agreement of the investigating judge and the accused, provided that a similar measure has not previously been applied for a crime of the same nature.

5 - In the case provided for in the previous paragraph, the duration of the suspension may be up to 5 years.

Article 179 - Inhibition of Paternal Power and Prohibition of the Exercise of Functions

1 - Whoever is convicted of a crime provided for in articles 163 to 176 may, taking into account the concrete gravity of the fact and its connection with the function performed by the agent, be:

- a) Inhibited from exercising parental authority, guardianship or curatorship; or
 - b) Prohibited from exercising a profession, function or activity that involves having minors under their responsibility, education, treatment or supervision;
- for a period of 2 to 15 years.

Chapter VI - Crimes Against Honor

Article 180 - Defamation

1 - Whoever, addressing a third party, imputes to another person, even in the form of suspicion, a fact, or formulates a

judgment about him, offensive to his honor or consideration, or reproduces such an imputation or judgment, is punished with prison sentence of up to 6 months or a fine of up to 240 days.

2 - Conduct is not punishable when:

- a) The imputation is made to pursue legitimate interests; It is
- b) The agent proves the truth of the same imputation or has serious grounds for, in good faith, considering it true.

3 - Without prejudice to the provisions of paragraphs b), c) and d) of paragraph 2 of article 31, the provisions of the previous paragraph do not apply when dealing with the imputation of a fact relating to the intimacy of private and family life.

4 - The good faith referred to in paragraph b) of paragraph 2 is excluded when the agent has not fulfilled the duty of information, which the circumstances of the case imposed, about the truth of the imputation.

Article 181 - Injury

1 - Anyone who insults another person, imputing facts to them, even in the form of suspicion, or saying words that offend their honor or consideration, is punished with a prison sentence of up to 3 months or a fine of up to 120 days.

2 - In the case of the attribution of facts, the provisions of paragraphs 2, 3 and 4 of the previous article are correspondingly applicable.

Article 182 - Equalization

Verbal defamation and insults are equivalent to those made in writing, gestures, images or any other form. the means of expression.

Article 183.^o - Advertising and Slander

1 - If in the case of crimes provided for in articles 180, 181 and 182:

- a) The offense is committed through means or in circumstances that facilitate its disclosure; or
- b) In the case of the imputation of facts, it is found that the agent knew the imputation was false;

The penalties for defamation or insult are increased by one third in their minimum and maximum limits.

2 - If the crime is committed through social media, the offender is punished with a prison sentence of up to 2 years or a fine of no less than 120 days.

Article 184 - Aggravation

The penalties provided for in articles 180, 181 and 183 are increased by half their minimum and maximum limits if the victim is one of the people referred to in paragraph l) of paragraph 2 of article 132, in exercise of his functions or because of them, or if the agent is an employee and commits the act with serious abuse of authority.

Article 185 - Offense to the Memory of a Deceased Person

1 - Anyone who, in any way, seriously offends the memory of a deceased person is punished with a prison sentence of up to 6 months or a fine of up to 240 days.

2 - The provisions are correspondingly applicable:

- a) In paragraphs 2, 3 and 4 of article 180; It is
- b) In article 183.

3 - The offense is not punishable when more than 50 years have passed since the death.

Article 186 - Dismissal of Sentence

1 - The court exempts the offender from punishment when he gives clarifications or explanations of the offense of which he was accused to the court, if the offended party, whoever represents him or integrates his will as holder of the right to complain or private accusation, accepts them as satisfactory.

2 - The court may also waive the penalty if the offense was caused by illicit or reprehensible conduct on the part of the offended party.

3 - If the offended party responds, in the same act, with an offense to another offense, the court may exempt both agents or just one of them from the penalty, depending on the circumstances.

Article 187.^o - Offense against an Organization, Service or Legal Person

1 - Whoever, without having grounds to, in good faith, consider them to be true, states or propagates untrue facts, capable of offending the credibility, prestige or trust owed to a body or service exercising public authority, legal person, institution or corporation, is punished with a prison sentence of up to 6 months or a fine of up to 240 days.

2 - The provisions are correspondingly applicable:

- a) In article 183; It is
- b) In paragraphs 1 and 2 of article 186.

Article 188 - Criminal Procedure

1 - The criminal procedure for the crimes provided for in this chapter depends on a private accusation, except in the following cases:

- a) Article 184; It is

b) Article 187, whenever the offended party exercises public authority;
in which complaint or participation is sufficient.

2 - The right to private prosecution for the crime provided for in article 185 rests with the people mentioned in paragraph 2 of article 113, in the order established therein.

Article 189.^o - Public Knowledge of the Convicting Sentence

1 - In the case of conviction, even if the sentence is waived, under the terms of article 183, subparagraph b) of no. 2 of article 185, or subparagraph a) of no. 2 of article 187 .^o, the court orders, at the agent's expense, adequate public knowledge of the sentence, if this is requested, until the end of the hearing in the first instance, by the holder of the right to file a complaint or private accusation.

2 - The court establishes the concrete terms in which public knowledge of the sentence must take place.

Chapter VII - Crimes Against the Reserve of Private Life

Article 190.^o - Domestic Violation or Disturbance of Private Life1 - Anyone who, without consent, enters another person's home or remains there after being asked to leave is punished with a prison sentence of up to 1 year or a fine of up to 240 days.

2 - Anyone who, with the intention of disturbing the private life, peace and quiet of another person, calls their home or mobile phone will incur the same penalty.

3 - If the crime referred to in paragraph 1 is committed at night or in a deserted place, through violence or threat of violence, with the use of a weapon or through a break-in, climbing or false key, or by three or more people , the agent is punished with a prison sentence of up to 3 years or a fine.

Article 191 - Introduction in a Place Closed to the Public

Whoever, without the consent or authorization of those entitled, enters or remains in courtyards, gardens or fenced spaces attached to housing, on boats or other means of transport, in a fenced place intended for public service or business, transport service or exercising professions or activities, or in any other closed place not freely accessible to the public, is punished with a prison sentence of up to 3 months or a fine of up to 60 days.

Article 192.^o - Defilement of Private Life

Anyone who, without consent and with the intention of violating people's private lives, particularly the intimacy of their family or sexual life:

a) Intercept, record, record, use, transmit or disclose conversations, telephone communications, electronic mail messages or detailed billing;

b) Capture, photograph, film, record or disseminate images of people or objects or intimate spaces;

c) Observe or secretly listen to people who are in a private place; or

d) Disclose facts relating to the private life or serious illness of another person;

is punished, in the case of paragraphs a) and c), with a prison sentence of up to 1 year or a fine of up to 240 days and, in the case of paragraphs b) and d), with a prison sentence of up to 3 years or a fine.

2 - The act provided for in paragraph d) of the previous paragraph is not punishable when it is carried out as an appropriate means to achieve a legitimate and relevant public interest.

Article 193 - Misconduct Through Social Communication Means, the Internet or Other Means of Generalized Public Diffusion

Anyone who, without consent, disseminates or contributes to the dissemination, through social media, the internet or other means of widespread public dissemination, of images, photographs or recordings that violate people's private lives, particularly the intimacy of family life or sexual, is punishable by up to 5 years in prison.

Article 194 - Violation of Correspondence or Telecommunications

1 - Anyone who, without consent, opens a package, letter or any other writing that is closed and is not addressed to them, or becomes aware, through technical processes, of its contents, or prevents, in any way, its being received by the recipient, is punished with a prison sentence of up to 1 year or a fine of up to 240 days.

2 - Anyone who, without consent, interferes with or becomes aware of telecommunications content will be subject to the same penalty.

3 - Whoever, without consent, discloses the content of letters, orders, closed writings, or telecommunications referred to in the previous numbers, is punished with a prison sentence of up to 1 year or a fine of up to 240 days.

Article 195 - Breach of Secret

Anyone who, without consent, reveals someone else's secret that they have become aware of due to their status, trade, employment, profession or art is punished with a prison sentence of up to 1 year or a fine of up to 240 days.

Article 196 - Improper Use of Secrets

Anyone who, without consent, takes advantage of a secret relating to the commercial, industrial, professional or artistic activity of others, of which they have become aware due to their status, trade, employment, profession or art, and in this way causing harm to another person or the state, is punished with a prison sentence of up to 1 year or a fine of up to 240 days.

Article 197 - Aggravation

1 - The penalties provided for in articles 190, 191, 192, 194 and 195 are increased by one third in their minimum and maximum limits if the act is committed to obtain reward or enrichment, for the agent or to another person, or to cause harm to another person or the state.

2 - The penalties provided for in articles 190, 191, 194 and 195 are increased by one third in their minimum and maximum limits if the act is committed through social media, or dissemination through the internet, or other means of widespread public dissemination.

Article 198 - Complaint

Except in the case of article 193, when the crime results in suicide or death of the victim or when the victim's interest so advises, the criminal procedure for the crimes provided for in this chapter depends on a complaint or participation.

Chapter VIII - Crimes Against Other Personal Legal Assets

Article 199 - Illicit Recordings and Photographs

1 - Anyone without consent:

- a) Record words spoken by another person and not intended for the public, even if they are addressed to them; or
- b) Use or allow the recordings referred to in the previous paragraph to be used, even if lawfully produced;

is punished with a prison sentence of up to 1 year or a fine of up to 240 days.

2 - The same penalty applies to anyone who, against their will:

- a) Photograph or film another person, even in events in which they have legitimately participated; or
- b) Use or allow the use of photographs or films referred to in the previous paragraph, even if lawfully obtained.

3 - The provisions of articles 197 and 198 are correspondingly applicable

Article 200 - Omission of Aid

1 - Whoever, in case of serious need, namely caused by a disaster, accident, public calamity or situation of common danger, which endangers the life, physical integrity or freedom of another person, fails to provide the necessary assistance to the removal of danger, whether by personal action or by providing assistance, is punishable by a prison sentence of up to 1 year or a fine of up to 120 days.

2 - If the situation referred to in the previous paragraph was created by the person who omits the assistance due, the omissioner is punished with a prison sentence of up to 2 years or a fine of up to 240 days.

3 - The omission of assistance is not punishable when there is a serious risk to the life or physical integrity of the omitted person or when, for another relevant reason, the assistance is not required.

Article 201 - Subtraction of the Guarantees of the Portuguese Rule of Law

1 - Whoever, through violence, threats or any cunning means, causes another person to leave the scope of protection of Portuguese criminal law and expose themselves to being persecuted for political reasons, with risk to life, physical integrity or freedom, becoming the object of violence or measures contrary to the fundamental principles of the Portuguese rule of law, is punished with a prison sentence of 2 to 10 years.

2 - Anyone who, by the same means, prevents another person from leaving the dangerous situation referred to in the previous paragraph or forces them to remain there will be subject to the same penalty.