OFFICIAL TRANSLATION

LAW N° 26319
ARTICLES OF THE CRIMINAL CODE ARE AMENDED

LAW Nº 26319

PRESENTER OF THE REPUBLIC

WHEREAS

THE DEMOCRATIC CONSTITUENT CONGRESS has passed the following law:

Article 1°.- Be amended Articles 186°, 188° and 189° of the Criminal Code as follows:

“Article 186°.- The agent shall be restrained with imprisonment of not less than three years or more than six years if the theft is committed:
1. At inhabited house
2. At night
3. Skillfully, climbing, destroying or breaking obstacles
4. During fire, flooding, shipwreck, public calamity or the aggrieved party's casualties
5. On personal properties as part of the traveler's baggage
6. By the participation of two or more people

The agent shall be restrained with imprisonment of not less than four years or more than eight years if the theft is committed:
1. By an agent acting as a member of an organization intended for committing these crimes
2. On goods of scientific value or part of the cultural heritage of the Nation
3. By using electronic transfer systems of funds, telematics in general or breaking secret codes
4. Putting the victim or its family in serious economic situation
5. Using explosive artifacts or materials to destroy or break obstacles

The penalty shall be not less than eight years or more than fifteen years when the agent acts as head or leader of an organization intended for committing these crimes.”

“Article 188°.- Any person who takes possession illegally of someone else's asset totally or partially to take advantage of it, removing it from its place by violence against a person or threat with imminent danger to someone's life or personal safety shall be restrained with imprisonment of not less than three years or more than eight years

“Article 189°.- The penalty shall be not less than five years or more than fifteen years if the theft is committed:
1. At inhabited house
2. At night or in desolate place
3. Armed
4. By the participation of two or more people
5. On public transport in service
6. Pretending to be a police officer, authority or government employee, or showing a fake order of authority

If the violence or threat is insignificant, the penalty could be shortened to a third.
The penalty shall be not less than ten years or more than twenty years if the theft is committed:
1. With cruelty
2. Using armaments, explosive artifacts or materials
3. With abuse of physical or mental handicap or using drugs against the victim
4. By an agent acting as a member of an organization intended for committing these crimes
5. Putting the victim or its family in serious economic situation
6. On goods of scientific value or part of the cultural heritage of the Nation

The penalty shall be not less than fifteen years or more than twenty-five years when the agent acts as head or leader of an organization intended for committing these crimes.

In the case of crimes against the life, body or health, the penalty is applied notwithstanding other more serious, which may correspond in each case.

Article 2°.- This Law will come into effect the day following its publication in El Peruano Official Gazette.

Let it be notified to the President of the Republic to be enacted.

Lima, this 27th day of May, 1994

Jaime YOSHIYAMA
President of the Democratic Constituent Congress

Carlos TORRES Y TORRES LARA
First Vice-President, Democratic Constituent Congress

TO THE CONSTITUTIONAL PRESIDENT OF THE REPUBLIC

THEREFORE:
Let it be published and enforced.

Given in the Government House, Lima, this 27th day of May, 1994

Alberto FUJIMORI FUJIMORI
Constitutional President of the Republic

Fernando VEGA SANTA GADEA
Minister of Justice

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