

OFFICIAL TRANSLATION

CRIMINAL CODE

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**EL PERUANO
OFFICIAL GAZETTE
Year of Austerity and Family Planning**

CRIMINAL CODE

Enacted by Legislative Decree N° 635

**II
Second Book (Titles IV-XV)**

Lima, April 1991

(...)

**TITLE V:
CRIMES AGAINST PROPERTY
CHAPTER I
THEFT**

(...)

ARTICLE 186^o.- The agent shall be restrained with imprisonment of not less than two years or more than four 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 three years or more than six years and a fine of one hundred eighty to three hundred sixty-five fine-days if it uses electronic transfer systems of funds, telematics in general or breaks secret codes.

(...)

**CHAPTER VIII
APPROPRIATION**

ARTICLE 202^o.- The penalty shall be imprisonment of not less than one year or more than three years for:

- 1.- The person, who destroys or alters the boundaries of all or part of a real estate, in order to take possession of it.
- 2.- The person, who by violence, threat, cheating or breach of trust, disposes completely or partially other's ownership or holding of a real estate or the exercise of a right in rem.
- 3.- The person, who by violence or threat, disturbs the possession of a real estate.

(...)

ARTICLE 204^o.- The penalty shall be imprisonment of not less than two years or more than six years when:

- 1.- When the appropriation is committed using firearms, explosives or any other instrument or hazardous substances
- 2.- Two or more people participate
- 3.- The real estate is reserved for housing purposes.

4.- It includes property of the State or property intended for public service or rural or native communities. (*)

(...)

**TITLE VIII:
CRIMES AGAINST THE CULTURAL HERITAGE
SINGLE CHAPTER
CRIMES AGAINST CULTURAL ASSETS**

ARTICLE 226^o.- The person, who plunders or explores, excavates or moves pre-Hispanic archeological monuments without authorization, shall be restrained with imprisonment of not less than three years or more than six years and a fine of one hundred twenty to three hundred sixty-five fine-days.

ARTICLE 227^o.- The person, who promotes, organizes, finances or leads groups of people for committing the crimes mentioned in the article 226^o, shall be restrained with imprisonment of not less than three years or more than eight years and a fine of one hundred eighty to three hundred sixty-five fine-days.

ARTICLE 228^o.- The person, who takes out from the country assets of the pre-Hispanic cultural heritage or fails to return them in accordance with the authorization granted, shall be restrained with imprisonment of not less than three years or more than eight years and a fine of one hundred eighty to three hundred sixty-five fine-days.

ARTICLE 229^o.- The political, administrative, customs, municipal authorities and members of the Armed Forces or the Peruvian Police, who participate or facilitate the commission of the crimes mentioned in this Chapter leaving out the duties of their position, shall be restrained with imprisonment of not less than three years or more than six years, with a fine of thirty to ninety days and disqualification for not less than one year, pursuant to the article 36th, paragraphs 1, 2 and 3.

If the agent acted guilty, the penalty shall be imprisonment of not more than two years.

ARTICLE 230^o.- The person, who destroys, alters, takes out from the country cultural assets previously declared as such different from the pre-Hispanic assets, shall be restrained with imprisonment of not less than two years or more than five years and a fine of ninety to one hundred eighty fine-days. (**)

ARTICLE 231^o.- The penalties mentioned in this Chapter are imposed without prejudice to the seizure in favor of the State, of materials, equipment and vehicles used in the commission of crimes against the cultural heritage, as well as the cultural assets obtained illegally.

(...)

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"Year of the citizens' duties" - The undersigned, Certifying Officer of *El Peruano* Official Gazette, does hereby certify that the foregoing is a true copy of the Criminal Code:

Pages N° 33, 38, 40, 41, 43, 44 published on April 09, 1991, edition N.L.N: 3903 -
Special Offprint - Lima, December 04, 2007 - (seal and signature) Maria APAESTEGUI
SILVA - Certifying Officer - *El Peruano* Official Gazette - "EDITORIA PERU"

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SILVA is hereby authenticated without judging the content of the document. - Lima,
December 04, 2007 - (seal and signature) Virgilio Z. ARENAZA PICKMANS -
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*Translator's Note: Only a partial translation of the document attached hereto has been
done.*