

Law Amending and Supplementing a Number of Articles of the Penal Code

(No. 37/2009/QH12)

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10;

The National Assembly promulgates the Law Amending and Supplementing a Number of Articles of Penal Code No. 15/1999/QH10.

Article 1. To amend, supplement and annul a number of articles of the Penal Code

1. To abolish the capital punishment in Articles 111, 139, 153, 180, 197, 221, 289 and 334.

To amend the phrase “twenty years of imprisonment, life imprisonment or capital punishment” into “twenty years of imprisonment or life imprisonment” in Clause 3, Article 111; Clause 4, Article 139; Clause 4, Article 153; Clause 3, Article 180; Clause 4, Article 197; Clause 3, Article 221; Clause 4, Article 289; and Clause 4, Article 334.

2. To amend the minimum quantity for penal liability examination specified in Clauses 1 of some articles as follows:

a/ To amend the phrase “five hundred thousand dong” into “two million dong” in Clauses 1 of Articles 137, 138, 139, 143, 278, 279, 280, 283, 289, 290 and 291;

b/ To amend the phrase “one million dong” into “four million dong” in Clause 1 and remove the word “over” at Point d, Clause 2 of Article 140;

c/ To amend the phrase “five million dong” into “ten million dong” in Clause 1 of Article 141.

3. To amend and supplement Clause 5, Article 69 as follows:

“5. Life imprisonment or capital punishment is not imposed on juvenile offenders.

When imposing penalties on juvenile offenders, it is necessary to restrict imprisonment ones. When imposing termed imprisonment penalties on juvenile offenders, courts shall hand down penalties lighter than those applicable to adults who commit similar offenses.

Fines are not imposed on juvenile offenders who are from full 14 years to under 16 years old.

Additional penalties are not imposed on juvenile offenders.”

4. To change the title of Article 84 as follows:

“Article 84. Terrorism” is changed into “Article 84. Terrorism against the People’s Administration.”

5. To amend and supplement Article 119 as follows:

“Article 119. Trafficking in humans

1. Those who traffic in humans shall be sentenced to between two and seven years of imprisonment.

2. Committing the crime in any of the following circumstances, offenders shall be sentenced to between five and twenty years of imprisonment:

a/ For prostitution purposes;

b/ In an organized manner;

c/ In a professional manner;

d/ For taking victims’ bodily organs;

e/ For bringing abroad;

f/ Trafficking in more than one person;

g/ Committing the crime more than once.

3. Offenders may be imposed a fine of between five million and fifty million dong, subject to probation or residence ban for one to five years.”

6. To amend and supplement Clause 2, Article 120 as follows:

“2. Committing the crime in any of the following circumstances, offenders shall be sentenced to between ten and twenty years of imprisonment or life imprisonment:

a/ In an organized manner;

b/ In a professional manner;

c/ For a despicable motive;

d/ Against more than one child;

e/ For taking victims’ bodily organs;

f/ For bringing abroad;

g/ For inhuman purposes;

h/ For prostitution purposes;

i/ Dangerous recidivism;

j/ Causing serious consequences.”

7. To amend and supplement Clause 1, Article 160 as follows:

“1. Those who take advantage of scarcity or create sham scarcity upon the occurrence of a natural disaster, an epidemic, during wartime or of the difficult economic situation to purchase goods in large quantities for resale for illicit profits, causing serious consequences, shall be imposed a fine of between twenty million and two hundred million dong or be sentenced to between six months and five years of imprisonment.”

8. To amend and supplement Article 161 as follows:

“Article 161. Tax evasion

1. Those who evade tax amounts of between one hundred million and under three hundred million dong or under one hundred million dong but have been administratively sanctioned for acts of tax evasion or convicted of this crime or one of the crimes specified in Articles 153 thru 160, 164, 193 thru 196, 230, 232, 233, 236 and 238 of this Code, have not yet had this criminal record remitted but relapse into it, shall be imposed a fine of between one and five times the evaded tax amount or subject to noncustodial reform for up to two years.
2. Evading a tax amount of between three hundred million and under six hundred million dong or committing recidivism, offenders shall be imposed a fine of between one and five times the evaded tax amount or subject to a prison term of between six months and three years.
3. Evading a tax amount of six hundred million dong or higher or in other particularly serious cases, offenders shall be sentenced to between two and seven years.
4. Offenders may also be imposed a fine of between one and three times the evaded tax amount.”

9. To add the following Article 164a:

“Article 164a. Illegal printing, distribution and trading of invoices and receipts of state budget remittances

1. Those who illegally print, distribute or trade in invoices and receipts of state budget remittances in a large quantity or have been administratively sanctioned for this act or have been convicted of this crime and have not yet had this criminal record remitted but relapse into this act shall be imposed a fine of between fifty million and two hundred million dong, subject to non-custodial reform for up to three years or a prison term of between six months and three years.
2. Committing the crime in any of the following circumstances, offenders shall be sentenced to between one and five years of imprisonment:
 - a/ In an organized manner;
 - b/ In a professional manner;
 - c/ Abusing positions and powers;
 - d/ Involving invoices and documents in a very large or particularly large quantity;
 - e/ Gaining big illicit profits;
 - f/ Dangerous recidivism;
 - g/ Causing serious consequences.
3. Offenders may also be imposed a fine of between ten million and one hundred fifty million dong, banned from holding certain posts or practicing certain professions or doing certain jobs for between one and five years. ”

10. To add the following Article 164b:

“Article 164b. Breaching regulations on preservation and management of invoices and receipts of state budget remittances

1. Those who are responsible for preserving and managing invoices and receipts of state budget remittances but violate state regulations on preservation and management

of invoices and receipts of state budget remittances, causing serious consequences, or have been administratively sanctioned or disciplined for this act or have been convicted of this crime and have not yet had this criminal record remitted but relapse into this act shall be imposed a fine of between ten million and one hundred million, subject to non-custodial reform for up to two years or a prison term of between three months and two years.

2. Committing the crime in any of the following circumstances, offenders shall be sentenced to between one and five years of imprisonment:

a/ In an organized manner;

b/ Committing the crime more than once;

c/ Causing serious or particularly serious consequences.

3. Offenders may also be banned from holding certain posts or doing certain jobs for between one and five years.”

11. To add the following Article 170a:

“Article 170a. Infringing upon copyright and related rights

1. Those who without permission of holders of copyright or related rights, commit either of the following acts of infringing upon copyright or related rights currently protected in Vietnam on a commercial scale, shall be imposed a fine of between fifty million and five hundred million dong or subject to non-custodial reform for up to two years:

a/ Reproducing works, phonograms or video recordings;

b/ Distributing to the public copies of works, phonograms or video recordings.

2. Committing the crime in either of the following circumstances, offenders shall be imposed a fine of between four hundred million and one billion dong or sentenced to between six months and three years of imprisonment:

a/ In an organized manner;

b/ Committing the crime more than once.

3. Offenders may also be imposed a fine of between twenty million and two hundred million dong, banned from holding certain posts or practicing certain professions or performing certain jobs for between one and five years.”

12. To amend and supplement Article 171 as follows:

“Article 171. Infringing upon industrial property rights

1. Those who intentionally infringe upon industrial property rights to marks or geographical indications currently under protection in Vietnam on a commercial scale, shall be imposed a fine of between fifty million and five hundred million dong or subject to non-custodial reform for up to two years.

2. Committing the crime in either of the following circumstances, offenders shall be imposed a fine of between four hundred million and one billion dong or sentenced to between six months and three years of imprisonment:

a/ In an organized manner;

b/ Committing the crime more than once.

3. Offenders may also be imposed a fine of between twenty million and two hundred million dong, banned from holding certain posts or practicing certain professions or performing certain jobs for between one and five years.”

13. To amend and supplement Article 174 as follows:

“Article 174. Breaching regulations on land management

1. Those who take advantage of or abuse their positions and powers in allocating, recovering or leasing land, illegally permitting the transfer of land use rights or change of land use purposes in any of the following circumstances are subject to non-custodial reform for up to three years or a prison term of between six months and three years:

- a/ Having been disciplined for this act but relapsing into it;
- b/ Involving a large area of land or an area of land of big value;
- c/ Causing serious consequences.

2. Committing the crime in any of the following circumstances, offenders shall be sentenced to between two and seven years of imprisonment:

- a/ In an organized manner;
- b/ Involving a very large area of land or an area of land of very big value;
- c/ Causing very serious consequences.

3. Committing the crime in either of the following circumstances, offenders shall be sentenced to between five and twelve years of imprisonment:

- a/ Involving a particularly large area of land or an area of land of particularly big value;
- b/ Causing particularly serious consequences.

4. Offenders may also be imposed a fine of between ten million and one hundred fifty million dong, banned from holding certain posts or practicing certain professions or performing certain jobs for between one and five years.”

14. To add the following Article 181a:

“Article 181a. Intentionally disclosing false information or concealing truths in securities activities

1. Those who intentionally disclose false information or conceal truths related to securities offering, listing, transaction and trading, organization of securities markets, registration, deposit, clearing or payment, causing serious consequences, shall be imposed a fine of between one hundred million and five hundred million dong, subject to non-custodial reform of up to two years or a prison term of between six months and two years.

2. Committing the crime in any of the following circumstances, offenders shall be sentenced to between one and five years of imprisonment:

- a/ In an organized manner;
- b/ Gaining big illicit profits;
- c/ Causing very or particularly serious consequences;
- d/ Dangerous recidivism.

3. Offenders may also be imposed a fine of between ten million and one hundred fifty million dong, banned from holding certain posts or practicing certain professions or performing certain jobs for between one and five years.”

15. To add the following Article 181b:

“Article 181b. Using insider information for securities trading

1. Those who know information relating to a public company or a public fund which has not yet been disclosed and may, if disclosed, greatly affect the price of securities of the public company or fund, use such information for securities trading or reveal or provide such information or advice other persons to trade in securities on the basis of such information and gain big illicit profits, shall be imposed a fine of between one hundred million and five hundred million dong, subject to non-custodial reform of up to three years or a prison term of between six months and three years.

2. Committing the crime in any of the following circumstances, offenders shall be sentenced to between two and seven years of imprisonment:

- a/ In an organized manner;
- b/ Gaining very or particularly big illicit profits;
- c/ Causing serious consequences;
- d/ Dangerous recidivism.

3. Offenders may also be imposed a fine of between ten million and one hundred fifty million dong, banned from holding certain posts or practicing certain professions or performing certain jobs for between one and five years.”

16. To add the following Article 181c:

“Article 181c. Manipulating securities prices

1. Those who commit either of the following acts of manipulating securities prices, causing serious consequences, shall be imposed a fine of between one hundred million and five hundred million dong, subject to non-custodial reform of up to three years or a prison term of between six months and three years:

- a/ Colluding in trading in securities in order to create sham supply and demand;
- b/ Conducting securities transactions in the form of colluding with or inciting other persons to arbitrage.

2. Committing the crime in any of the following circumstances, offenders shall be sentenced to between two and seven years of imprisonment:

- a/ In an organized manner;
- b/ Gaining big illicit profits;
- c/ Causing very or particularly serious consequences;
- d/ Dangerous recidivism.

3. Offenders may also be imposed a fine of between ten million and one hundred fifty million dong, banned from holding certain posts or practicing certain professions or performing certain jobs for between one and five years.”

17. To amend and supplement Article 182 as follows:

“Article 182. Polluting the environment

1. Those who discharge pollutants into the air, water sources or soil, emit radioactivity or radiation in excess of waste limits prescribed by national technical regulations to a serious extent or seriously polluting the environment or causing other serious consequences, shall be imposed a fine of between fifty million and five hundred million dong, subject to noncustodial reform of up to three years or a prison term of between six months and five years.

2. Committing the crime in either of the following circumstances, offenders shall be sentenced to between three and ten years of imprisonment:

a/ In an organized manner;

b/ Causing particularly serious environmental pollution or very serious or particularly serious consequences.

3. Offenders may also be imposed a fine of between ten million and one hundred fifty million dong, banned from holding certain posts or practicing certain professions or performing certain jobs for between one and five years.”

18. To add the following Article 182a:

“Article 182a. Breaching regulations on management of hazardous wastes

1. Those who breach regulations on management of hazardous wastes, causing serious environmental pollution or other serious consequences, if not falling into the case specified in Article 182 of this Code, shall be imposed a fine of between fifty million and five hundred million dong, subject to non-custodial reform of up to two years or a prison term of between six months and three years.

2. Committing the crime in any of the following circumstances, offenders shall be sentenced to between two and seven years of imprisonment:

a/ In an organized manner;

b/ Causing very serious consequences;

c/ Dangerous recidivism.

3. Committing the crime with particularly serious consequences, offenders shall be sentenced to between five and ten years of imprisonment.

4. Offenders may also be imposed a fine of between ten million and one hundred fifty million dong, banned from holding certain posts or practicing certain professions or performing certain jobs for between one and five years.”

19. To add the following Article 182b:

“Article 182b. Breaching regulations on prevention of environmental incidents

1. Those who breach regulations on prevention of environmental incidents, letting environmental incidents occur or breaching regulations on response to environmental incidents, causing serious environmental pollution or other serious consequences, shall be imposed a fine of between fifty million and five hundred million dong, subject to non-custodial reform of up to two years or a prison term of between six months and three years.

2. Committing the crime with very serious consequences, offenders shall be sentenced to between two and seven years of imprisonment.
3. Committing the crime with particularly serious consequences, offenders shall be sentenced to between five and ten years of imprisonment.
4. Offenders may also be imposed a fine of between ten million and one hundred fifty million dong, banned from holding certain posts or practicing certain professions or performing certain jobs for between one and five years.”

20. To amend and supplement Article 185 as follows:

“Article 185. Taking wastes into Vietnamese territory

1. Those who take advantage of importing technologies, machines, equipment, scraps or chemicals, biological or other tricks to take into Vietnamese territory hazardous wastes or other wastes in a large quantity or causing serious consequences, shall be imposed a fine of between two hundred million and one billion dong, subject to non-custodial reform of up to three years or a prison term of between six months and three years.
2. Committing the crime in any of the following circumstances, offenders shall be sentenced to between two and seven years of imprisonment:
 - a/ In an organized manner;
 - b/ Involving hazardous wastes in a large quantity or other wastes in a very large or particularly large quantity;
 - c/ Causing very serious consequences.
3. Committing the crime with particularly serious consequences, offenders shall be sentenced to between five and ten years of imprisonment.
4. Offenders may also be imposed a fine of between one hundred million and five hundred million dong, banned from holding certain posts or practicing certain professions or performing certain jobs for between one and five years.”

21. To amend and supplement Article 190 as follows:

“Article 190. Breaching regulations on protection of animals on the list of endangered, precious and rare species prioritized for protection

1. Those who illegally hunt, kill, transport, raise, cage or traffic in animals on the list of endangered, precious and rare species prioritized for protection or illegally transport or traffic in body organs or products of these animal species shall be imposed a fine of between fifty million and five hundred million dong, subject to non-custodial reform of up to three years or a prison term of between six months and three years.
2. Committing the crime in any of the following circumstances, offenders shall be sentenced to between two and seven years of imprisonment:
 - a/ In an organized manner;
 - b/ Abusing positions and powers;
 - c/ Using banned hunting tools or devices;
 - d/ Hunting in no-hunting zones or seasons;

e/ Causing very or particularly serious consequences.

3. Offenders may also be imposed a fine of between ten million and one hundred million dong, banned from holding certain posts or practicing certain professions or performing certain jobs for between one and five years.”

22. To amend and supplement Article 191 as follows:

“Article 191. Breaching regulations on management of nature reserves 1. Those who breach regulations on management of nature reserves, causing serious consequences, shall be imposed a fine of between fifty million and five hundred million dong, subject to non-custodial reform of up to three years or a prison term of between six months and three years.

2. Committing the crime with serious consequences to strictly protected sub-zones, offenders shall be sentenced to between two and five years of imprisonment.

3. Committing the crime in any of the following circumstances, offenders shall be sentenced to between three and ten years of imprisonment:

a/ In an organized manner;

b/ Using banned hunting tools or devices;

c/ Causing very or particularly serious consequences to strictly protected sub-zones.

4. Offenders may also be imposed a fine of between ten million and one hundred million dong, banned from holding certain posts or practicing certain professions or performing certain jobs for between one and five years.”

23. To add the following Article 191a:

“Article 191a. Importing and dispersing harmful alien species

1. Those who intentionally import and disperse harmful alien species, causing serious consequences, shall be imposed a fine of between fifty million and five hundred million dong, subject to non-custodial reform of up to three years or a prison term of between six months and five years.

2. Committing the crime in any of the following circumstances, offenders shall be sentenced to between three and ten years of imprisonment:

a/ In an organized manner;

b/ Causing very or particularly serious consequences;

c/ Dangerous recidivism.

3. Offenders may also be imposed a fine of between ten million and one hundred million dong, banned from holding certain posts or practicing certain professions or performing certain jobs for between one and five years.”

24. To amend and supplement Point b, Clause 2, Article 202 as follows:

“b/ In the state of consuming alcohol or beer, with an alcoholic content in blood or breath exceeding the prescribed limit or using other strong stimulants banned by law;”

25. To amend and supplement Article 224 as follows:

“Article 224. Spreading computer viruses and programs with a feature of harming the operation of computer networks, telecommunications networks, Internet and digital devices

1. Those who intentionally spread computer viruses and programs with a feature of harming the operation of computer networks, telecommunications networks, Internet and digital devices shall be imposed a fine of between twenty million and two hundred million dong or a prison term of between one and five years.

2. Committing the crime in any of the following circumstances, offenders shall be sentenced to between three and seven years of imprisonment:

a/ In an organized manner;

b/ Causing very serious consequences;

c/ Dangerous recidivism.

3. Committing the crime in any of the following circumstances, offenders shall be sentenced to between five and twelve years of imprisonment:

a/ Affecting data systems classified as state secrets; communication systems serving security and defense;

b/ Affecting national communication infrastructure; information system for regulating the national power grid; financial and banking information systems; traffic control information systems;

c/ Causing particularly serious consequences.

4. Offenders may also be imposed a fine of between five million and fifty million dong, banned from holding certain posts or practicing certain professions or performing certain jobs for between one and five years.”

26. To amend and supplement Article 225 as follows:

“Article 225. Obstructing or disordering the operation of computer networks, telecommunications networks, Internet and digital devices

1. Those who commit any of the following acts, causing serious consequences but not falling into cases specified in Articles 224 and 226a of this Code, shall be imposed a fine of between twenty million and two hundred million dong or a prison term of between one and five years:

a/ Deleting, damaging or altering without permission software and data of digital devices;

b/ Illegally blocking the transmission of data of computer networks, telecommunications networks, Internet and digital devices;

c/ Other acts of obstructing or disordering the operation of computer networks, telecommunications networks, Internet and digital devices.

2. Committing the crime in any of the following circumstances, offenders shall be sentenced to between three and seven years of imprisonment:

a/ In an organized manner;

b/ Abusing the right to administer computer networks, telecommunications networks and Internet;

c/ Causing very serious consequences.

3. Committing the crime in any of the following circumstances, offenders shall be sentenced to between five and twelve years of imprisonment:

a/ Affecting data systems classified as state secrets; communication systems serving security and defense;

b/ Affecting national communication infrastructure; information system for regulating the national power grid; financial and banking information systems; traffic control information systems;

c/ Causing particularly serious consequences.

4. Offenders may also be imposed a fine of between five million and fifty million dong, banned from holding certain posts or practicing certain professions or performing certain jobs for between one and five years.”

27. To amend and supplement Article 226 as follows:

“Article 226. Illegally uploading information onto or using information on computer networks, telecommunications networks and Internet

1. Those who commit any of the following acts of infringing upon interests of agencies, organizations and individuals, social order and safety, causing serious consequences, shall be imposed a fine of between ten million and one hundred million dong, non-custodial reform of up to three years or a prison term of between six months and three years:

a/ Uploading onto computer networks, telecommunications networks and Internet information contrary to law, but not falling into cases specified in Articles 88 and 253 of this Code;

b/ Trading in, exchanging, donating, modifying or making public lawful private information of other agencies, organizations and individuals on computer networks, telecommunications networks and Internet without permission of owners of such information;

c/ Other acts of illegally using information on computer networks, telecommunications networks and Internet.

2. Committing the crime in any of the following circumstances, offenders shall be sentenced to between two and seven years of imprisonment:

a/ In an organized manner;

b/ Taking advantage of the right to administer computer networks, telecommunications networks and Internet;

c/ Gaining illicit profits of one hundred million dong or more;

d/ Causing very or particularly serious consequences.

4. Offenders may also be imposed a fine of between twenty million and two hundred million dong, banned from holding certain posts or practicing certain professions or performing certain jobs for between one and five years.”

28. To add the following Article 226a:

“Article 226a. Illegally accessing computer networks, telecommunications networks, Internet or digital devices of other persons

1. Those who intentionally pass warnings, access codes or firewalls, use other’s administration right or other means to illegally access computer networks, telecommunications networks, Internet or digital devices of other persons and appropriate their control right; intervene in the operation functions of digital equipment; hack, modify, destroy or tamper with data or illegally use services, shall be imposed a fine of between twenty million and two hundred million dong or subject to a prison term of between one and five years.

2. Committing the crime in any of the following circumstances, offenders shall be sentenced to between three and seven years of imprisonment:

a/ In an organized manner;

b/ Abusing positions and powers;

c/ Gaining big illicit profits;

d/ Causing serious consequences;

e/ Dangerous recidivism.

3. Committing the crime in any of the following circumstances, offenders shall be sentenced to between five and twelve years of imprisonment:

a/ Accessing data systems classified as state secrets; communication systems serving security and defense;

b/ Accessing national communication infrastructure; information system for regulating the national power grid; financial and banking information systems; traffic control information systems;

c/ Gaining very or particularly big illicit profits;

d/ Causing very or particularly serious consequences.

4. Offenders may also be imposed a fine of between five million and fifty million dong, banned from holding certain posts or practicing certain professions or performing certain jobs for between one and five years.”

29. To add the following Article 226b:

“Article 226b. Using computer networks, telecommunications networks, Internet or digital devices to appropriate property

1. Those who use computer networks, telecommunications networks, Internet or digital devices to commit any of the following acts shall be imposed a fine of between ten million and one hundred million dong or subject to a prison term of between one and five years:

a/ Using information on bank accounts or cards of agencies, organizations and individuals to appropriate or make counterfeit bank cards in order to appropriate property of card holders or pay for goods and services;

b/ Illegally accessing accounts of agencies, organizations and individuals in order to appropriate property;

c/ Committing fraud in electronic commerce, currency trading, raising of credit capital, trading and payment of securities online in order to appropriate property of agencies, organizations and individuals;

d/ Other acts in order to appropriate property of agencies, organizations and individuals.

2. Committing the crime in any of the following circumstances, offenders shall be sentenced to between three and seven years of imprisonment:

a/ In an organized manner;

b/ Committing the crime more than once;

c/ In a professional manner;

d/ Appropriating property valued at between fifty million and under two hundred million dong;

e/ Causing serious consequences;

f/ Dangerous recidivism.

3. Committing the crime in either of the following circumstances, offenders shall be sentenced to between seven and fifteen years of imprisonment:

a/ Appropriating property valued at between two hundred million and under five hundred million dong;

b/ Causing very serious consequences.

4. Committing the crime in either of the following circumstances, offenders shall be sentenced to between twelve and twenty years of imprisonment or life imprisonment:

a/ Appropriating property valued at five hundred million dong or more;

b/ Causing particularly serious consequences.

5. Offenders may also be imposed a fine of between five million and one hundred million dong, confiscation of part or the whole of their property, banned from holding certain posts or practicing certain professions or performing certain jobs for between one and five years."

30. To add the following Article 230a:

"Article 230a. Terrorism

1. Those who intend to cause public panic by infringing upon the lives of others or destroying property of agencies, organizations and individuals shall be sentenced to between ten and twenty years of imprisonment, life imprisonment or capital punishment.

2. Committing the crime in case of infringing upon body freedom and health, or appropriating and damaging property of agencies, organizations and individuals, offenders shall be sentenced to between five and fifteen years of imprisonment.

3. Committing the crime in case of threatening to commit any of acts specified in Clause 1 of this Article or committing other acts of mental intimidation, offenders shall be sentenced to between two and seven years of imprisonment.

4. Offenders may also be subject to probation, residence ban for between one and five years, confiscation of part or the whole of their property."

31. To add the following Article 230b:

“Article 230b. Sponsoring of terrorism

1. Those who raise and contribute money and property in whatever form to terrorism organizations or terrorists shall be sentenced to between five and ten years of imprisonment.
2. Offenders may also be subject to probation, residence ban for between one and five years, confiscation of part or the whole of their property.”

32. To amend and supplement Article 248 as follows:

“Article 248. Gambling

1. Those who engage in illegal gambling in whatever form of winning or losing money or objects valued at between two million and under fifty million dong or under two million dong but have been convicted of this crime or the crime specified in Article 249 of this Code, and have not yet had this criminal record remitted but relapse into it, shall be imposed a fine of between five million and fifty million dong, subject to non-custodial reform of up to three years or a prison term of between three months and three years.
2. Committing the crime in any of the following circumstances, offenders shall be sentenced to between two and seven years of imprisonment:
 - a/ In a professional manner;
 - b/ Money of objects used in gambling valued at fifty million dong or more;
 - c/ Dangerous recidivism.
3. Offenders may be also imposed a fine of between three million and thirty million dong.”

33. To amend and supplement Clause 1, Article 249 as follows:

“1. Those who illegally organize gambling or run gambling dens on a large scale or who have been administratively sanctioned for acts specified in this Article and Article 248 of this Code, or have been convicted of any of these crimes, have not yet had this criminal record remitted but relapse into it, shall be imposed a fine of between ten million and three hundred million dong or subject to a prison term of between one and five years.”

34. To amend and supplement Article 251 as follows:

“Article 251. Money laundering

1. Those who commit any of the following acts shall be sentenced to between one and five years of imprisonment:
 - a/ Directly or indirectly participating in financial or banking transactions or other transactions related to money or property which they clearly know are gained from the commission of a crime in order to conceal the illegal origin of such money or property;
 - b/ Using money or property which they clearly know are gained from the commission of a crime in conducting business or other activities;

c/ Concealing information on the origin, true nature, location, process of movement or ownership of money or property which they clearly know are gained from the commission of a crime, or obstructing the verification of such information;

d/ Committing one of acts specified at Points a, b and c of this Clause with regard to money or property which they clearly know are gained from the movement, transfer or conversion of money or property gained from the commission of a crime.

2. Committing the crime in any of the following circumstances, offenders shall be sentenced to between three and ten years of imprisonment:

a/ In a professional manner;

b/ Abusing positions and powers;

c/ Committing the crime more than once;

d/ In a professional manner;

e/ Employing sophisticated or perfidious tricks;

f/ Involving money and property of big value;

g/ Gaining big illicit profits;

h/ Causing serious consequences;

i/ Dangerous recidivism.

3. Committing the crime in any of the following circumstances, offenders shall be sentenced to between eight and fifteen years of imprisonment:

a/ Involving money and property of very or particularly big value;

b/ Gaining very or particularly big illicit profits;

c/ Causing very or particularly serious consequences.

4. Offenders may also be subject to confiscation of part or the whole of their property, imposed a fine of up to three times the amount of money or value of property involved in their crimes, banned from holding certain posts or practicing certain professions or performing certain jobs for between one and five years.”.

35. To amend Article 274 as follows:

“Article 274. Illegally leaving or entering the country; illegally staying in Vietnam 1. Those who illegally enter or leave the country or stay in Vietnam and have been administratively sanctioned for this act but relapse into it shall be imposed a fine of between five million and fifty million dong or a prison term of between three months and two years.”

36. To annul Articles 131, 183, 184 and 199.

Article 2. To amend and supplement some phrases in Clause 1, Article 313 as follows:

1. To amend the phrase “Clause 2, Article 119 (Trafficking in women)” into “Clause 2, Article 119 “Trafficking in humans”;

2. To add the phrase “Article 230a (Terrorism) after the phrase “Article 230 (Illegally manufacturing, stockpiling, transporting, using, trading in or appropriating military weapons and/or technical equipment).”

Article 3.

1. This Law takes effect on January 1, 2010.

2. The Government, the Supreme People's Court and the Supreme People's Procuracy shall, within the ambit of their respective tasks and powers, guide the implementation of this Law.

This Law was passed on June 19, 2009, by the XIIth National Assembly of the Socialist Republic of Vietnam at its 5th session.