

OFFICIAL TRANSLATION

LAW N° 26319

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Nº 3494-07

“El Peruano” Legal Regulations

Lima, June 01, 1994

(...)

ARTICLES OF THE CRIMINAL CODE ARE AMENDED

LAW Nº 26319

PRESIDENT OF THE REPUBLIC

WHEREAS

THE DEMOCRATIC CONSTITUENT CONGRESS has passed the following law:

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

“Article 186º.- 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 188º.- 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 189º.- 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
(...)

Round seal: *El Peruano* Official Gazette - Newspaper and Periodicals Library

"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 Legal Provision: Law N° 26319, pages N° 123650 to 123651 published on June 01, 1994, edition N.L.N: 5082 - Lima, December 11, 2007 - (seal and signature) Maria

APAESTEGUI SILVA - Certifying Officer - *El Peruano* Official Gazette - "EDITORA PERU"

MINISTRY OF FOREIGN AFFAIRS - OFFICE OF CONSULAR AFFAIRS - AUTHENTICATION N° 127364 - The preceding signature of Maria APAESTEGUI SILVA is hereby authenticated without judging the content of the document. - Lima, December 11, 2007 - (seal and signature) Julia Adela MOREANO DE DUEÑAS - Department of Authentications - Office of Consular Formalities - Round seal: Republic of Peru - Ministry of Foreign Affairs - Office of Consular Formalities - Authentications - (raised seal)

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