

ACT  
PROMULGATING THE PENAL CODE,  
B.E. 2499 (1956)

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BHUMIBOL ADULYADEJ, REX.

Given on the 13<sup>th</sup> Day of November B.E. 2499;  
Being the 11<sup>th</sup> Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to revise the Penal Law because since the promulgation of the Penal Law in B.E. 2451 (1908), the circumstances of the country have significantly changed;

Be it, therefore, enacted by the King by and with the advice and consent of the House of Representatives, as follows:

**Section 1.** This Act is called the “Act Promulgating the Penal Code, B.E. 2499 (1956).”

**Section 2.**<sup>1</sup> This Act shall come into force as from the day following the date of its publication in the Government Gazette.

**Section 3.** The Penal Code as annexed to this Act shall come into force as from the 1<sup>st</sup> day of January, B.E. 2500 (1957).

**Section 4.** When the Penal Code has come into force, the Penal Law shall be repealed.

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\* Translation by Ms. Arriya Phasee under contract for the Office of the Council of State of Thailand.  
Tentative Version – subject to final authorisation by the Office of the Council of State.

<sup>1</sup> Published in the Government Gazette Vol. 73, Part 95, Special Issue, Page 1, dated 15th November B.E. 2499 (1956).

**Section 5.** When the Penal Code has come into force, in the case where any law determines a punishment by referring to the punishment of the petty offences in the Penal Law, it shall be deemed that such law refers to the punishment as follows:

If it refers to the 1<sup>st</sup> degree punishment, it shall mean a fine not exceeding one hundred baht.

If it refers to the 2<sup>nd</sup> degree punishment, it shall mean a fine not exceeding five hundred baht.

If it refers to the 3<sup>rd</sup> degree punishment, it shall mean imprisonment for a term not exceeding ten days or a fine not exceeding five hundred baht or both.

If it refers to the 4<sup>th</sup> degree punishment, it shall mean imprisonment for a term not exceeding one month or a fine not exceeding one thousand baht or both.

**Section 6.** When the Penal Code has come into force, imprisonment in lieu of a fine under any law, irrespective of whatever such law provides, shall be governed by the Penal Code, but with regard to an offence committed prior to the date on which the Penal Code comes into force, the period of detention shall not exceed one year for the fine punishment of one count and two years for the fine punishment of several counts.

**Section 7.** In the case of a measure of safety under section 46 of the Penal Code, the provisions of the Criminal Procedure Code shall apply as if a criminal offence is committed, but no person may be kept in custody in an inquiry stage for more than forty-eight hours from the time of his or her arrival at the office of an administrative or police official, but the ordinary travelling time for bringing an arrested person to a court shall not be included into such forty-eight-hour period.

**Section 8.** When the Penal Code has come into force, provisions of any law which refer to the Penal Law or to the provisions of the Penal Law shall be deemed to refer to the Penal Code or the provisions bearing the same meaning of the Penal Code, as the case may be.

Countersigned by:

Field Marshal Plaek. Pibulsongkram  
Prime Minister

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<sup>3</sup> Book II, Title VII, Chapter IV Offences Relating to Electronic Cards has been added by the Penal Code Amendment Act (No. 17), B.E. 2547 (2004).

<sup>4</sup> Book II, Title VII, Chapter V Offences Relating to Passports has been added by the Penal Code Amendment Act (No. 18), B.E. 2550 (2007).

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<sup>5</sup> Book II, Title XIII Offences Relating to Corpses has been added by the Penal Code Amendment Act (No. 22), B.E. 2558 (2015).

## THE PENAL CODE

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### BOOK I GENERAL PROVISIONS

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#### TITLE I PROVISIONS APPLICABLE TO GENERAL OFFENCES

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#### CHAPTER I DEFINITIONS

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**Section 1.** In this Code:

- (1) “to act dishonestly” means to seek for himself or herself or for others a benefit to which he or she is not entitled by law;
- (2) “public way” means any land or waterway for public use for traffic purposes, and shall include any railway or tramway for public conveyance;
- (3) “public place” means any place where the people have a right of access;
- (4) “dwelling place” means a place used as a residence, such as a house, building, boat or floating house for human dwelling, and shall include an area of such place, whether surrounded by a fence;
- (5) “arms” includes a thing which is not a weapon by nature, but is used or intended to be used as a weapon for causing grievous bodily harm;
- (6) “to commit an act of violence” means to injure the body or mind of a person, either by using physical force or by any other means, and shall include any act which causes any person to have the condition of being unable to resist either by using intoxicants, hypnotism or any other similar means;
- (7) “document” means a paper or any other object upon which the expression is made by letters, figures, drawing or any other design, whether by means of printing, photographing or any other means which is evidence of such expression;
- (8) “official document” means a document drawn up or authenticated by a competent official in the course of his or her duty, and shall include a copy of such document, authenticated by a competent official in the course of his or her duty;

(9) “document of rights” means a document which is evidence of the creation, modification, transfer, preservation or extinction of a right;

(10) “signature” includes a finger print and mark affixed by a person in lieu of his or her signature;

(11) “night” means the interval between sunset and sunrise;

(12) “custody” means a restraint, keeping in custody, confinement, detention or imprisonment;

(13) “ransom” means property or a benefit demanded or given in exchange for the liberty of a person taken away, restrained or detained;

(14)<sup>6</sup> “electronic card” means:

(a) a document or any other object which is issued in any form by an issuer to an eligible user, whether named, and onto which the data or codes are stored by applying an electronic means, electric means, electromagnetic means or any other similar means, including a light or magnetic means, and upon which the expression is made by letters, figures, codes, card numbers or any other symbols, either visible or invisible by the naked eye;

(b) any data, code, account number, electronic serial number or numerical instrument which is issued by an issuer to an eligible user without issuance of any other document or object and which is used in such a way similar to (a); or

(c) any other thing used in conjunction with electronic data to indicate the relationship between a person and such electronic data for the purpose of identifying its owner;

(15)<sup>7</sup> “passport” means an identity document in any form which is issued by the Thai Government, foreign government or international organisation to any person to show identity for international travel, and shall include a document used in lieu of a passport and a form of passport in which the information relating to the holder has not been filled;

(16)<sup>8</sup> “competent official” means a person provided by law to be a competent official or who is appointed by law to perform public duties, permanently or temporarily and with or without remuneration;

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<sup>6</sup> Section 1 (14) has been added by the Penal Code Amendment Act (No. 17), B.E. 2547 (2004).

<sup>7</sup> Section 1 (15) has been added by the Penal Code Amendment Act (No. 18), B.E. 2550 (2007).

<sup>8</sup> Section 1 (16) has been added by the Penal Code Amendment Act (No. 22), B.E. 2558 (2015).

(17)<sup>9</sup> “child pornography” means an object or thing which is understood as or depicts sexual acts of a child or with a child who is not over eighteen years of age through images, stories or in a manner that can be understood as pornographic, whether in the form of a document, drawing, print, painting, printed matter, picture, advertised image, symbol, photograph, movie, audio tape, video tape or any other similar form, and shall include the object or thing above which is stored in computer systems or other electronic equipment that can show understandable results;

(18)<sup>10</sup> “sexual intercourse” means an act done for sexual gratification of the person doing it by using the sexual organ of such person to penetrate the sexual organ, anus or oral cavity of another.

## CHAPTER II

### APPLICATION OF PENAL LAWS

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**Section 2.** Any person shall be criminally punishable when an act committed by him or her is provided to be an offence and the punishment is defined by the law in force at the time of such commission, and the punishment to be imposed on such offender must be those provided by law.

If, under the law subsequently provided, such act is no longer an offence, the person committing it shall be exempt from being an offender. If there is a final judgement imposing the punishment, such person shall be deemed to have not been sentenced to such judgement. If he or she is undergoing the punishment, such punishment shall be terminated.

**Section 3.** If the law in force at the time an offence is committed differs from that in force subsequent to such commission, in any event the law which is more favourable to the offender shall apply unless the case has already become final. However, in the following cases which have already become final:

(1) if the offender has not yet undergone the punishment or is undergoing the punishment and the punishment according to the judgement is more severe than that defined by the subsequent law, the court shall, when it appears to the court from the file of the case or upon the application of the offender, his or her legal representative or guardian or a public

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<sup>9</sup> Section 1 (17) has been added by the Penal Code Amendment Act (No. 24), B.E. 2558 (2015).

<sup>10</sup> Section 1 (18) has been added by the Penal Code Amendment Act (No. 27), B.E. 2562 (2019).



prosecutor, determine a new punishment according to the subsequent law. In such determination, if it appears that the offender has undergone part of the punishment and the court finds it appropriate, taking into account the punishment provided by the subsequent law, the court may impose a lesser punishment than the minimum punishment provided by the subsequent law, if any, or it may, if it views that the offender has been adequately punished, discharge him or her.

(2) if the court has rendered a judgement of death penalty upon the offender and, under the law subsequently provided, the punishment to be imposed on the offender does not amount to a death penalty, the execution of the offender shall be suspended, and the death penalty according to the judgement shall be deemed to have changed to the maximum punishment imposable under the subsequent law.

**Section 4.** Any person who commits an offence within the Kingdom shall be punished according to law.

The commission of an offence on board a Thai ship or aircraft wherever it may be, shall be deemed to be committed within the Kingdom.

**Section 5.** If any offence is committed even partially within the Kingdom, or its consequence occurs within the Kingdom as intended by the person committing it, or its consequence, by the nature of such act, should occur within the Kingdom or should be foreseen to occur within the Kingdom, such offence shall be deemed to be committed within the Kingdom.

In the case of a preparation or attempt to commit any act which is an offence as provided by law, even though such act is committed outside the Kingdom, such preparation or attempt shall be deemed to be committed within the Kingdom if the consequence of such act, when carried through to the stage of accomplishment of the offence, will occur within the Kingdom.

**Section 6.** With regard to any offence which is committed within the Kingdom or is deemed by this Code to be committed within the Kingdom, even though the act of a co-principal, accomplice or instigator of the offence is committed outside the Kingdom, such principal, accomplice or instigator shall be deemed to commit such act within the Kingdom.

**Section 7.** Any person who commits the following offences outside the Kingdom shall be punished in the Kingdom:

(1) Offences relating to the security of the Kingdom as provided in section 107 to section 129;

(1/1)<sup>11</sup> Offences relating to terrorism as provided in section 135/1, section 135/2, section 135/3 and section 135/4;

(2) Offences relating to counterfeiting and alteration as provided in section 240 to section 249, section 254, section 256, section 257 and section 266 (3) and (4);

(2 *bis*)<sup>12</sup> Offences relating to sexuality as provided in section 282 and section 283;

(3) Offences of robbery as provided in section 339 and offences of gang-robbery as provided in section 340 committed in the high seas.

**Section 8.** If any person commits an offence outside the Kingdom and:

(a) such offender is a Thai national and the government of the country where the offence occurs or the injured person has applied for conviction; or

(b) such offender is an alien and the Thai Government or a person of Thai nationality who is the injured person has applied for conviction,

he or she shall be punished in the Kingdom if such offence is specified below:

(1) Offences relating to causing public dangers as provided in section 217, section 218, section 221 to section 223, except cases relating to section 220, paragraph one and section 224, section 226, section 228 to section 232, section 237 and section 233 to section 236 only when it is the case punishable under section 238;

(2) Offences relating to documents as provided in section 264, section 265, section 266 (1) and (2), section 268, except cases relating to section 267 and section 269;

(2/1)<sup>13</sup> Offences relating to electronic cards as provided in section 269/1 to section 269/7;

(2/2)<sup>14</sup> Offences relating to passports as provided in section 269/8 to section 269/15;

(3) Offences relating to sexuality as provided in section 276, section 280 and section 285 only in relation to section 276;

(4) Offences causing death as provided in section 288 to section 290;

(5) Offences against body as provided in section 295 to section 298;

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<sup>11</sup> Section 7 (1/1) has been added by the Penal Code Amendment Emergency Decree, B.E. 2546 (2003).

<sup>12</sup> Section 7 (2 *bis*) has been added by the Penal Code Amendment Act (No. 14), B.E. 2540 (1997).

<sup>13</sup> Section 8 (2/1) has been added by the Penal Code Amendment Act (No. 17), B.E. 2547 (2004).

<sup>14</sup> Section 8 (2/2) has been added by the Penal Code Amendment Act (No. 18), B.E. 2550 (2007).

(6) Offences of abandonment of children, ill or elderly persons as provided in section 306 to section 308;

(7) Offences against liberty as provided in section 309, section 310, section 312 to section 315 and section 317 to section 320;

(8) Offences of taking by stealth and snatching as provided in section 334 to section 336;

(9) Offences of extortion, blackmail, robbery and gang-robbery as provided in section 337 to section 340;

(10) Offences of defrauding as provided in section 341 to section 344, section 346 and section 347;

(11) Offences of misappropriation as provided in section 352 to section 354;

(12) Offences of receiving stolen property as provided in section 357;

(13) Offences of interference with goods as provided in section 358 to section 360.

**Section 9.** A competent official of the Thai Government who commits an offence as provided in section 147 to section 166 and section 200 to section 205 outside the Kingdom shall be punished in the Kingdom.

**Section 10.** Any person who commits an act outside the Kingdom, which is the offence under any section specified in section 7 (2) and (3), section 8 and section 9 shall not be punished in the Kingdom for the same act, if:

(1) there is a final judgement of a court in a foreign country discharging such person;  
or

(2) a court in a foreign country has rendered a judgement of conviction and such person has completely undergone the punishment.

If the sentenced person has partially undergone the punishment for such act according to the judgement of a court in a foreign country, but has not yet completely undergone it, the court may, taking into account the punishment already undergone by such person, impose a lesser punishment to any extent than that provided by the law for such offence or may not impose any punishment.

**Section 11.** If any person who commits an offence within the Kingdom or commits an offence which is deemed by this Code to be committed within the Kingdom has undergone, in whole or in part, the punishment for such commission according to a judgement of a court in a foreign country, the court may, taking into account the punishment already undergone by such person, impose a lesser punishment to any extent than that provided by law for such offence or may not impose any punishment.

In the case where a person who commits an offence within the Kingdom or commits an offence which is deemed by this Code to be committed within the Kingdom has been charged before a court in a foreign country upon the application of the Thai Government, such person shall not be punished in the Kingdom again for the same act, if:

- (1) there is a final judgement of the court in a foreign country discharging such person;
- or
- (2) the court in a foreign country has rendered a judgement of conviction and such person has completely undergone the punishment.

**Section 12.** A measure of safety may be applied to any person only when there is a provision of law for its application, and the law to be applied shall be the law in force at the time when the court renders a judgement.

**Section 13.** If, according to the law subsequently provided, any measure of safety has been repealed and if there is any person being subject to such measure, the court shall, when it appears to the court from the file of the case or upon the application of such person, his or her legal representative or guardian or a public prosecutor, give an order revoking the application of such measure.

**Section 14.** In the case where there is a person being subject to any measure of safety and the law subsequently provided has modified the conditions for the application of such measure resulting in that such measure may not be applicable to the case of such person or that it may be applicable but the application of the measure of safety according to the law subsequently provided is more favourable to such person, the court shall, when it appears to the court from the file of the case or upon the application of such person, his or her legal representative or guardian or a public prosecutor for cancellation of the application of the measure of safety or for accepting the consequence according to the subsequent law, as the case may be, give an order as it sees fit.

**Section 15.** If, according to the law subsequently provided, any punishment has been changed to a measure of safety and if there is a judgement imposing such punishment upon any person, such punishment shall be deemed to be a measure of safety.

In the case of paragraph one, if such person has not yet undergone the punishment or is undergoing the punishment, the measure of safety shall continue to be applied to such person, and if, according to the law subsequently provided, there is a condition rendering the application of such measure not applicable to the case of such person or applicable but the application of the measure of safety according to the law subsequently provided is more

favourable to such person, the court shall, when it appears to the court from the file of the case or upon the application of such person, his or her legal representative or guardian or a public prosecutor for cancellation of the application of the measure of safety or for accepting the consequence according to the subsequent law, as the case may be, give an order as it sees fit.

**Section 16.** When a court has rendered a judgement to apply a measure of safety to any person, if it subsequently appears to the court, according to the submission of such person, his or her legal representative or guardian or a public prosecutor, that the circumstances concerning the application have changed, the court may order a revocation or temporary suspension of the application of the measure of safety to such person as it sees fit.

**Section 17.** The provisions of Book I of this Code shall apply to offences under other laws, unless otherwise provided by such other laws.

### CHAPTER III PUNISHMENTS AND MEASURES OF SAFETY

#### PART I PUNISHMENTS

**Section 18.** Punishments to be imposed on offenders shall be as follows:

- (1) Death;
- (2) Imprisonment;
- (3) Detention;
- (4) Fine;
- (5) Forfeiture of property.

A death penalty and imprisonment for life shall not apply to a person committing an offence while he or she is under eighteen years of age.<sup>15</sup>

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<sup>15</sup> Section 18, paragraph two has been added by the Penal Code Amendment Act (No. 16), B.E. 2546 (2003).

In the case where the offence committed by a person while he or she is under eighteen years of age is punishable by death or imprisonment for life, such punishment shall be deemed to be changed to imprisonment for a term of fifty years.<sup>16</sup>

**Section 19.**<sup>17</sup> Any person sentenced to a death penalty shall be executed by lethal substance or lethal toxin injection.

The criteria and procedures for the execution shall be in accordance with the Rules as prescribed by the Ministry of Justice by publishing in the Government Gazette.

**Section 20.** With regard to all offences prescribed by law to be punishable by both imprisonment and a fine, the court, if it sees fit, may impose only the punishment of imprisonment.

**Section 21.** In the calculation of the period of imprisonment, the first day of imprisonment shall be calculated as one whole day regardless of the number of hours.

If the period to be calculated is determined in months, a month shall consist of thirty days, and if determined in years, it shall be calculated in accordance with the official calendar.

When a sentenced person has completely served the term of his or her imprisonment, discharge shall take place on the day following the date of completion of the term.

**Section 22.** Imprisonment shall commence from the date on which the judgement is issued, but if the sentenced person is kept in custody prior to the court rendering the judgement, the number of days in custody shall be deducted from the period of imprisonment according to the judgement unless otherwise specified by such judgement.

In the case where the judgement specifies otherwise, the period of imprisonment according to the judgement when combined with the number of days in custody prior to the court rendering the judgement in such case shall not exceed the maximum rate of punishment prescribed by law for the offence committed, provided that the provision of section 91 shall not be prejudiced.

**Section 23.** In the case where any person commits an offence punishable by imprisonment and in such case the court will impose imprisonment for a term not exceeding

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<sup>16</sup> Section 18, paragraph three has been added by the Penal Code Amendment Act (No. 16), B.E. 2546 (2003).

<sup>17</sup> Section 19 has been amended by the Penal Code Amendment Act (No. 16), B.E. 2546 (2003).

three months, if it does not appear that such person has previously been punished with imprisonment or it appears that such person has previously been punished with imprisonment for an offence committed through negligence or a petty offence, the court may render a judgement imposing detention for a term not exceeding three months in lieu of such imprisonment.

**Section 24.** Any person who is sentenced to detention shall be held in a determined place of detention which shall not be a prison, a police station or a place for keeping alleged offenders in custody of inquiry officials.<sup>18</sup>

The court, if it sees fit, may order in the judgement to detain the offender in his or her own residence or a residence of another person who consents to take him or her into custody or in any other place where detention is possible, in order to be suitable to the kind or condition of the detained person.

If it appears to the court that the detention of the person sentenced to detention in the place under paragraph one or paragraph two may cause danger to such person or cause any person whose livelihood is dependent on the sentenced person to suffer excessive trouble or there are other special circumstances showing that it is not appropriate to detain the sentenced person in such place, the court may issue an order of detention of such sentenced person in any other place than his or her own residence with consent of the owner or occupier of such place. In this case, the court shall have the power to determine any condition to be complied with by the person sentenced to detention, and if the owner or occupier of such place has consented thereto, the court may issue an order of appointment of such person as the supervisor and such appointed person shall be deemed to be a competent official under this Code.<sup>19</sup>

**Section 25.** A person sentenced to detention in a determined place shall be provided with maintenance by such place. However, subject to the regulation of the place, the sentenced person shall have the right to obtain food from outside of such place at his or her own expense, use his or her own clothes, be visited at least one hour per day and receive and send letters.

A person sentenced to detention must work in accordance with the rules, regulation and discipline. If the sentenced person desires to do other work, he or she shall be permitted

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<sup>18</sup> Section 24, paragraph one has been amended by the Penal Code Amendment Act (No. 15), B.E. 2545 (2002).

<sup>19</sup> Section 24, paragraph three has been added by the Penal Code Amendment Act (No. 15), B.E. 2545 (2002).

to select the kind of work for which he or she applies, provided that this shall not be in conflict with the rules, regulation, discipline or safety measures of such place.

**Section 26.** If a person sentenced to detention has been detained in his or her own residence or a residence of another person who consents to take such person into custody, the sentenced person shall have the right to exercise his or her profession or career in such place. In this regard, the court may or may not determine any condition to be complied with by the sentenced person as it sees fit.

**Section 27.**<sup>20</sup> If, during when a person sentenced to detention under section 23 has undergone the detention, it appears to the court itself or from the statement of the public prosecutor or the person monitoring the place of detention that:

(1) the sentenced person violates the rules, regulation or discipline of the place of detention:

(2) the sentenced person fails to comply with the conditions determined by the court; or

(3) the sentenced person is sentenced by a judgement to imprisonment, the court may change the punishment of detention to imprisonment for any term as the court sees fit, but not exceeding the term of detention to be served by the sentenced person.

**Section 28.** Any person sentenced to a fine must make the payment according to the amount imposed in the judgement to the court.

**Section 29.**<sup>21</sup> Any person who has been sentenced to a fine and fails to pay the fine within thirty days from the date on which the court has rendered the judgement shall be subject to property seizure or attachment of claims over property for payment of the fine or otherwise detained in lieu of a fine. However, if the court has a reasonable cause to suspect that such person will avoid making payment of the fine, the court may order placement of guarantee or detention of such person in lieu of a fine for the time being.

The provision of section 24, paragraph two shall not apply to detention in lieu of a fine.

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<sup>20</sup> Section 27 has been amended by the Penal Code Amendment Act (No. 15), B.E. 2545 (2002).

<sup>21</sup> Section 29 has been amended by the Penal Code Amendment Act (No. 25), B.E. 2559 (2016).



**Section 29/1.**<sup>22</sup> In the case where a person sentenced to a fine fails to pay the fine within the specified period of time under section 29, paragraph one, the court shall have the power to issue a writ of execution to seize the property or attach claims over the property of such person for payment of the fine.

The Civil Procedure Code shall apply, *mutatis mutandis*, to the execution under paragraph one, provided that an appointed court officer and the public prosecutor shall have the power and duty to proceed with the execution and an executing officer shall have the power and duty to carry out the seizure of the property or attachment of claims over the property of the person sentenced to the fine and a sale thereof by auction as informed by the court or the public prosecutor. In this regard, administrative agencies shall not demand fees or expenses from those carrying out the execution.

In the public prosecutor's examination and search of property of a person sentenced to a fine for the execution purpose under paragraph two, the criteria, procedures and conditions prescribed in the regulation of the Attorney-General shall be complied with.

The provision of this section shall not affect the court's issuance of an order under section 29, paragraph one.

**Section 30.**<sup>23</sup> With regard to detention in lieu of a fine, the rate of five hundred baht per day shall apply, and, irrespective of whether one or several counts of the offence are committed, the period of detention shall not exceed one year except where the court renders a judgement of a fine from two hundred thousand baht or more, in which case the court may order detention in lieu of a fine for a period exceeding one year but not exceeding two years.

In the calculation of the period, the first day of detention in lieu of a fine shall be calculated as one whole day regardless of the number of hours.

In the case where a person sentenced to a fine is kept in custody prior to the court rendering judgement, the number of days in custody shall be deducted from the amount of fine, whereby the rate of five hundred baht per day shall apply, unless such person is sentenced to both imprisonment and a fine, in which case the number of days in custody to be deducted from the period of imprisonment under section 22, if any, shall be deducted first and the remainder shall be deducted from the amount of fine.

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<sup>22</sup> Section 29/1 has been added by the Penal Code Amendment Act (No. 25), B.E. 2559 (2016).

<sup>23</sup> Section 30 has been amended by the Penal Code Amendment Act (No. 25), B.E. 2559 (2016).

When a person sentenced to a fine has completely served the period of his or her detention in lieu of a fine, discharge shall take place on the day following the date of completion of such period. If payment of the fine is made in full, discharge shall take place immediately.

**Section 30/1.** In the case where a court renders a judgement imposing a fine, the person sentenced to a fine, who is not a juristic person and does not have money to pay the fine may file a motion with the court of first instance judging the case requesting to perform community or public service work in lieu of a fine, or if it appears to the court while judging the case that any person sentenced to a fine falls under the criteria of being capable of performing community or public service work under this section and the person sentenced to a fine has consented thereto, the court may order such person to perform community or public service work in lieu of a fine.<sup>24</sup>

In considering the motion under paragraph one, if the court, when considering the financial status, past record and nature of the offence of the sentenced person, sees fit, it may order such person to perform community or public service work in lieu of a fine under the supervision of a probation officer, State official, State agency or organisation for social service, public charity or public interest purposes consenting to take him or her into custody.

In the case where the court issues an order instructing the sentenced person to perform community or public service work in lieu of a fine, the court shall determine the nature or type of work, work supervisor, commencement date, work period and number of working hours which is counted as one working day, taking also into account the sex, age, past record, religious belief, behaviour, intelligence, education and training, health, mental condition, habit, career, environment or nature of the offence of the sentenced person, and the court may determine any condition to be complied with by the sentenced person in order to rehabilitate such person or prevent such person from committing an offence again.

If it subsequently appears to the court that the circumstances concerning the community or public service work of the sentenced person have changed, the court may change its order as it sees fit.

In the determination of the work period in lieu of a fine under paragraph three, the provision of section 30 shall apply, *mutatis mutandis*, and in the case where the court does not require the sentenced person to work on a consecutive basis, such work shall be performed within a period of two years from the work commencement date determined by the court.

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<sup>24</sup> Section 30/1, paragraph one has been amended by the Penal Code Amendment Act (No. 25), B.E. 2559 (2016).

For the purpose of the determination of the number of working hours under paragraph three, the President of the Supreme Court shall have the power to issue judicial rules on the determination of the number of hours which is counted as one working day for each type of community or public service work as he or she sees fit.

**Section 30/2.**<sup>25</sup> If after the court has issued an order granting the motion under section 30/1, it appears to the court itself or from the statement of the plaintiff or a competent official that the person sentenced to a fine has sufficient money to pay the fine at the time of the filing of the motion under section 30/1 or that the sentenced person has violated or failed to comply with the order or condition determined by the court, the court may revoke the order granting the motion and impose a fine or detention in lieu of a fine, whereby the number of actual working days may be deducted from the amount of the fine.

During when the community or public service work in lieu of a fine is carried out, if the person sentenced to a fine desires to discontinue such work, a motion for change to a fine or detention in lieu of a fine may be made. In this case, the court shall issue an order granting such motion and the number of actual working days shall be deducted from the amount of the fine.

**Section 30/3.**<sup>26</sup> The court order under section 30/1 and section 30/2 shall be final.

**Section 31.** In the case where a court is to render a judgement imposing a fine on several offenders for the same offence and in the same case, the court shall impose a fine on every individual offender.

**Section 32.** Any property of which the production or possession is an offence as provided by law shall be forfeited, irrespective of whether or not it belongs to the offender or there is a person convicted by the judgement.

**Section 33.** In the forfeiture of property, the court shall, in addition to the power specifically provided by law for that purpose, have the power to order forfeiture of the following property as well:

- (1) property which has been used or possessed for use in committing an offence; or

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<sup>25</sup> Section 30/2 has been added by the Penal Code Amendment Act (No. 15), B.E. 2545 (2002).

<sup>26</sup> Section 30/3 has been added by the Penal Code Amendment Act (No. 15), B.E. 2545 (2002).

(2) property which has been obtained through an offence,  
 unless such property belongs to any other person who does not connive in the commission of such offence.

**Section 34.** All properties:

(1) which have been given under section 143, section 144, section 149, section 150, section 167, section 201 or section 202; or

(2) which have been given to induce a person to commit an offence or as a reward to a person for committing an offence,

shall be forfeited, unless such property belongs to any other person who does not connive in the commission of such offence.

**Section 35.** Property subject to forfeiture by a court's judgement shall vest in the State, but the court may issue a judgement for such property to be rendered useless or to be destroyed.

**Section 36.** In the case where the court has already given an order of forfeiture under section 33 or section 34, if it subsequently appears from the submission of the true owner that he or she did not connive in the commission of the offence, the court shall order return of property if such property remains in the possession of a competent official; provided, however, that the true owner shall make such submission to the court within one year from the date of final judgement.

**Section 37.** If the person who is ordered by a court to deliver forfeited property fails to deliver it within a period of time determined by the court, the court shall have the power to give the following order:

(1) Seizure of such property;  
 (2) Payment of the value or seizure of other property of such person to compensate for the value in full; or

(3) In the case where the court finds that such person is able to deliver the property ordered to be delivered but fails to do so, or is able to pay the value of the property but fails to do so, the court shall have the power to detain such person until the order is complied with but not exceeding one year. However, if it subsequently appears to the court itself or from the submission of such person that such person is unable to deliver the property or pay the value, the court may order for such person to be discharged earlier than the expiration of the original period.

**Section 38.** A punishment shall be extinguished by the death of the offender.

## PART II MEASURES OF SAFETY

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**Section 39.** Measures of safety shall be as follows:

- (1) Protective custody;
- (2) Prohibition to enter a specified area;
- (3) Demanding of a bond with security;
- (4) Restraint in a medical establishment;
- (5) Prohibition to engage in certain careers.

**Section 40.** Protective custody is the keeping in custody of a habitual offender within a specified area to prevent him or her from committing offences, to reform his or her character and to train him or her for a career.

**Section 41.** In the case where any person who has previously been sentenced by a judgement to protective custody or sentenced by a judgement to imprisonment for a term not less than six months for not less than twice for the following offences:

- (1) Offences relating to public peace as provided in section 209 to section 216;
- (2) Offences relating to causing public dangers as provided in section 217 to section 224;
- (3) Offences relating to money as provided in section 240 to section 246;
- (4) Offences relating to sexuality as provided in section 276 to section 286;
- (5) Offences causing death as provided in section 288 to section 290, section 292 to section 294;
- (6) Offences against body as provided in section 295 to section 299;
- (7) Offences against liberty as provided in section 309 to section 320;
- (8) Offences relating to things as provided in section 334 to section 340, section 354 and section 357,

commits, within ten years from the date on which such person has been discharged from the protective custody or the punishment, as the case may be, any of the specified offences again resulting in a court rendering a judgement of imprisonment for a term not less than six months for such offence, the court may deem such person as a habitual offender and may render a judgement of protective custody for a term not less than three years but not exceeding ten years.

An offence committed by a person while he or she is under eighteen years of age shall not be deemed to be an offence to be taken into consideration for protective custody under this section.<sup>27</sup>

**Section 42.** In the calculation of the period of protective custody, the date on which the court renders the judgement shall be the first day of protective custody, but if there remains the punishment of imprisonment or detention to be served by the person subject to protective custody, it shall be served first and the day following the date of discharge from the imprisonment or detention shall be the first day of the protective custody.

The provision of section 21 shall apply, *mutatis mutandis*, to the period of protective custody and the discharge of a person subject to protective custody.

**Section 43.** A prosecution for protective custody shall be the exclusive power of a public prosecutor and may be made together with the prosecution of the case which forms the basis for prosecution for protective custody or may be made afterwards.

**Section 44.** Prohibition to enter a specified area is the prohibition to enter a locality or place as designated in a judgement.

**Section 45.** When a court renders a judgement imposing a punishment on any person and the court sees fit for the public safety, whether upon an application, the court may order in the judgement that such person, after completely undergoing the punishment according to the judgement, is prohibited from entering a specified area for a period not exceeding five years.

**Section 46.**<sup>28</sup> If it appears to the court from the proposal of the public prosecutor that any person will cause danger to another person or to the property of another person or carry out any act which causes damage to the environment or natural resources under the law relating to environment and natural resources, the court shall, in the trial of any case, irrespective of whether the court will convict the person charged or not and when there is a reasonable cause to believe that the person charged is likely to cause danger to another person or the property of another person or commit an offence which will cause damage to

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<sup>27</sup> Section 41, paragraph two has been amended by the Penal Code Amendment Act (No. 21), B.E. 2551 (2008).

<sup>28</sup> Section 46 has been amended by the Penal Code Amendment Act (No. 21), B.E. 2551 (2008).

the environment or natural resources under the law relating to environment and natural resources, have the power to order such person to execute a bond in the amount of money not exceeding fifty thousand baht, with or without security, for not causing danger or not committing such offence throughout a period determined by the court but not exceeding two years.

If such person refuses to execute a bond or cannot furnish security, the court shall have the power to order detention of such person until he or she executes a bond or furnishes security, provided that the detention shall not exceed six months, or may order prohibition of entering a specified area under section 45.

An act of a person who is under eighteen years of age shall not be subject to the provision of this section.

**Section 47.** If a person executing a bond under section 46 breaches the bond, the court shall have the power to order such person to make payment in the amount not exceeding that specified in the bond. If such person fails to make the payment, the provisions of section 29 and section 30 shall apply.

**Section 48.** If the court views that a discharge of any person with mental deficiency, psychosis or mental infirmity who is not liable to punishment or whose punishment is commuted under section 65 will cause harm to the people, the court may order to send such person to be restrained in a medical establishment, and this order may be revoked by the court at any time.

**Section 49.** In the case where a court renders a judgement imposing imprisonment or deciding that any person is guilty but the determination or execution of punishment is suspended, if the court views that such person has committed the offence owing to habitual consumption of liquor or narcotic addiction, the court may determine in the judgement that such person shall not consume either liquor or narcotics or both of them within a period not exceeding two years from the date on which he or she has completely undergone the punishment or from the date of discharge on account of the suspension of the determination or execution of punishment.

In the case where the person under paragraph one fails to comply with the court's requirement, the court may order to send such person to be restrained in a medical establishment for a period not exceeding two years.

**Section 50.** When a court renders a judgement of conviction against any person, if the court views that such person has committed the offence by taking an opportunity of or

on account of the exercise of his or her career or profession and views that if such person continues to exercise such career or profession, he or she may commit the same offence again, the court may order in the judgement to prohibit him or her from exercising such career or profession for a period not exceeding five years from the date on which he or she has completely undergone the punishment.

### PART III

#### INCREASE, COMMUTATION AND SUSPENSION OF PUNISHMENT

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**Section 51.**<sup>29</sup> In the increase of a punishment, no punishment may be increased to a death penalty, imprisonment for life or imprisonment for a term exceeding fifty years.

**Section 52.**<sup>30</sup> In the commutation of a death penalty, either in the scale of the punishment or in the punishment to be imposed, it shall be commuted as follows:

(1) If the commutation will be one-third, the punishment shall be commuted to imprisonment for life;

(2) If the commutation will be one-half, the punishment shall be commuted to imprisonment for life or imprisonment for a term of twenty-five to fifty years.

**Section 53.**<sup>31</sup> In the commutation of imprisonment for life, either in the scale of the punishment or in the punishment to be imposed, the imprisonment for life shall be changed to imprisonment for a term of fifty years.

**Section 54.** In calculating an increase or commutation of the punishment to be imposed, the court shall first determine the punishment to be imposed on the defendant and then increase or commute it. If there are both an increase and commutation of the punishment to be imposed, it shall be increased first and the increased punishment shall then be commuted. If the portion of the increase is equal to or more than that of the commutation, the court may, if it sees fit, neither increase nor commute the punishment.

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<sup>29</sup> Section 51 has been amended by the Penal Code Amendment Act (No. 6), B.E. 2526 (1983).

<sup>30</sup> Section 52 has been amended by the Announcement of the Revolutionary Council No. 11, Dated 21 November 2514 (1971).

<sup>31</sup> Section 53 has been amended by the Announcement of the Revolutionary Council No. 11, Dated 21 November 2514 (1971).



**Section 55.** If the term of imprisonment to be served by the offender is only three months or less, the court may determine any less term of imprisonment, or if the term of imprisonment to be served by the offender is only three months or less and there is also a fine imposed on him or her, the court may determine any less term of imprisonment or may dismiss the punishment of imprisonment and impose a fine only.

**Section 56.**<sup>32</sup> In the case where any person commits an offence punishable by imprisonment or a fine and in such case the court will impose the punishment of imprisonment for a term not exceeding five years with or without a fine, or impose a fine, if it appears that such person:

- (1) has never been punished by imprisonment; or
- (2) has previously been punished by imprisonment, but for an offence committed through negligence or a petty offence or the term of imprisonment is not more than six months; or
- (3) has previously been punished by imprisonment, but such person has completely undergone the punishment for more than five years and committed the offence again which is committed through negligence or is a petty offence,

the court may, after taking into account the age, past record, behaviour, intelligence, education and training, health, mental condition, habit, career and environment of such person or the nature of the offence or realisation of guilt and attempts in remedying the consequences or other factors rendering the offender to deserve mercy, render a judgement that such person is guilty but the determination of punishment is suspended or the punishment is determined but the execution is suspended, irrespective of whether the punishment is either or both imprisonment and a fine, to provide an opportunity for him or her to reform himself or herself within a period of time to be determined by the court but not exceeding five years from the date on which the court renders the judgement. In this regard, the court may or may not determine a condition for controlling such person's behaviour.

The court may determine one or several conditions for controlling the offender's behaviour under paragraph one as appropriate to the case, as follows:

- (1) To require him or her to report to a competent official specified by the court from time to time for the competent official to inquire, advise, assist or warn him or her, as the

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<sup>32</sup> Section 56 has been amended by the Penal Code Amendment Act (No. 25), B.E. 2559 (2016).

official sees fit, regarding the behaviour and the exercise of career, or to arrange a community or public service activity to be performed by him or her;

(2) To require him or her to regularly practice or engage in a career;

(3) To require him or her to refrain from any association or behaviour which may lead him or her to commit a similar offence again;

(4) To require him or her to receive treatment for narcotic addiction, physical or mental defect or any other illness at a place and for a period of time determined by the court;

(5) To require him or her to receive training at a place and for a period of time determined by the court;

(6) To prohibit him or her from leaving his or her residence or from entering into any place during a period of time determined by the court, provided that an electronic device or any other device capable of detecting or restricting travelling may be used;

(7) To require him or her to pay compensation or remedy for damages by other means to the injured person as agreed upon between the offender and the injured person;

(8) To require him or her to rehabilitate or remedy for damages caused to natural resources or environment, or to pay compensation for such damages;

(9) To require him or her to execute a bond in a specified amount as the court sees that it is appropriate to prevent him or her from causing danger or harm to other persons or property;

(10) Any other condition as the court sees that it is appropriate to rehabilitate or prevent the offender from committing or having an opportunity to commit an offence again, or any condition for remedying the injured person as it sees fit.

With regard to the conditions determined by the court under paragraph two, if it subsequently appears to the court from the request of the offender, his or her legal representative or guardian or a public prosecutor or a competent official that the circumstances concerning the control of the behaviour of the offender have changed, the court, if it sees fit, may amend or revoke any of the conditions or additionally determine any condition under paragraph two which has not been determined by the court, or if the bond has been breached, the provision of section 47 shall apply, *mutatis mutandis*.

**Section 57.** When it appears to the court itself or from the statement of a public prosecutor or a competent official that the offender fails to comply with the condition determined by the court under section 56, the court may warn the offender or determine any punishment which has not been determined on account of suspension or execute the suspended punishment.

**Section 58.** When it appears to the court itself or from the statement of the plaintiff or a competent official that, within the period of time determined by the court under section 56, the person sentenced by a judgement has committed an offence which is not committed through negligence or not a petty offence and the court has rendered a judgement of imprisonment for such offence, the court judging the latter case shall determine the punishment not yet determined on account of the suspension in the former case and add it to the punishment in the latter case or add the suspended punishment in the former case to the punishment in the latter case, as the case may be.<sup>33</sup>

However, if, within the period of time determined by the court under section 56, such person has not committed an offence as mentioned in paragraph one, such person shall be exempt from the determination or execution of punishment in that case, as the case may be.

#### CHAPTER IV CRIMINAL LIABILITY

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**Section 59.** A person shall be criminally liable only when an act is committed intentionally, except where an act is committed through negligence and the law provides that he or she shall be liable for such negligent act or where the law expressly provides that he or she shall be liable even though such act is committed unintentionally.

To commit an act intentionally shall be to knowingly commit an act and, at the same time, the person committing it desired or should have foreseen the effect of such act.

If the person committing the act does not know the fact which is the element of an offence, it shall not be deemed that such person desired or should have foreseen the effect of such act.

To commit an act through negligence shall be to unintentionally commit an offence, but committing it without such care as a person in such condition would exercise under the same limits and circumstances and the person committing it could have exercised such care but did not do so properly.

An act shall include bringing about any consequences by the omission to carry out an act which must be done to prevent such consequences.

**Section 60.** Any person who intends to commit an act against a person, but the effect of such act occurs to another person by accident shall be deemed to intentionally commit

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<sup>33</sup> Section 58, paragraph one has been amended by the Penal Code Amendment Act (No. 10), B.E. 2532 (1989).

such act against the person who suffers from the harmful effect of such act. However, in the case where the law provides for the imposition of more severe punishment on account of individual status or the relation between the person committing the act and the person suffering from the harmful effect, such law shall not apply so as to impose the more severe punishment upon the person committing such act.

**Section 61.** Any person who intends to commit an act against a person, but commits such act against another person under a mistake may not regard such mistake as an excuse that he or she did not commit such act intentionally.

**Section 62.** If the existence of any fact will cause the commission of an act not to be an offence or the person committing not to be liable to punishment or to receive less punishment, and even though such fact does not exist but the person committing it mistakenly assumes the existence of it, he or she shall not be guilty or shall be exempted from the punishment or shall receive less punishment, as the case may be.

If ignorance of the fact under section 59, paragraph three or the mistake about the existence of the fact under paragraph one is caused by negligence of the person committing an offence, such person shall be liable for committing the offence by negligence in the case where the law specifically provides that a person committing such act even through negligence shall be punished.

A person will be liable to a more severe punishment by virtue of any fact only when such person was aware of such fact.

**Section 63.** If the effect of the commission of any offence causes the person committing it to receive a more severe punishment, such effect must be that which may ordinarily occur.

**Section 64.** A person may not excuse himself or herself from criminal liability on the grounds of ignorance of law. However, if the court views that, according to the nature and circumstances, the offender may not have knowledge that the law provides that such act is an offence, the court may permit him or her to produce evidence before it, and if the court believes that he or she does not know that the law provides so, the court may impose a lesser punishment to any extent than that provided by law for such offence.

**Section 65.** Any person who commits an offence while unable to understand right and wrong or unable to control himself or herself due to mental deficiency, psychosis or mental infirmity shall not be liable to the punishment for such offence.

However, if the offender is partially able to understand right and wrong or partially able to control himself or herself, he or she shall be punished for such offence, but the court may impose a lesser punishment to any extent than that provided by law for such offence.

**Section 66.** Intoxication due to consumption of liquor or other intoxicating substances shall not be raised as an excuse under section 65 unless such intoxication is caused without the consumer knowing that such substance will cause intoxication or against the will of such person and he or she commits an offence while unable to understand right and wrong or unable to control himself or herself, in which case the offender shall be exempted from the punishment for such offence. However, if the offender is partially able to understand right and wrong or partially able to control himself or herself, the court may impose a lesser punishment to any extent than that provided by law for such offence.

**Section 67.** Any person who commits an offence on account of necessity:

(1) because he or she is under compulsion or under the influence which renders him or her unable to avoid or resist; or

(2) to avert an imminent danger, which cannot otherwise be averted, from himself or herself or any other person when such danger is not caused by his or her fault,

shall, if such act is not out of proportion to the circumstances, not be liable to punishment.

**Section 68.** Any person who is compelled to commit any act to defend his or her own or another person's rights against an imminent danger arising from unlawful violence shall, if the act committed is proportionate to the circumstances, not be guilty and such act shall be a lawful defence.

**Section 69.** In the case as provided in section 67 and section 68, if the act committed is out of proportion to the circumstances or exceeds the limits of necessity or the limits of necessary defence, the court may impose a lesser punishment to any extent than that provided by law for such offence. However, if such act is caused by anxiety, fright or fear, the court may not impose any punishment.

**Section 70.** Any person who commits an act according to a competent official's order, even unlawful, shall, if he or she has the duty or believes in good faith that he or she has the duty to comply with such order, not be liable to punishment, unless he or she was aware that the order is unlawful.

**Section 71.** If the offence as provided in section 334 to section 336, paragraph one and section 341 to section 364 is committed by a husband against the wife or by a wife against the husband, the person committing it shall not be liable to punishment.

If the above-mentioned offence is committed by an ascendant against the descendant, by a descendant against the ascendant or by a brother or sister of full blood against each other, such offence shall be compoundable even though not provided by law to be compoundable, and the court may impose a lesser punishment to any extent than that provided by law for such offence.

**Section 72.** If any person, upon a sudden heat of passion caused by a serious and unjust provocation, commits an offence against the person who performs such provocation, the court may impose a lesser punishment to any extent than that provided by law for such offence.

**Section 73.**<sup>34</sup> A child not over twelve years of age who commits an act which is an offence as provided by law shall not be liable to punishment.<sup>35</sup>

The inquiry official shall send the child under paragraph one to a competent authority under the law on child protection for the purpose of welfare protection under such law.

**Section 74.**<sup>36</sup> A child over twelve years of age but not over fifteen years of age who commits an act which is an offence as provided by law shall not be liable to punishment, but the court shall have the power to perform the following:

(1) To admonish and discharge the child, and if the court sees fit, it may also call his or her parent, guardian or the person with whom the child resides to come for admonition;

(2) If the court views that the parent or guardian is able to take care of the child, it may issue an order to hand over the child to his or her parent or guardian and impose the regulation on the parent or guardian to keep the child under watch so as to prevent the child from causing disturbance throughout a period of time determined by the court which shall not exceed three years and determine the amount of money, as the court sees fit, to be paid by the parent or guardian to the court which shall not exceed ten thousand baht for each

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<sup>34</sup> Section 73 has been amended by the Penal Code Amendment Act (No. 21), B.E. 2551 (2008).

<sup>35</sup> Section 73 paragraph one has been amended by the Penal Code Amendment Act (No. 29), B.E. 2565 (2022).

<sup>36</sup> Section 74 has been amended by the Penal Code Amendment Act (No. 29), B.E. 2565 (2022).

time the child causes disturbance. However, if the child resides with any other person than the parent or guardian and the court views that it is not appropriate to call the parent or guardian for accepting the above regulation, the court may call the person with whom the child resides for inquiring as to whether he or she will accept the regulation similar to that provided for the parent or guardian. If such person accepts the regulation, the court shall issue an order to hand over the child to such person and impose the regulation.

(3) To send the child to an educational institution or a practice and training institute or a place providing mental counselling or a place established for practicing and training children throughout a period of time determined by the court, but not beyond the date on which the child has reached eighteen years of age;

In the case where the court hands over the child to the parent or guardian or the person with whom the child resides under (2), the court may also determine any condition for controlling the child's behaviour in the same manner as provided in section 56. In this case, the court shall appoint a probation officer or any other authority to control the child's behavior.

In the case where the child does not have parents or a guardian, or if there is one but the court views that he or she is unable to take care of the child, or where the child resides with any other person than the parent or guardian and such person does not accept the regulation specified in (2), the court may issue an order to hand over the child to a person or organisation, as the court sees fit, for taking care of, training and educating for a period of time determined by the court with consent of such person or organisation. In this case, such person or organisation shall have the same power as that of the guardian only for the purpose of taking care of, training and educating as well as determining the child's residence and providing him or her with appropriate work or the child's welfare protection according to the law on such matter.

With regard to the court order under (2) and (3), paragraph two and paragraph three, if, at any time within the period of time determined by the court, it appears to the court itself or from the submission of any interested person, a public prosecutor or the person or organisation to which the court hands over the child for taking care of, training and educating or a competent official, that the circumstances concerning the order have changed, the court shall have the power to modify such order or issue a new order under the power vested by this section.

**Section 75.**<sup>37</sup> If any person over fifteen years of age but under eighteen years of age commits an act which is an offence as provided by law, the court shall consider the understanding of right and wrong and all other things concerning such person in support of its decision on whether or not it should render a judgement of conviction against such person. If the court sees fit not to render a judgement of conviction, it shall proceed according to section 74 or if it sees fit to render a judgement of conviction, it shall commute the scale of punishment provided for such offence by one-half.

**Section 76.**<sup>38</sup> If any person over eighteen years of age but not over twenty years of age commits an act which is an offence as provided by law, the court, if it sees fit, may commute the scale of punishment provided for such offence by one-third or one-half.

**Section 77.** In the case where the court imposes the regulation for the parent, the guardian or the person with whom the child resides to keep the child under watch to prevent the child from causing disturbance under section 74 (2), if such child causes disturbance within the period of time of the regulation, the court shall have the power to enforce the parent, the guardian or the person with whom the child resides to make payment not exceeding the amount specified in the regulation within a period of time as the court sees fit. If the parent, the guardian or the person with whom the child resides fails to make the payment, the court may order seizure of property of the parent, the guardian or the person with whom the child resides for payment of such amount.

In the case where the court has enforced the parent, the guardian or the person with whom the child resides to make the payment under the regulation, if the court has not otherwise modified the order imposing such regulation under the last paragraph of section 74, such regulation shall continue to be in force until expiration of the period of time specified in the regulation.

**Section 78.** If it appears that extenuating circumstances exist, irrespective of whether the punishment has been increased or commuted under the provisions of this Code or other laws, the court, if it sees fit, may commute the punishment to be imposed on the offender by not more than one-half.

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<sup>37</sup> Section 75 has been amended by the Penal Code Amendment Act (No. 21), B.E. 2551 (2008).

<sup>38</sup> Section 76 has been amended by the Penal Code Amendment Act (No. 21), B.E. 2551 (2008).



Extenuating circumstances shall include the cases where an offender lacks intelligence, is in serious distress, has previously contributed goodness, is repentant for the offence and attempts to remedy the harmful effect of the offence, surrenders himself or herself to a competent official or provides knowledge to the court for the benefit of the trial or other similar circumstances as considered by the court.

**Section 79.** In a case punishable only by a fine, if the alleged offender pays the maximum fine for the offence to the court before the court has begun to take evidence, such case shall be settled.

## CHAPTER V ATTEMPTS

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**Section 80.** Any person who commences to commit an offence, but does not carry it out through its completion or carries it out through its completion but without achieving its effect, is said to attempt to commit an offence.

Any person who attempts to commit an offence shall be liable to two-thirds of the punishment provided by law for such offence.

**Section 81.** Any person who commits an act by aiming at the effect which is an offence as provided by law, but such commission could under no circumstances have led to the completion of such effect on account of the substance used in the commission or the object at which the commission is aimed, shall be deemed to attempt to commit an offence, but the punishment shall not be more than one-half of the punishment provided by law for such offence.

If the act under paragraph one is committed on account of blind belief, the court may not impose any punishment.

**Section 82.** If any person who attempts to commit an offence voluntarily discontinues the commission or changes his or her mind and prevents the effect of the commission from occurring, such person shall not be liable to the punishment for an attempt to commit such offence. However, if any act which has already been committed is an offence as provided by law, such person shall be punished for such offence.

## CHAPTER VI PRINCIPALS AND ACCOMPLICES

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**Section 83.** In the case where any offence occurs by an act of two or more persons, those who jointly commit such offence are said to be principals and shall be liable to the punishment as provided by law for such offence.

**Section 84.**<sup>39</sup> Any person who causes another to commit an offence whether by means of employment, compulsion, threat, hire, solicitation, encouragement or support or by any other means, is said to be the instigator of such offence.

If the offence is not committed whether because the instigated person refuses to do so, has not yet done so or other reasons, the instigator shall be liable to only one-third of the punishment provided for such offence.

If the instigated person has committed such offence, the instigator shall be liable to the punishment as a principal, and if the instigated person is not over eighteen years of age, handicapped, infirm or employed by or under the supervision of the instigator, destitute or dependent on the instigator due to illness or any other causes, the punishment to be imposed on the instigator shall be increased by one-half of the punishment determined by the court for him or her.

**Section 85.** Any person who advertises or publishes to the public to commit an offence which is punishable by imprisonment for a term not less than six months shall be liable to one-half of the punishment provided for such offence.

If an offence is committed on account of such advertisement or publication under paragraph one, the person who advertises or publishes shall be liable to the punishment as a principal.

**Section 85/1.**<sup>40</sup> If the instigated person under section 84 or the person acting according to the advertisement or publication under section 85 has provided important information revealing the instigator's or the advertising or publishing person's commission of an offence which is very beneficial for the proceedings against such person, the court may impose a lesser punishment on the instigated person to any extent than the minimum punishment provided for such offence.

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<sup>39</sup> Section 84 has been amended by the Penal Code Amendment Act (No. 25), B.E. 2559 (2016).

<sup>40</sup> Section 85/1 has been added by the Penal Code Amendment Act (No. 25), B.E. 2559 (2016).

**Section 86.** Any person who commits an act by any means to assist or facilitate the commission of an offence by another before or at the time of such commission, even though the offender is not aware of such assistance or facilitation, is said to be the accomplice to the offence and shall be liable to two-thirds of the punishment provided for such offence.

**Section 87.** In the case where an offence is committed on account of the instigation by the instigator under section 84, on account of the advertisement or publication by the person advertising or publishing to the public under section 85 or on account of the assistance or facilitation by the accomplice under section 86, if the offence occurring is committed beyond the scope of the instigation or the advertisement or publication or beyond the intention of the accomplice, the instigator or the person advertising or publishing to the public or the accomplice to the offence, as the case may be, shall be criminally liable only to the extent of the instigation or the advertisement or publication or within the scope of the intention of the accomplice. However if, according to the circumstances, it may be foreseen that such offence may occur from the instigation, the advertisement or publication or the assistance or facilitation, the instigator, the person advertising or publishing to the public or the accomplice to the offence, as the case may be, shall be criminally liable for such offence.

In the case where the instigated person, the person acting according to the advertisement or publication or the principal of the offence is to be criminally liable to a more severe punishment on account of the effect of the commission, the instigator, the person advertising or publishing to the public or the accomplice to the offence, as the case may be, shall be criminally liable for the offence punishable by such more severe punishment. However if, according to the nature of the offence, the person committing it will be criminally liable to a more severe punishment only when he or she was aware or could have foreseen that such effect would occur, the instigator, the person advertising or publishing to the public or the accomplice shall be criminally liable to the offence punishable by such more severe punishment only when he or she was aware or could have foreseen that such effect would occur.

**Section 88.** If the offence committed on account of instigation, advertisement or publication to the public or assistance or facilitation has been committed up to the stage of its commencement but, on account of the obstruction by the instigator, the person advertising or publishing or the accomplice, has not been carried out through its completion or has been carried out through its completion but without achieving its effect, the instigator or the person advertising or publishing shall only be liable as provided in section 84, paragraph two or

section 85, paragraph one, as the case may be, and the accomplice shall not be liable to punishment.

**Section 89.** If personal circumstances exempt, commute or increase a punishment for any offender, they shall not apply to other offenders for the commission of the same offence. However, if circumstances which exempt, commute or increase a punishment relate to the nature of the case, such circumstances shall apply to all offenders of such offence.

## CHAPTER VII

### COMMISSION OF SEVERAL OFFENCES OR SEVERAL COUNTS

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**Section 90.** When any single act is an offence against several provisions of law, the provision which prescribes the most severe punishment shall apply to inflict a punishment on the offender.

**Section 91.**<sup>41</sup> When it appears that any person commits acts which constitute several and different offences, the court shall impose the punishment against such person for each offence, but, irrespective of whether or not there is an increase, commutation or commutation in the scale of the punishment, the total term of imprisonment, after all punishments of each offence are combined, shall not exceed the following limitations:

- (1) Ten years in the case where the maximum term of imprisonment for the most severe offence does not exceed three years;
- (2) Twenty years in the case where the maximum term of imprisonment for the most severe offence exceeds three years but not exceeding ten years;
- (3) Fifty years in the case where the maximum term of imprisonment for the most severe offence exceeds ten years, except in the case where the court imposes imprisonment for life.

## CHAPTER VIII

### RECIDIVE

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<sup>41</sup> Section 91 has been amended by the Penal Code Amendment Act (No. 6), B.E. 2526 (1983).

**Section 92.** If any person who, having been sentenced by a final judgement to imprisonment, commits any offence again during the punishment period or within five years from the date on which he or she has completely undergone the punishment, and if the court will decide to sentence him or her to imprisonment for the latter offence, the punishment to be imposed on him or her shall be increased by one-third of the punishment determined by the court for the latter offence.

**Section 93.** If any person who, having been sentenced by a final judgement to imprisonment, commits any offence as specified in any of the following subsections and within the same subsection again during the punishment period or within three years from the date on which he or she has completely undergone the punishment, if the former offence is punished by a judgement by imprisonment for a term not less than six months and if the court will decide to sentence him or her to imprisonment for the latter offence, the punishment to be imposed on him or her shall be increased by one-half of the punishment determined by the court for the latter offence:

- (1) Offences relating to the security of the Kingdom as provided in section 107 to section 135;
- (2) Offences against competent officials as provided in section 136 to section 146;
- (3) Malfeasance in office as provided in section 147 to section 166;
- (4) Offences against judicial competent officials as provided in section 167 to section 192 and section 194;
- (5) Malfeasance in judicial office as provided in section 200 to section 204;
- (6) Offences relating to public peace as provided in section 209 to section 216;
- (7) Offences relating to causing public dangers as provided in section 217 to section 224, section 226 to section 234 and section 236 to section 238;
- (8) Offences relating to money as provided in section 240 to section 249, offences relating to seals, stamps and tickets as provided in section 250 to section 261 and offences relating to documents as provided in section 264 to section 269;
- (9) Offences relating to trade as provided in section 270 to section 275;
- (10) Offences relating to sexuality as provided in section 276 to section 285;
- (11) Offences causing death as provided in section 288 to section 290 and section 294, offences against body as provided in section 295 to section 299, offences of abortion as provided in section 301 to section 303 and offences of abandonment of children, ill or elderly persons as provided in section 306 to section 308;
- (12) Offences against liberty as provided in section 309, section 310 and section 312 to section 320;
- (13) Offences relating to things as provided in section 334 to section 365.

**Section 94.**<sup>42</sup> An offence committed through negligence, a petty offence and an offence committed by a person while he or she is under eighteen years of age, irrespective of whether committed in a previous or latter case, shall not be deemed to be an offence for the purpose of increase of the punishment under this Chapter.

## CHAPTER IX PRESCRIPTION

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**Section 95.** In a criminal case, if it has not been prosecuted and the offender has not been brought to the court within the following time limits from the date of the commission of an offence, the case shall be barred by prescription:

- (1) Twenty years for offences punishable by a death penalty, imprisonment for life or imprisonment for a term of twenty years;
- (2) Fifteen years for offences punishable by imprisonment for a term exceeding seven years but less than twenty years;
- (3) Ten years for offences punishable by imprisonment for a term exceeding one year to seven years;
- (4) Five years for offences punishable by imprisonment for a term exceeding one month to one year;
- (5) One year for offences punishable by imprisonment for a term of one month or less or by other means.

If after the case has been prosecuted and the offender has been brought to the court, the offender absconds or becomes of unsound mind and the court gives an order to stay trial for a period of time exceeding the above time limits from the date of absconding or the date of the order of the stay, the case shall also be deemed to be barred by prescription.

**Section 96.** Subject to section 95, in the case of a compoundable offence, if the injured person does not make a complaint within three months from the date on which the offence and the offender are known, the case shall be barred by prescription.

**Section 97.** If a prosecution for protective custody is to be brought after the prosecution of the case which forms the basis for prosecution for protective custody, it shall

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<sup>42</sup> Section 94 has been amended by the Penal Code Amendment Act (No. 21), B.E. 2551 (2008).

be brought within a period of six months from the date on which such case has been prosecuted; otherwise, it shall be barred by prescription.

**Section 98.** When a final judgement of conviction of any person has been issued and such person has not been punished or has been punished but has not yet completely undergone the punishment due to his or her absconding, if such person has not been brought for punishment from the date of the final judgement or from the date of his or her absconding, as the case may be, until the lapse of the following time limits, the execution of the punishment shall be precluded and such person may not be punished:

- (1) Twenty years for offences punishable by a death penalty, imprisonment for life or imprisonment for a term of twenty years;
- (2) Fifteen years for offences punishable by imprisonment for a term exceeding seven years but less than twenty years;
- (3) Ten years for offences punishable by imprisonment for a term exceeding one year to seven years;
- (4) Five years for offences punishable by imprisonment for a term of one year or less or other punishments;

**Section 99.**<sup>43</sup> If any property seizure or attachment of claims over property for payment of a fine or detention in lieu of a fine has not been carried out within a period of five years from the date of the final judgement, such property seizure, attachment of claims over property or detention may not be carried out.

The provision of paragraph one shall not apply in the case of detention in lieu of a fine which is successively carried out from imprisonment.

**Section 100.** When a final judgement of protective custody of any person has been issued, if such person has not been kept in the protective custody or has been kept but the term of the protective custody has not been served in full due to his or her absconding, and three years have elapsed from the date on which he or she has been discharged from the punishment, either by he or she undergoing the punishment according to judgement or by the execution of the punishment being precluded or from the date of his or her absconding during the time of protective custody, the protective custody shall be precluded and such person may not be kept in protective custody.

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<sup>43</sup> Section 99 has been amended by the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).

**Section 101.** If the execution of a court order under section 46 or the application to a court for an order of payment when a person executing a bond breaches the bond under section 47 has not been made within two years from the date on which the court has issued the order or from the date on which the person executing a bond has breached the bond, such execution or application may not be made.

## TITLE II PROVISIONS APPLICABLE TO PETTY OFFENCES

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**Section 102.**<sup>44</sup> A petty offence shall be an offence punishable by imprisonment for a term not exceeding one month or a fine not exceeding ten thousand baht or both.

**Section 103.** Except as provided in the following three sections, the provisions of Title I shall also apply to the case of petty offences.

**Section 104.** The commission of a petty offence under this Code, even unintentional, shall be an offence, unless otherwise provided for by the provision of such offence.

**Section 105.** Any person who attempts to commit a petty offence shall not be liable to punishment.

**Section 106.** An accomplice to a petty offence shall not be liable to punishment.

## BOOK II SPECIFIC OFFENCES

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### TITLE I OFFENCES RELATING TO THE SECURITY OF THE KINGDOM

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#### CHAPTER I OFFENCES AGAINST THE KING, QUEEN, HEIR APPARENTS AND REGENTS

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<sup>44</sup> Section 102 has been amended by the Penal Code Amendment Act (No. 22), B.E. 2558 (2015).



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**Section 107.** Any person who causes death to the King shall be liable to a death penalty.

Any person who attempts to commit such act shall be liable to the same punishment.

Any person who commits any act in preparation to cause death to the King or who, knowing that a person will cause death to the King, commits any act to assist in concealment of such act, shall be liable to imprisonment for life.

**Section 108.** Any person who commits an act of violence against the King or against his liberty shall be liable to a death penalty or imprisonment for life.

Any person who attempts to commit such act shall be liable to the same punishment.

If the nature of such act is likely to cause danger to his life, the perpetrator shall be liable to a death penalty.

Any person who commits any act in preparation to commit an act of violence against the King or against his liberty or who, knowing that a person will commit an act of violence against the King or against his liberty, commits any act to assist in concealment of such act, shall be liable to imprisonment for a term of sixteen to twenty years.

**Section 109.** Any person who causes death to the Queen, Heir Apparent or Regent shall be liable to a death penalty.

Any person who attempts to commit such act shall be liable to the same punishment.

Any person who commits any act in preparation to cause death to the Queen, Heir Apparent or Regent or who, knowing that a person will cause death to the Queen, Heir Apparent or Regent, commits any act to assist in concealment of such act, shall be liable to imprisonment for a term of twelve to twenty years.

**Section 110.** Any person who commits an act of violence against the Queen, Heir Apparent or Regent or against his or her liberty shall be liable to imprisonment for life or imprisonment for a term of sixteen to twenty years.

Any person who attempts to commit such act shall be liable to the same punishment.

If the nature of such act is likely to cause danger to the life of the Queen, Heir Apparent or Regent, the perpetrator shall be liable to a death penalty or imprisonment for life.

Any person who commits any act in preparation to commit an act of violence against the Queen, Heir Apparent or Regent or against his or her liberty or who, knowing that a person will commit an act of violence against the Queen, Heir Apparent or Regent or against his or

her liberty, commits any act to assist in concealment of such act, shall be liable to imprisonment for a term of twelve to twenty years.

**Section 111.** Any person who acts as an accomplice to the commission of the offence under section 107 to section 110 shall be liable to the same punishment prescribed for a principal for such offence.

**Section 112.**<sup>45</sup> Any person who defames, affronts or threatens the King, Queen, Heir Apparent or Regent shall be liable to imprisonment for a term of three to five years.

## CHAPTER II

### OFFENCES AGAINST THE INTERNAL SECURITY OF THE KINGDOM

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**Section 113.** Any person who commits an act of violence or threatens to use violence for the purpose of:

- (1) subverting or changing the Constitution;
- (2) subverting the legislative, executive or judicial power of the Constitution or nullifying such power; or
- (3) dividing the Kingdom or seizing the administrative power in any part of the Kingdom,

is said to commit an insurrection and shall be liable to a death penalty or imprisonment for life.

**Section 114.** Any person who collects forces or arms, makes any other preparation or conspires to commit an insurrection, or commits any offence which is part of the plot to commit an insurrection, or encourages the people to commit an insurrection, or who, knowing that a person will commit an insurrection, commits any act to assist in concealment of such act, shall be liable to imprisonment for a term of three to fifteen years.

**Section 115.** Any person who encourages a person in the military or police forces to desert or fail to execute the duty or commit mutiny shall be liable to imprisonment for a term not exceeding five years.

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<sup>45</sup> Section 112 has been amended by the Order of the State Reformation Council No. 41, Dated 21 October 2519 (1976).

If such offence is committed with an aim to undermine the discipline and efficiency of the military or police forces, the perpetrator shall be liable to imprisonment for a term not exceeding ten years.

**Section 116.** Any person who manifests to the people, by verbal, written or any other means which is not an act within the purpose of the Constitution or which is not for the purpose of expression of an honest opinion or criticism:

- (1) to cause a change in the laws of the country or the Government by coercing or committing an act of violence;
- (2) to cause turbulence or disaffection amongst the people to the extent which would cause unrest in the Kingdom; or
- (3) to cause the people to breach the laws of the country, shall be liable to imprisonment for a term not exceeding seven years.

**Section 117.** Any person who encourages or arranges to cause any strike, lock-out or concerted refusal to trade or deal in business with any person in order to cause a change in the laws of the country or to force the Government or to threaten the people, shall be liable to imprisonment for a term not exceeding seven years or to a fine not exceeding one hundred and forty thousand baht or to both.

Any person who, knowing the above purpose, participates or assists in such strike, lock-out or concerted refusal to trade or deal in business with any person shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand baht or to both.

Any person who, knowing the above purpose, commits an act of violence, threatens to use violence or creates fear by any means in order to cause a person to participate or assist in such strike, lock-out or concerted refusal to trade or deal in business with any person, shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 118.<sup>46</sup>** Any person who takes any action to the flag or any other emblem symbolising the State with the purpose to insult the nation shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand baht or to both.

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<sup>46</sup> Section 118 has been amended by the Order of the State Reformation Council No. 41, Dated 21 October 2519 (1976).

[The rates of punishment have been amended by section 5 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

### CHAPTER III

#### OFFENCES AGAINST THE EXTERNAL SECURITY OF THE KINGDOM

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**Section 119.** Any person who commits any act to cause the Kingdom or any part of it to fall under the sovereignty of a foreign state or to deteriorate the independence of the State shall be liable to a death penalty or imprisonment for life.

**Section 120.** Any person who conspires with another who conducts for the benefit of a foreign state with an aim of creating a fight against the State or of committing any other hostile act upon the State shall be liable to imprisonment for life or imprisonment for a term of ten to twenty years.

**Section 121.** Any person of Thai nationality who takes up arms against the country or engages as an enemy of the country shall be liable to a death penalty or imprisonment for life.

**Section 122.** Any person who commits any act to support in the conduct of fighting or in the preparation of fighting of the enemy shall be liable to imprisonment for a term of five to fifteen years.

If such support is to:

- (1) render or put any fortress, camp, airport, war conveyance, conveyance, means of communication, communication media, armaments, food, dock, building or any other thing used for the war useless or at the disposal of the enemy;
  - (2) encourage a person in the military forces to fail to execute the duty, commit mutiny, desert the duty or breach the discipline;
  - (3) commit espionage, lead or guide the enemy; or
  - (4) otherwise afford fighting advantage to the enemy,
- the perpetrator shall be liable to a death penalty or imprisonment for life.

**Section 123.** Any person who commits any act to obtain any information, document or thing which is kept confidential for the national safety shall be liable to imprisonment for a term not exceeding ten years.

**Section 124.** Any person who commits any act to bring to the knowledge or possession of another any information, document or thing which is kept confidential for the national safety shall be liable to imprisonment for a term not exceeding ten years.

If such offence is committed in the course of the fighting or war of the country, the perpetrator shall be liable to imprisonment for a term of five to fifteen years.

If the offence mentioned in the preceding two paragraphs is committed for the benefit of a foreign state, the perpetrator shall be liable to a death penalty or imprisonment for life.

**Section 125.** Any person who forges, fabricates, detains, conceals, hides, removes, damages, destroys or renders lost or useless any document or form relating to the interest of the State in international affairs shall be liable to imprisonment for a term not exceeding ten years.

**Section 126.** If any person who has been assigned by the Government to carry out any activity of the State with a foreign government fails to carry out such assignment dishonestly, such person shall be liable to imprisonment for a term of one to ten years.

**Section 127.** Any person who commits any act with the purpose of causing danger to the external security of the country shall be liable to imprisonment for a term not exceeding ten years.

If the danger occurs, the perpetrator shall be liable to a death penalty or imprisonment for life or imprisonment for a term of two to twenty years.

**Section 128.** Any person who prepares or attempts to commit any offence under this Chapter shall be liable to the punishment prescribed for such offence.

**Section 129.** Any person who acts as an accomplice to the commission of any offence under this Chapter shall be liable to the punishment prescribed for a principal for such offence.

#### CHAPTER IV

#### OFFENCES AGAINST THE FRIENDLY RELATIONS WITH FOREIGN COUNTRIES

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**Section 130.** Any person who causes bodily harm to, or commits an act of violence against the liberty of the Sovereign, Queen, Consort, Heir Apparent or Chef de l'Etat of a friendly foreign state shall be liable to imprisonment for a term of one to fifteen years.

Any person who attempts to commit such act shall be liable to the same punishment.

**Section 131.** Any person who causes bodily harm to, or commits an act of violence against the liberty of a foreign representative accredited to the Royal Court shall be liable to imprisonment for a term not exceeding ten years.

Any person who attempts to commit such act shall be liable to the same punishment.

**Section 132.** Any person who causes death or attempts to cause death to any of the persons specified in section 130 or section 131 shall be liable to a death penalty or imprisonment for life.

**Section 133.**<sup>47</sup> Any person who defames, affronts or threatens the Sovereign, Queen, Consort, Heir Apparent or Chef de l'Etat of a foreign state shall be liable to imprisonment for a term of one to seven years or to a fine of twenty thousand to one hundred and forty thousand baht or to both.

[The rates of punishment have been amended by section 5 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 134.**<sup>48</sup> Any person who defames, affronts or threatens a foreign representative accredited to the Royal Court shall be liable to imprisonment for a term of six months to five years or to a fine of ten thousand to one hundred thousand baht or to both.

[The rates of punishment have been amended by section 5 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 135.**<sup>49</sup> Any person who takes any action to the flag or any other emblem symbolising a friendly foreign state with the purpose to insult such state shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand baht or to both.

[The rates of punishment have been amended by section 5 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

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<sup>47</sup> Section 133 has been amended by the Order of the State Reformation Council No. 41, Dated 21 October 2519 (1976).

<sup>48</sup> Section 134 has been amended by the Order of the State Reformation Council No. 41, Dated 21 October 2519 (1976).

<sup>49</sup> Section 135 has been amended by the Order of the State Reformation Council No. 41, Dated 21 October 2519 (1976).

TITLE I/I  
OFFENCES RELATING TO TERRORISM<sup>50</sup>

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**Section 135/1.**<sup>51</sup> Any person who commits an act which amounts to any of the following criminal offences:

(1) committing an act of violence or any act which causes danger to the life or serious danger to the body or liberty of any person;

(2) committing any act which causes serious damage to the public transportation system, telecommunication system or infrastructure beneficial to the public;

(3) committing any act which causes damage to the property of any state or of any person or to the environment, which causes or is likely to cause significant economic damages, and such act is committed with an aim to threaten or force the Thai Government, a foreign government or an international organisation to carry out or abstain from carrying out any act which will cause serious damage, or with an aim to cause turbulence by instigating fear amongst the people, is said to commit an act of terrorism and shall be liable to a death penalty, imprisonment for life or imprisonment for a term of three to twenty years and to a fine of sixty thousand to one million baht.

An act of demonstration, assembly, protest, dispute or movement to demand the Government's assistance or fairness which is the exercise of freedom under the Constitution shall not be an offence of terrorism.

**Section 135/2.**<sup>52</sup> Any person who:

(1) threatens to commit an act of terrorism and, under the circumstances, it is reasonably believed that such person will actually commit such act; or

(2) collects forces or arms, provides or gathers property, provides or receives terrorism training, makes any other preparation or conspires to commit a terrorist act or any offence which is part of the plot to commit a terrorist act, or encourages the people to participate in a terrorist activity or who, knowing that a person will commit a terrorist act, commits any act to assist in concealment of such act,

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<sup>50</sup> Title I/I Offences Relating to Terrorism, section 135/1 to section 135/4 have been added by the Penal Code Amendment Emergency Decree, B.E. 2546 (2003).

<sup>51</sup> Section 135/1 has been added by the Penal Code Amendment Emergency Decree, B.E. 2546 (2003).

<sup>52</sup> Section 135/2 has been added by the Penal Code Amendment Emergency Decree, B.E. 2546 (2003).

shall be liable to imprisonment for a term of two to ten years and to a fine of forty thousand to two hundred thousand baht.

**Section 135/3.**<sup>53</sup> Any person who acts as an accomplice to the commission of the offence under section 135/1 or section 135/2 shall be liable to the same punishment prescribed for a principal for such offence.

**Section 135/4.**<sup>54</sup> Any person who is a member of the college which has been designated by the resolution or announcement under the United Nations Security Council, that has been adopted by the Thai Government's announcement, to be an entity involved in terrorist acts, shall be liable to imprisonment for a term not exceeding seven years and to a fine not exceeding one hundred and forty thousand baht.

## TITLE II OFFENCES RELATING TO PUBLIC ADMINISTRATION

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### CHAPTER I OFFENCES AGAINST COMPETENT OFFICIALS

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**Section 136.**<sup>55</sup> Any person who affronts a competent official who is engaged in the performance of his or her duty or by reason of such performance shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht or to both.

[The rates of punishment have been amended by section 5 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

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<sup>53</sup> Section 135/3 has been added by the Penal Code Amendment Emergency Decree, B.E. 2546 (2003).

<sup>54</sup> Section 135/4 has been added by the Penal Code Amendment Emergency Decree, B.E. 2546 (2003).

<sup>55</sup> Section 136 has been amended by the Order of the State Reformation Council No. 41, Dated 21 October 2519 (1976).



**Section 137.** Any person who makes a false statement before a competent official which may cause injury to any other person or the people shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 138.**<sup>56</sup> Any person who resists or obstructs a competent official or a person who is obligated to assist a competent official according to law, in the performance of his or her duty, shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht or to both.

If such resistance or obstruction is carried out with an act of violence or with a threat to use violence, the perpetrator shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand baht or to both.

[The rates of punishment have been amended by section 5 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 139.** Any person who compels a competent official to perform his or her duty wrongfully or to omit the performance of his or her duty by using an act of violence or threatening to use violence shall be liable to imprisonment for a term not exceeding four years or to a fine not exceeding eighty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 140.**<sup>57</sup> If the offence under section 138, paragraph two or section 139 is committed by carrying or using arms or with participation of three or more persons, the perpetrator shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand baht or to both.

If such act is committed by alluding to the power of a secret society or criminal association, irrespective of whether it exists, the perpetrator shall be liable to imprisonment for a term of two to ten years and to a fine of forty thousand to two hundred thousand baht.

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<sup>56</sup> Section 138 has been amended by the Order of the State Reformation Council No. 41, Dated 21 October 2519 (1976).

<sup>57</sup> Section 140 has been amended by the Announcement of the Revolutionary Council No. 11, Dated 21 November 2514 (1971).

If the offence under this section is committed by carrying or using a firearm or explosive, the perpetrator shall be liable to one-half more of the punishment provided by law in the preceding two paragraphs.

[The rates of punishment have been amended by section 6 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 141.** Any person who removes, damages, destroys or renders useless any seal or mark stamped or affixed by a competent official to any thing, in the performance of his or her duty, as evidence of the seizure, attachment or retention of such thing, shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 142.** Any person who damages, destroys, conceals, takes away or renders lost or useless any property or document which is seized, retained or ordered by a competent official to be delivered as evidence or for the purpose of execution of laws, irrespective of whether the competent official retains such property or document himself or herself or orders such person or another to deliver or retain it, shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 143.** Any person who demands, accepts or agrees to accept property or any other benefit for himself or herself or for any other person as compensation for inducing or having induced, through dishonest or illegal means or his or her influence, a competent official, a member of the Legislature of the State or a member of the Changwad or Municipal Council to carry out or abstain from carrying out any act pertaining to his or her duty, which is favourable or unfavourable to any person, shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 144.** Any person who gives, offers or promises to give property or any other benefit to a competent official, a member of the Legislature of the State or a member of the Changwad or Municipal Council to induce such person to carry out or abstain from carrying out or delay in carrying out any act which is the improper performance of duty, shall be liable

to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 145.** Any person who poses as a competent official and exercises functions as such without authority shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht or to both.

If any competent official who has been ordered to discontinue the functions of his or her position violates such order by continuing such functions, he or she shall be liable to the same punishment as prescribed in paragraph one.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 146.** Any person who, without authority to wear the uniform or insignia of competent officials, members of the Legislature of the State or members of the Changwad or Municipal Council or without authority to use any title, rank, decoration or thing symbolising a decoration, wears or uses such thing to cause any other person to believe that he or she has such authority, shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

## CHAPTER II MALFEASANCE IN OFFICE

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**Section 147.<sup>58</sup>** Any person, who is a competent official and whose duty is to purchase, make, manage or retain any thing, who dishonestly misappropriates such thing for himself or herself or for any other person, or dishonestly allows another to take away such thing, shall be liable to imprisonment for a term of five to twenty years or imprisonment for life and to a fine of one hundred thousand to four hundred thousand baht.

[The rates of punishment have been amended by section 7 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

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<sup>58</sup> Section 147 has been amended by the Penal Code Amendment Act, B.E. 2502 (1959).

**Section 148.**<sup>59</sup> Any person, who is a competent official, who abuses his or her authority, compels or induces any person to give or procure property or any other benefit for himself or herself or for any other person shall be liable to imprisonment for a term of five to twenty years or imprisonment for life and to a fine of one hundred thousand to four hundred thousand baht, or to a death penalty.

[The rates of punishment have been amended by section 7 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 149.**<sup>60</sup> Any person, who is a competent official, a member of the Legislature of the State or a member of the *Changwad* or Municipal Council, who wrongfully demands, accepts or agrees to accept property or any other benefit for himself or herself or for any other person for carrying out or abstaining from carrying out any act in his or her position, irrespective of whether or not such act is the improper performance of duty, shall be liable to imprisonment for a term of five to twenty years or imprisonment for life and to a fine of one hundred thousand to four hundred thousand baht, or to a death penalty.

[The rates of punishment have been amended by section 7 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 150.**<sup>61</sup> Any person, who is a competent official, who carries out or abstains from carrying out any act in his or her position for consideration of property or any other benefit demanded, accepted or agreed to be accepted by him or her before he or she has been appointed to such official position, shall be liable to imprisonment for a term of five to twenty years or imprisonment for life and to a fine of one hundred thousand to four hundred thousand baht.

[The rates of punishment have been amended by section 7 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 151.**<sup>62</sup> Any person, who is a competent official and whose duty is to purchase, make, manage or retain any thing, who dishonestly exercises his or her position power to the injury of the State, Municipality, Sanitation or owner of such thing, shall be liable to

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<sup>59</sup> Section 148 has been amended by the Penal Code Amendment Act, B.E. 2502 (1959).

<sup>60</sup> Section 149 has been amended by the Penal Code Amendment Act, B.E. 2502 (1959).

<sup>61</sup> Section 150 has been amended by the Penal Code Amendment Act, B.E. 2502 (1959).

<sup>62</sup> Section 151 has been amended by the Penal Code Amendment Act, B.E. 2502 (1959).

imprisonment for a term of five to twenty years or imprisonment for life and to a fine of one hundred thousand to four hundred thousand baht.

[The rates of punishment have been amended by section 7 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 152.**<sup>63</sup> Any person, who is a competent official and whose duty is to manage or supervise any activity, who takes any interest in such activity for the benefit of himself or herself or any other person shall be liable to imprisonment for a term of one to ten years and to a fine of twenty thousand to two hundred thousand baht.

[The rates of punishment have been amended by section 7 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 153.**<sup>64</sup> Any person, who is a competent official and whose duty is to expend things, who expends the same more excessive than he or she ought to have done for the benefit of himself or herself or any other person shall be liable to imprisonment for a term of one to ten years and to a fine of twenty thousand to two hundred thousand baht.

[The rates of punishment have been amended by section 7 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 154.**<sup>65</sup> Any person, who is a competent official and has a duty or represents himself or herself as having a duty to collect or examine taxes, duties, fees or any other money, who dishonestly collects or omits to collect such taxes, duties, fees or money or carries out or abstains from carrying out any act in order to enable a person having the duty to pay such taxes, duties or fees not to pay or underpay the same, shall be liable to imprisonment for a term of five to twenty years or imprisonment for life and to a fine of one hundred thousand to four hundred thousand baht.

[The rates of punishment have been amended by section 7 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 155.**<sup>66</sup> Any person, who is a competent official and whose duty is to assess the value of any property or goods for the purpose of collecting taxes, duties or fees according

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<sup>63</sup> Section 152 has been amended by the Penal Code Amendment Act, B.E. 2502 (1959).

<sup>64</sup> Section 153 has been amended by the Penal Code Amendment Act, B.E. 2502 (1959).

<sup>65</sup> Section 154 has been amended by the Penal Code Amendment Act, B.E. 2502 (1959).

<sup>66</sup> Section 155 has been amended by the Penal Code Amendment Act, B.E. 2502 (1959).

to law, who dishonestly assesses the value of such property or goods to enable a person having the duty to pay such taxes, duties or fees not to pay or underpay the same, shall be liable to imprisonment for a term of five to twenty years or imprisonment for life and to a fine of one hundred thousand to four hundred thousand baht.

[The rates of punishment have been amended by section 7 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 156.**<sup>67</sup> Any person, who is a competent official and whose duty is to audit accounts according to law, who dishonestly advises or carries out or abstains from carrying out any act to cause a non-entry in the accounts, a false entry in the accounts, an alteration in the accounts or a concealment or making of any statement to be recorded in the entry of the accounts, which results in non-payment or underpayment of taxes, duties or fees, shall be liable to imprisonment for a term of five to twenty years or imprisonment for life and to a fine of one hundred thousand to four hundred thousand baht.

[The rates of punishment have been amended by section 7 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 157.**<sup>68</sup> Any person, who is a competent official, who wrongfully performs or omits to perform his or her duty to the injury of any person, or dishonestly performs or omits to perform his or her duty, shall be liable to imprisonment for a term of one to ten years or to a fine of twenty thousand to two hundred thousand baht or to both.

[The rates of punishment have been amended by section 7 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 158.** Any person, who is a competent official, who damages, destroys, conceals, takes away or renders lost or useless any thing or document under his or her duty of custody or allows another to do so shall be liable to imprisonment for a term not exceeding seven years and to a fine not exceeding one hundred and forty thousand baht.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 159.** Any person, who is a competent official and whose duty is to take care of and retain any thing or document, who, in the improper performance of duty, removes, damages, destroys or renders useless any seal or mark stamped or affixed by a competent

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<sup>67</sup> Section 156 has been amended by the Penal Code Amendment Act, B.E. 2502 (1959).

<sup>68</sup> Section 157 has been amended by the Penal Code Amendment Act, B.E. 2502 (1959).

official to such thing or document, in the performance of his or her duty, as evidence of the seizure or retaining of such thing, or allows another to do so, shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 160.** Any person, who is a competent official and whose duty is to retain or use seals or impressions of such seals of the official service or of others, who, in the improper performance of duty, uses such seal or impression or allows another to do so in a manner that may cause injury to any other person or the people, shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 161.** Any person, who is a competent official and whose duty is to execute documents, fill out content in documents or maintain documents, who forges a document by taking advantage of his or her function shall be liable to imprisonment for a term not exceeding ten years and to a fine not exceeding two hundred thousand baht.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 162.** Any person, who is a competent official and whose duty is to execute documents, receive documents or fill out content in documents, who commits any of the following acts in the performance of his or her duty:

- (1) to certify that he or she has carried out any act or any act has been carried out before him or her, which is false;
- (2) to certify that any statement has been made, which is actually not made;
- (3) to omit to record any statement which he or she is obligated to do so, or to make alteration in the record of such statement; or
- (4) to certify any fact which such document intends to prove its truth, which is false, shall be liable to imprisonment for a term not exceeding seven years and to a fine not exceeding one hundred and forty thousand baht.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 163.** Any person, who is a competent official and has the duty in the post, telegraph or telephone service, who, in the improper performance of his or her duty, commits any of the following acts:

(1) to open or allow any other person to open a letter or any other thing sent by post or telegraph;

(2) to damage, destroy, render lost or allow any other person to damage, destroy or render lost a letter or any other thing sent by post or telegraph;

(3) to detain, send to a wrong address or send to a person known not to be an intended recipient a letter or any other thing sent by post or telegraph;

(4) to disclose the content sent by post, telegraph or telephone,  
shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 164.** Any person, who is a competent official and has knowledge or may have knowledge of an official secret, who, in the improper performance of duty, commits an act by any means to bring to the knowledge of another such secret shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 165.** Any person, who is a competent official and whose duty is to execute any law or any order given for the purpose of execution of law, who prevents or impedes the execution of such law or order shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 166.** Any person, who is a competent official, who, with participation of five or more persons, deserts work or commits any act to have work interrupted or damaged shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand baht or to both.

If such offence is committed to cause a change in the laws of the country or to force the Government or to threaten the people, the perpetrator shall be liable to imprisonment for a term not exceeding ten years and to a fine not exceeding two hundred thousand baht.



[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

### TITLE III

#### OFFENCES RELATING TO JUSTICE

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#### CHAPTER I

##### OFFENCES AGAINST JUDICIAL COMPETENT OFFICIALS

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**Section 167.** Any person who gives, offers or promises to give property or any other benefit to a judicial competent official, public prosecutor, police prosecutor or inquiry official to induce such person to carry out or abstain from carrying out or delay in carrying out any act which is the improper performance of duty, shall be liable to imprisonment for a term not exceeding seven years and to a fine not exceeding one hundred and forty thousand baht.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 168.** Any person who refuses to comply with the lawful requisition of a public prosecutor, police prosecutor or inquiry official, which requires him or her to come to give a statement shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding five thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 169.** Any person who refuses to comply with the lawful requisition of a public prosecutor, police prosecutor or inquiry official, which requires him or her to furnish or manage to furnish any thing or document, swear, make a vow or give a statement shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding five thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 170.** Any person who refuses to comply with a warrant or court order, which requires him or her to come to give a statement or evidence or to furnish any thing or

document for the purpose of any judicial proceedings shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 171.** Any person who refuses to comply with a court order, which requires him or her to swear, make a vow, give a statement or evidence shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 172.** Any person who makes a false statement in relation to a criminal offence to a public prosecutor, police prosecutor, inquiry official or competent official in charge of criminal investigation, which may cause injury to any other person or the people, shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 173.** Any person who, knowing that a particular offence did not occur, makes a statement to an inquiry official or competent official in charge of criminal investigation that the offence has been committed shall be liable to imprisonment for a term not exceeding three years and to a fine not exceeding sixty thousand baht.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 174.** If the statement under section 172 or section 173 is made to cause any person to be subject to any measure of safety, the perpetrator shall be liable to imprisonment for a term not exceeding three years and to a fine not exceeding sixty thousand baht.

If the statement under paragraph one is made to cause any person to receive a punishment or receive a more severe punishment, the perpetrator shall be liable to imprisonment for a term not exceeding five years and to a fine not exceeding one hundred thousand baht.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 175.** Any person who, based on a false statement, charges another in a court for the commission of a criminal offence or the commission of a more severe criminal offence than it actually is, shall be liable to imprisonment for a term not exceeding five years and to a fine not exceeding one hundred thousand baht.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 176.** If any person who commits the offence under section 175 surrenders himself or herself to a court and withdraws or modifies the charge before a judgement has been rendered, the court shall impose a lesser punishment than that provided by law or may not impose any punishment.

**Section 177.** Any person who gives false evidence to a court in any judicial proceedings shall, if such false evidence is material to the case, be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand baht or to both.

If the offence under paragraph one is committed in criminal proceedings, the perpetrator shall be liable to imprisonment for a term not exceeding seven years and to a fine not exceeding one hundred and forty thousand baht.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 178.** Any person, who is required by a judicial competent official, public prosecutor, police prosecutor or inquiry official to translate any statement or meaning, who makes a wrong translation of such statement or meaning in any material issue, shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 179.** Any person who makes false evidence to make an inquiry official or competent official in charge of criminal investigation believe that any criminal offence occurs or believe that the criminal offence occurring is more severe than it actually is, shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 180.** Any person who adduces or produces false evidence in any judicial proceedings shall, if such evidence is material to the case, be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand baht or to both.

If the offence under paragraph one is committed in criminal proceedings, the perpetrator shall be liable to imprisonment for a term not exceeding seven years and to a fine not exceeding one hundred and forty thousand baht.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 181.** If the offence under section 174, section 175, section 177, section 178 or section 180:

(1) is committed in the case charging any person with the commission of an offence punishable by imprisonment for a term of three years or more, the perpetrator shall be liable to imprisonment for a term of six months to seven years and to a fine of ten thousand to one hundred and forty thousand baht;

(2) is committed in the case charging any person with the commission of an offence punishable by death or imprisonment for life, the perpetrator shall be liable to imprisonment for a term of one to fifteen years and to a fine of twenty thousand to three hundred thousand baht.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 182.** Any person who commits the offence under section 177 or section 178 and then surrenders himself or herself and declares the truth to the court or competent official before the conclusion of his or her statement or translation shall not be liable to punishment.

**Section 183.** If any person who commits the offence under section 177, section 178 or section 180 surrenders himself or herself and declares the truth to the court or competent official before a judgement has been rendered and before he or she has been charged for the offence committed, the court may impose a lesser punishment to any extent than that provided by law for such offence.

**Section 184.** Any person who, with an aim to assist any other person in order for such person not to be punished or for such person's punishment to be commuted, damages, destroys, conceals, takes away or renders lost or useless evidence of the commission of an

offence shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 185.** Any person who damages, destroys, conceals, takes away or renders lost or useless any thing or document submitted to a court or ordered by a court to be retained for the purpose of any judicial proceedings shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 186.** Any person who damages, destroys, conceals, takes away or renders lost or useless the property subject to forfeiture by a judgement shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand bath or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 187.** Any person who, with an aim to prevent the execution of a judgement or court order, damages, destroys, conceals, takes away or renders lost or useless the thing seized or attached or the thing known by him or her to be likely to be seized or attached, shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 188.** Any person who damages, destroys, conceals, takes away or renders lost or useless any will or document of another in a manner likely to cause injury to any other person or the people shall be liable to imprisonment for a term not exceeding five years and to a fine not exceeding one hundred thousand baht.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 189.** Any person who assists any other person who commits or is alleged to commit an offence which is not a petty offence, in order for such person not to be punished, by providing him or her a resting place, or by concealing or assisting such person by any means in order for him or her not to be arrested, shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 190.**<sup>69</sup> Any person who, while being kept in custody under the authority of a court, public prosecutor, inquiry official or competent official in charge of criminal investigation, absconds from such custody shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand baht or to both.

If the offence under paragraph one is committed through breaking out of the place where he or she was kept in custody, with an act of violence or with a threat to use violence or with participation of three or more persons, the perpetrator shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand baht or to both.

If the offence under this section is committed by carrying or using a firearm or explosive, the perpetrator shall be liable to one-half more of the punishment provided by law in the preceding two paragraphs.

[The rates of punishment have been amended by section 6 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 191.**<sup>70</sup> Any person who commits an act by any means to cause a person kept in custody under the authority of a court, public prosecutor, inquiry official or competent official in charge of criminal investigation to be relieved from such custody shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand baht or to both.

If the person relieved from the custody is sentenced by a judgement of any court to a death penalty, imprisonment for life or imprisonment for a term of fifteen years or more or there are three or more persons relieved, the perpetrator shall be liable to imprisonment for a term of six months to seven years and to a fine of ten thousand to one hundred and forty thousand baht.

If the offence under this section is committed with an act of violence or with a threat to use violence or by carrying or using a firearm or explosive, the perpetrator shall be liable to one-half more of the punishment provided by law in the preceding two paragraphs.

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<sup>69</sup> Section 190 has been amended by the Announcement of the Revolutionary Council No. 11, Dated 21 November 2514 (1971).

<sup>70</sup> Section 191 has been amended by the Announcement of the Revolutionary Council No. 11, Dated 21 November 2514 (1971).

[The rates of punishment have been amended by section 6 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 192.** Any person who provides a resting place, conceals or assists by any means a person absconding from the custody under the authority of a court, inquiry official or competent official in charge of criminal investigation in order for him or her not to be arrested shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 193.** If the offence under section 184, section 189 or section 192 is committed to assist the father, mother, child, husband or wife of the perpetrator, the court may not impose any punishment.

**Section 194.** Any person, who is sentenced by a judgement to prohibition of entry into a specified area under section 45, who enters such area shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 195.** Any person who absconds from the medical establishment in which the court has ordered him or her to be restrained under section 49 shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 196.** Any person who violates a court order of prohibition given in the judgement under section 50 shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 197.** Any person who commits an act of violence, threatens to use violence, gives a benefit or promises to give a benefit in order to prevent or impede any sale by auction held by a competent official according to a judgement or court order shall be liable to

imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 198.**<sup>71</sup> Any person who affronts a court or judge in the trial or adjudication of a case or impedes the trial or adjudication of a court shall be liable to imprisonment for a term of one to seven years or to a fine of twenty thousand to one hundred and forty thousand baht or to both.

[The rates of punishment have been amended by section 5 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 199.** Any person who surreptitiously buries, conceals, removes or destroys a corpse or its part to conceal the birth, death or cause of death shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

## CHAPTER II MALFEASANCE IN JUDICIAL OFFICE

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**Section 200.** Any person, who is a competent official in the position of a public prosecutor, police prosecutor, inquiry official or competent official in charge of criminal investigation or execution of a criminal warrant, who wrongfully carries out or abstains from carrying out any function of his or her position to assist any person in not being punished or having his or her punishment commuted, shall be liable to imprisonment for a term of six months to seven years and to a fine of ten thousand to one hundred and forty thousand baht.

If such act or abstention is committed to cause any person to receive a punishment, receive a more severe punishment or to be subject to any measure of safety, the perpetrator shall be liable to imprisonment for life or imprisonment for a term of one to twenty years and to a fine of twenty thousand to four hundred thousand baht.

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<sup>71</sup> Section 198 has been amended by the Order of the State Reformation Council No. 41, Dated 21 October 2519 (1976).



[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 201.**<sup>72</sup> Any person, who is a judicial competent official, public prosecutor, police prosecutor or inquiry official, who wrongfully demands, accepts or agrees to accept property or any other benefit for himself or herself or for any other person for carrying out or abstaining from carrying out any act in his or her position, irrespective of whether or not such act is the improper performance of duty, shall be liable to imprisonment for a term of five to twenty years or imprisonment for life and to a fine of one hundred thousand to four hundred thousand baht, or to a death penalty.

[The rates of punishment have been amended by section 7 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 202.**<sup>73</sup> Any person, who is a judicial competent official, public prosecutor, police prosecutor or inquiry official, who carries out or abstains from carrying out any act in his or her position for consideration of property or any other benefit demanded, accepted or agreed to be accepted by him or her before he or she has been appointed to such position, shall be liable to imprisonment for a term of five to twenty years or imprisonment for life and to a fine of one hundred thousand to four hundred thousand baht, or to a death penalty.

[The rates of punishment have been amended by section 7 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 203.** Any person, who is a competent official and whose duty is to execute any judgement or court order, who prevents or impedes the execution of such judgement or order shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 204.** Any person, who is a competent official and whose duty is to supervise a person kept in custody under the authority of a court, inquiry official or competent official in charge of criminal investigation, who commits an act by any means to cause the person kept in custody to be relieved from such custody, shall be liable to imprisonment for a term

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<sup>72</sup> Section 201 has been amended by the Penal Code Amendment Act, B.E. 2502 (1959).

<sup>73</sup> Section 202 has been amended by the Penal Code Amendment Act, B.E. 2502 (1959).

of one to seven years and to a fine of twenty thousand to one hundred and forty thousand baht.

If the person relieved from the custody is sentenced by a judgement of any court to a death penalty, imprisonment for life or imprisonment for a term of fifteen years or more or there are three or more persons relieved, the perpetrator shall be liable to imprisonment for a term of two to ten years and to a fine of forty thousand to two hundred thousand baht.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 205.** If the act under section 204 is committed through negligence, the perpetrator shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand baht or to both.

If the person relieved from the custody by the commission through negligence is sentenced by a judgement of any court to a death penalty, imprisonment for life or imprisonment for a term of fifteen years or more or there are three or more persons relieved, the perpetrator shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand baht or to both.

If the offender causes the person relieved from the custody to be returned within three months, the execution of the punishment on such offender shall be suspended.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

#### TITLE IV OFFENCES RELATING TO RELIGION

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**Section 206.**<sup>74</sup> Any person who commits an act by any means to an object or place of religious worship of any community in a manner that insults such religion shall be liable to imprisonment for a term of one to seven years or to a fine of twenty thousand to one hundred and forty thousand baht or to both.

[The rates of punishment have been amended by section 5 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

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<sup>74</sup> Section 206 has been amended by the Order of the State Reformation Council No. 41, Dated 21 October 2519 (1976).

**Section 207.** Any person who causes a disturbance at an assembly of religious people during the time of gathering or performing religious worship or ceremony which is lawfully held shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 208.** Any person who wrongfully dresses or uses a symbol which represents a priest, novice, monk or clergy person of any religion to make any other person believe that he or she is such person shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

## TITLE V OFFENCES RELATING TO PUBLIC PEACE

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**Section 209.** Any person, who is a member of any college whose proceedings are secret and whose object is unlawful, is said to commit an offence of being a member of a secret society and shall be liable to imprisonment for a term not exceeding seven years and to a fine not exceeding one hundred and forty thousand baht.

If the offender is the leader or manager or holds any position in such college, such person shall be liable to imprisonment for a term not exceeding ten years and to a fine not exceeding two hundred thousand bath.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 210.** If five or more persons conspire to commit any offence provided in this Book II and such offence is punishable by the maximum term of imprisonment of one year or more, each of such persons is said to commit an offence of being a member of a criminal association and shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand baht or to both.

If the conspiracy is established with a view to the commission of an offence punishable by a death penalty, imprisonment for life or imprisonment for the maximum term of ten years or more, each of such persons shall be liable to imprisonment for a term of two to ten years and to a fine of forty thousand to two hundred thousand baht.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 211.** Any person who attends a meeting of a secret society or criminal association is said to commit an offence of being a member of the secret society or criminal association, unless such person can demonstrate that he or she attended such meeting without the knowledge that it was a meeting of a secret society or criminal association.

**Section 212.** Any person who:

(1) provides a meeting place or resting place for any secret society or criminal association:

(2) solicits any person to become a member of a secret society or criminal association;  
 (3) supports any secret society or criminal association by giving things or otherwise; or  
 (4) assists in the disposal of a thing obtained by a secret society or criminal association through the commission of an offence,

shall be liable to the same punishment prescribed for a person committing an offence of being a member of a secret society or criminal association, as the case may be.

**Section 213.** If any member of a secret society or criminal association has committed an offence as intended by such secret society or criminal association, all members of the secret society or criminal association who were present at the commission of the offence or at any meeting where such members did not oppose an agreement to commit such offence, and all the leader, manager or any person holding a position in such secret society or criminal association, shall be liable to the punishment provided for such offence.

**Section 214.** Any person who, in his or her normal practice, provides a resting place, a place for hiding or a meeting place for persons known by him or her to have committed any offence provided in this Book II shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand baht or to both.

If such offence is committed to assist the father, mother, child, husband or wife of the perpetrator, the court may not impose any punishment.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 215.** If ten or more persons assemble and commit an act of violence, threaten to use violence or commit any act to cause a disturbance in the country, each of such persons

shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand baht or to both.

If any of such offenders carries arms, all of the offenders shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand baht or to both.

If the offender is the leader or the person in charge of directing the commission of such offence, such person shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 216.** When a competent official has ordered the persons assembling for the purpose of committing the offence under section 215 to disperse, any person who fails to disperse shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

## TITLE VI

### OFFENCES RELATING TO CAUSING PUBLIC DANGERS

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**Section 217.** Any person who sets fire to and burns a thing of another shall be liable to imprisonment for a term of six months to seven years and to a fine of ten thousand to one hundred and forty thousand baht.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 218.<sup>75</sup>** Any person who sets fire to and burns the following things:

- (1) a building, boat or floating house for human dwelling;
- (2) a building, boat or floating house for storage or manufacture of goods;
- (3) a theatre or meeting place;
- (4) a building which is a public domain of State, a public place or a place for performing religious ceremonies;

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<sup>75</sup> Section 218 has been amended by the Announcement of the Revolutionary Council No. 11, Dated 21 November 2514 (1971).

- (5) a train station, airport or public parking or mooring place;
  - (6) a steam launch or motor boat of five tons and over, aircraft or train used for public transportation,
- shall be liable to a death penalty, imprisonment for life or imprisonment for a term of five to twenty years.

**Section 219.** Any person who prepares to commit the offence specified in section 217 or section 218 shall be liable to the same punishment provided for an attempt of such offence.

**Section 220.** Any person who causes fire to any object even owned by himself or herself to the extent likely to cause danger to any other person or a thing of any other person shall be liable to imprisonment for a term not exceeding seven years and to a fine not exceeding one hundred and forty thousand baht.

If the commission of the offence specified under paragraph one causes fire to the thing specified in section 218, the perpetrator shall be liable to the punishment as provided in section 218.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 221.** Any person who causes an explosion to the extent likely to cause danger to any other person or a thing of any other person shall be liable to imprisonment for a term not exceeding seven years and to a fine not exceeding one hundred and forty thousand baht.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 222.** Any person who causes an explosion resulting in danger to the thing specified in section 217 or section 218 shall be liable to the punishment as provided in those sections.

**Section 223.** With regard to the offence specified in section 217, section 218, section 220, section 221 or section 222, if the thing which is endangered or is likely to be endangered is of little value and such act is not likely to cause danger to any other person, the perpetrator shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 224.**<sup>76</sup> If the commission of the offence specified in section 217, section 218, section 221 or section 222 causes death to any other person, the perpetrator shall be liable to a death penalty or imprisonment for life.

If it causes grievous bodily harm to any other person, the perpetrator shall be liable to a death penalty, imprisonment for life or imprisonment for a term of ten to twenty years.

**Section 225.** Any person who negligently causes fire which results in damage to a thing of any other person or is likely to endanger the life of any other person shall be liable to imprisonment for a term not exceeding seven years or to a fine not exceeding one hundred and forty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 226.** Any person who commits an act by any means to a building, dock, public parking or mooring place, buoy, structure, machinery, machine, electric wire or any thing used for the protection of persons or things from danger, to the extent likely to cause danger to any other person, shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 227.** Any person exercising a profession of design, supervision or construction, reparation or removal of any building or structure without complying with the criteria or methods as would be complied with in such profession, in a manner likely to cause danger to any other person, shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 228.** Any person who commits an act by any means to cause a flood or an interruption of the usage of water, which is a public utility shall, if such act is likely to cause danger to any other person or a thing of any other person, be liable to imprisonment for a term of five years or to a fine not exceeding one hundred thousand baht or to both.

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<sup>76</sup> Section 224 has been amended by the Announcement of the Revolutionary Council No. 11, Dated 21 November 2514 (1971).

If the commission of the offence specified in paragraph one causes danger to any other person or a thing of any other person, the perpetrator shall be liable to imprisonment for a term of six months to seven years and to a fine of ten thousand to one hundred and forty thousand baht.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 229.** Any person who commits an act by any means to cause a public way, or a water gate, embankment or dam which is part of a public way or a landing field for aircrafts in the condition which is likely to cause danger to traffic shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 230.** Any person who places any thing to obstruct a railway or tramway, loosens or displaces a railway or tramway track, or takes any action to a signal to the extent likely to cause danger to the operation of a train or tram shall be liable to imprisonment for a term of six months to seven years and to a fine of ten thousand to one hundred and forty thousand baht.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 231.** Any person who commits an act by any means to cause a light house, buoy, signal or any other thing provided as a signal for the safety of land traffic, navigation or air navigation in the condition which is likely to cause danger to land traffic, navigation or air navigation, shall be liable to imprisonment for a term of six months to seven years and to a fine of ten thousand to one hundred and forty thousand baht.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 232.** Any person who commits an act by any means to cause the following conveyances in the condition which is likely to cause danger to persons:

- (1) a sea-going vessel, aircraft, train or tram;
- (2) a motor car used for public transportation; or
- (3) a steam launch or motor boat of five tons and over used for public transportation,



shall be liable to imprisonment for a term of six months to seven years and to a fine of ten thousand to one hundred and forty thousand baht.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 233.** Any person who operates a conveyance for transportation of passengers for remuneration shall, when such conveyance is in the condition or loading likely to cause danger to the passengers in such conveyance, be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 234.** Any person who commits an act by any means to a thing used for production or transmission of electric power or supply of water to the extent of causing inconvenience to the people or likely to cause danger to the people shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 235.** Any person who commits an act by any means to cause public communication by post, telegraph, telephone or radio to be interrupted shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 236.** Any person who adulterates food, drugs or any other consumer goods for human consumption or use and such contamination is likely to cause danger to health, or who distributes or offers for sale such thing for human consumption or use shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 237.** Any person who mixes food or the water of any well, pond or reservoir with a poisonous substance or any other thing which is likely to cause danger to health shall,

if such food or water has existed or been provided for public consumption, be liable to imprisonment for a term of six months to ten years and to a fine of ten thousand to two hundred thousand baht.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 238.** If the commission of the offence under section 226 to section 237 causes death to any other person, the perpetrator shall be liable to imprisonment for life or imprisonment for a term of five to twenty years and to a fine of one hundred thousand to four hundred thousand baht.

If it causes grievous bodily harm to any other person, the perpetrator shall be liable to imprisonment for a term of one to ten years and to a fine of twenty thousand to two hundred thousand baht.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 239.** If the offence specified in section 226 to section 237 is committed through negligence and imminent to cause danger to the life of any other person, the perpetrator shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

## TITLE VII

### OFFENCES RELATING TO COUNTERFEITING AND ALTERATION

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#### CHAPTER I

#### OFFENCES RELATING TO MONEY

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**Section 240.** Any person who makes counterfeit money, whether it be a coin, bank note or any other thing issued or authorised to be issued by the Government for circulation, or makes any counterfeit Government bond or interest coupon attached to such bond, is said to commit an offence of counterfeiting of money and shall be liable to imprisonment for life or imprisonment for a term of ten to twenty years and to a fine of two hundred thousand to four hundred thousand baht.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 241.** Any person who alters money, whether it be a coin, bank note or any other thing issued or authorised to be issued by the Government for circulation, or alters any Government bond or interest coupon attached to such bond, to make any other person believe that it is of a higher value, is said to commit an offence of alteration of money and shall be liable to imprisonment for life or imprisonment for a term of five to twenty years and to a fine of one hundred thousand to four hundred thousand baht.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 242.** Any person who dishonestly lightens any coin issued by the Government shall be liable to imprisonment for a term not exceeding seven years and to a fine not exceeding one hundred and forty thousand baht.

Any person who imports into the Kingdom, or utters or has in possession for uttering any coin which has been dishonestly lightened by any person according to paragraph one, shall be liable to the same punishment.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 243.** Any person who imports into the Kingdom any counterfeit thing under section 240 or altered thing under section 241 shall be liable to the punishment as provided in those sections.

**Section 244.** Any person who has in possession for uttering any thing acquired by him or her, knowing that it is the counterfeit thing under section 240 or altered thing under section 241, shall be liable to imprisonment for a term of one to fifteen years and to a fine of twenty thousand to three hundred thousand baht.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 245.** Any person who acquires any thing, without knowing that it is the counterfeit thing under section 240 or altered thing under section 241, and if subsequently becomes aware that it is such counterfeit or altered thing but utters it, shall be liable to imprisonment for a term not exceeding ten years or to a fine not exceeding two hundred thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 246.** Any person who prepares any instrument or object for the purpose of counterfeiting or altering money, whether it be a coin, bank note or any other thing issued or authorised to be issued by the Government for circulation, or for the purpose of counterfeiting or altering any Government bond or interest coupon attached to such bond, or has in possession such instrument or object for use in counterfeiting or alteration, shall be liable to imprisonment for a term of five to fifteen years and to a fine of one hundred thousand to three hundred thousand baht.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 247.** If the offence under this Chapter is committed in relation to ~~foreign~~ money, whether it be a coin, bank note or any other thing issued or authorised to be issued by a foreign government for circulation, or in relation to any foreign government bond or interest coupon attached to such bond, the perpetrator shall be liable to one-half of the punishment as provided in the relevant sections.

**Section 248.** If the person who has committed the offence under section 240, section 241 or section 247 also commits an offence under any other section provided in this Chapter relating to such thing counterfeited or altered by him or her, such person shall be punished according to section 240, section 241 or section 247 for one count only.

**Section 249.** Any person who fabricates any printed papers or pieces of metal with the characteristics and size resembling those of money, whether it be a coin, bank note or any other thing issued or authorised to be issued by the Government for circulation or any Government bond or interest coupon attached to such bond, or distributes such printed papers or pieces of metal, shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht or to both.

If the distribution of the printed papers or pieces of metal specified in paragraph one is made by uttering as any thing mentioned in paragraph one, the perpetrator shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

## CHAPTER II

### OFFENCES RELATING TO SEALS, STAMPS AND TICKETS

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**Section 250.** Any person who forges any State seal or impression of any such seal or royal title shall be liable to imprisonment for a term of five to twenty years and to a fine of one hundred thousand to four hundred thousand baht.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 251.** Any person who forges any seal or impression of any such seal of a public body, public organisation or competent official shall be liable to imprisonment for a term of one to seven years and to a fine of twenty thousand to one hundred and forty thousand baht.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 252.** Any person who uses any seal, impression of any such seal or royal title specified in section 250 or section 251, which is forged, shall be liable to the punishment as provided in those sections.

**Section 253.** Any person who acquires any seal or impression of any such seal specified in section 250 or section 251, which is genuine, and wrongfully uses such seal or impression in a manner likely to cause injury to any other person or the people shall be liable to two-thirds of the punishment provided in section 250 or section 251.

**Section 254.** Any person who forges any Government stamp used for postage, taxation or the collection of fees, or alters any Government stamp used for such purposes to make any other person believe that it is of a higher value shall be liable to imprisonment for a term of one to seven years and to a fine of twenty thousand to one hundred and forty thousand baht.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 255.** Any person who imports into the Kingdom any State seal, impression of any such seal, royal title, or any seal or impression of any such seal of a public body, public organisation or competent official, or any stamp specified in section 250, section 251 or section

254, which is forged or altered, shall be liable to imprisonment for a term of one to ten years and to a fine of twenty thousand to two hundred thousand baht.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 256.** Any person who erases, removes or commits an act by any means to any Government stamp specified in section 254 which bears a mark denoting, or which is made by any means to denote that it can be no longer validly used, to make it valid for use again, shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 257.** Any person who uses, sells, offers for sale, exchanges or offers for exchange any stamp acquired through the commission of the offence under section 254 or section 256, irrespective of whether such offence is committed within or outside the Kingdom, shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 258.** Any person who forges or alters any ticket used for public transportation to make any other person believe that it is of a higher value, or erases, removes or commits an act by any means to such a ticket which bears a mark denoting, or which is made by any means to denote that it can be no longer validly used, to make it valid for use again, shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 259.** If the offence under section 258 is committed in relation to any ticket for sale to the people for admission to any place, the perpetrator shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 260.** Any person who uses, sells, offers for sale, exchanges or offers for exchange any ticket acquired through the commission of the offence under section 258 or section 259 shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 261.** Any person who prepares any instrument or object for the purpose of forging or altering any thing specified in section 254, section 258 or section 259, or has in possession such instrument or object for use in forgery or alteration shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 262.** If the offence under section 254, section 256, section 257 or section 261 is committed in relation to any stamp of a foreign government, the perpetrator shall be liable to one-half of the punishment as provided in those sections.

**Section 263.** If the person who has committed the offence under section 250, section 251, section 254, section 256, section 258, section 259 or section 262 also commits an offence under any other section provided in this Chapter relating to such thing arising from the commission of the former offence, such person shall be punished according to section 250, section 251, section 254, section 256, section 258, section 259 or section 262 for one count only.

### CHAPTER III

#### OFFENCES RELATING TO DOCUMENTS

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**Section 264.** If any person makes a forged document, in whole or in part, or adds or deletes content from, or alters by any means a genuine document, or affixes a forged seal or signature to a document, in a manner likely to cause injury to any other person or the people, and if it is committed to make any person believe that it is a genuine document, such person is said to commit an offence of forgery of documents and shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand baht or to both.

Any person who fills out content in a paper or any object which bears a signature of another person without the consent or against the order of such person shall, if it is committed to make use of such document in any activity which may cause injury to any person or the people, be deemed to forge a document and shall be liable to the same punishment.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 265.** Any person who forges a document of rights or official document shall be liable to imprisonment for a term of six months to five years and to a fine of ten thousand to one hundred thousand baht.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 266.**<sup>77</sup> Any person who forges the following documents:

- (1) a document of rights which is also an official document;
- (2) a will;
- (3) a share certificate, debenture or a certificate representing shares or debentures;
- (4) a bill; or
- (5) a certificate of deposit,

shall be liable to imprisonment for a term of one to ten years and to a fine of twenty thousand to two hundred thousand baht.

**Section 267.** Any person who notifies a competent official, who is engaged in the performance of his or her duty, for record of any false statement in a public document or official document which is intended to be used as evidence, in a manner likely to cause injury to any other person or the people, shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 268.** Any person who uses or refers to a document acquired through the commission of the offence under section 264, section 265, section 266 or section 267, in a manner likely to cause injury to any other person or the people, shall be liable to the punishment as provided in those sections.

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<sup>77</sup> Section 266 has been amended by the Penal Code Amendment Act (No. 12), B.E. 2535 (1992).



If the person who has committed the offence under paragraph one forges such document or notifies a competent official for record of such statement, such person shall be punished according to this section for one count only.

**Section 269.** Any person who, in the exercise of his or her medical, legal, accountancy or any other profession, makes a false statement in any certificate in a manner likely to cause injury to any other person or the people shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand baht or to both.

Any person who dishonestly uses or refers to the certificate acquired through the commission of the offence under paragraph one shall be liable to the same punishment.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

#### CHAPTER IV OFFENCES RELATING TO ELECTRONIC CARDS<sup>78</sup>

**Section 269/1.**<sup>79</sup> If any person makes a forged electronic card, in whole or in part, or adds or deletes content from, or alters by any means a genuine electronic card, in a manner likely to cause injury to any other person or the people, and if it is committed to make any person believe that it is a genuine electronic card or for any benefit, such person is said to commit an offence of forgery of electronic cards and shall be liable to imprisonment for a term of one to five years and to a fine of twenty thousand to one hundred thousand baht.

**Section 269/2.**<sup>80</sup> Any person who prepares any instrument or object for the purpose of forging or altering, or acquiring information for forging or altering any thing specified in section 269/1, or has in possession such instrument or object for use in forgery or alteration or for acquiring information for forgery or alteration, shall be liable to imprisonment for a term of one to five years and to a fine of twenty thousand to one hundred thousand baht.

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<sup>78</sup> Chapter IV Offences Relating to Electronic Cards, section 269/1 to section 269/7 have been added by the Penal Code Amendment Act (No. 17), B.E. 2547 (2004).

<sup>79</sup> Section 269/1 has been added by the Penal Code Amendment Act (No. 17), B.E. 2547 (2004).

<sup>80</sup> Section 269/2 has been added by the Penal Code Amendment Act (No. 17), B.E. 2547 (2004).

**Section 269/3.**<sup>81</sup> Any person who imports into or exports out of the Kingdom any thing specified in section 269/1 or section 269/2 shall be liable to imprisonment for a term of three to ten years and to a fine of sixty thousand to two hundred thousand baht.

**Section 269/4.**<sup>82</sup> Any person who uses or has in possession for use any thing under section 269/1 which has been acquired by him or her, knowing that it is forged or altered, shall be liable to imprisonment for a term of one to seven years or to a fine of twenty thousand to one hundred and forty thousand baht or to both.

Any person who distributes or has in possession for distribution any thing which is forged or altered under section 269/1 shall be liable to imprisonment for a term of one to ten years or to a fine of twenty thousand to two hundred thousand baht or to both.

If the person who has committed the offence under paragraph one or paragraph two also forges the electronic card according to section 269/1, such person shall be punished according this section for one count only.

**Section 269/5.**<sup>83</sup> Any person who wrongfully uses an electronic card of another in a manner likely to cause injury to any other person or the people shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand baht or to both.

**Section 269/6.**<sup>84</sup> Any person who has in possession for wrongful use an electronic card of another according to section 269/5 in a manner likely to cause injury to any other person or the people shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand baht or to both.

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<sup>81</sup> Section 269/3 has been added by the Penal Code Amendment Act (No. 17), B.E. 2547 (2004).

<sup>82</sup> Section 269/4 has been added by the Penal Code Amendment Act (No. 17), B.E. 2547 (2004).

<sup>83</sup> Section 269/5 has been added by the Penal Code Amendment Act (No. 17), B.E. 2547 (2004).

<sup>84</sup> Section 269/6 has been added by the Penal Code Amendment Act (No. 17), B.E. 2547 (2004).

**Section 269/7.**<sup>85</sup> If the offence under this Chapter is committed in relation to an electronic card which is issued by an issuer to an eligible user for the purpose of payment of goods, services or other obligations in lieu of cash or for withdrawing cash, the perpetrator shall be liable to one-half more of the punishment as provided in those sections.

## CHAPTER V

### OFFENCES RELATING TO PASSPORTS<sup>86</sup>

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**Section 269/8.**<sup>87</sup> If any person makes a forged passport, in whole or in part, or adds or deletes content from, or alters by any means a genuine passport, or affixes a forged seal or signature to a passport, in a manner likely to cause injury to any other person or the people, and if it is committed to make any person believe that it is a genuine passport, such person is said to commit an offence of forgery of passports and shall be liable to imprisonment for a term of one to ten years and to a fine of twenty thousand to two hundred thousand baht.

**Section 269/9.**<sup>88</sup> Any person who uses or has in possession for use a forged passport under section 269/8 shall be liable to imprisonment for a term of one to ten years and to a fine of twenty thousand to two hundred thousand baht.

Any person who distributes or has in possession for distribution a forged passport under section 269/8 shall be liable to imprisonment for a term of three to twenty years and to a fine of sixty thousand to four hundred thousand baht.

The possession of two or more forged passports under section 269/8 shall be presumed to be possession for distribution.

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<sup>85</sup> Section 269/7 has been added by the Penal Code Amendment Act (No. 17), B.E. 2547 (2004).

<sup>86</sup> Chapter V Offences Relating to Passports, section 269/8 to section 269/15 have been added by the Penal Code Amendment Act (No. 18), B.E. 2550 (2007).

<sup>87</sup> Section 269/8 has been added by the Penal Code Amendment Act (No. 18), B.E. 2550 (2007).

<sup>88</sup> Section 269/9 has been added by the Penal Code Amendment Act (No. 18), B.E. 2550 (2007).

If the person who has committed the offence under paragraph one or paragraph two also forges the passport according to section 269/8, such person shall be punished according this section for one count only.

**Section 269/10.**<sup>89</sup> Any person who imports into or exports out of the Kingdom any forged passport under section 269/8 shall be liable to imprisonment for a term of one to ten years and to a fine of twenty thousand to two hundred thousand baht.

If the offence under paragraph one is committed for the purpose of distribution, the offender shall be liable to imprisonment for a term of three to twenty years and to a fine of sixty thousand to four hundred thousand baht.

**Section 269/11.**<sup>90</sup> Any person who wrongfully uses a passport of another in a manner likely to cause injury to any other person or the people shall be liable to imprisonment for a term not exceeding ten years and to a fine not exceeding two hundred thousand baht.

Any person who procures the passport for the person committing the offence under paragraph one shall be liable to the same punishment.

**Section 269/12.**<sup>91</sup> Any person who forges a visa seal, impression or sticker used for the purpose of visa stamping for international travel shall be liable to imprisonment for a term of one to ten years and to a fine of twenty thousand to two hundred thousand baht.

**Section 269/13.**<sup>92</sup> Any person who uses a forged visa seal, impression or sticker under section 269/12 shall be liable to imprisonment for a term of one to ten years and to a fine of twenty thousand to two hundred thousand baht.

If the person who has committed the offence under paragraph one also forges the visa seal, impression or sticker according to section 269/12, such person shall be punished according this section for one count only.

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<sup>89</sup> Section 269/10 has been added by the Penal Code Amendment Act (No. 18), B.E. 2550 (2007).

<sup>90</sup> Section 269/11 has been added by the Penal Code Amendment Act (No. 18), B.E. 2550 (2007).

<sup>91</sup> Section 269/12 has been added by the Penal Code Amendment Act (No. 18), B.E. 2550 (2007).

<sup>92</sup> Section 269/13 has been added by the Penal Code Amendment Act (No. 18), B.E. 2550 (2007).

**Section 269/14.**<sup>93</sup> Any person who imports into or exports out of the Kingdom any visa seal, impression or sticker specified in section 269/12, which is forged, shall be liable to imprisonment for a term of one to ten years and to a fine of twenty thousand to two hundred thousand baht.

**Section 269/15.**<sup>94</sup> Any person who wrongfully uses a genuine visa seal, impression or sticker used for the purpose of visa stamping for international travel in a manner likely to cause injury to any other person or the people shall be liable to two-thirds of the punishment as provided in section 269/13.

## TITLE VIII OFFENCES RELATING TO TRADE

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**Section 270.** Any person who uses or has in possession for use a false weighing instrument, measure or scale to take advantage in trade, or has such instrument for sale, shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 271.**<sup>95</sup> Any person who sells goods through swindling by any means to make the buyer believe in the false origin, condition, quality or quantity of such goods shall, if such act is not an offence of defrauding, be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand baht or to both.

[The rates of punishment have been amended by section 8 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 272.** Any person who:

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<sup>93</sup> Section 269/14 has been added by the Penal Code Amendment Act (No. 18), B.E. 2550 (2007).

<sup>94</sup> Section 269/15 has been added by the Penal Code Amendment Act (No. 18), B.E. 2550 (2007).

<sup>95</sup> Section 271 has been amended by the Penal Code Amendment Act (No. 4), B.E. 2522 (1979).

(1) uses any trade name, trade image, trade artificial mark or trade description of another or causes the same to appear on the goods, parcels, packages, wrappings, advertisements, price lists, business letters or any other similar things to make the people believe that it is the goods or trade of such person;

(2) resembles any signboard or any other similar thing to the extent of likely causing the people to believe that his or her trading premises are those of another person situated nearby;

(3) circulates or propagates false information to bring discredit to the trading premises, goods, industry or commerce of any person with a view to obtaining benefit for his or her trade,

shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht or to both.

The offence under this section shall be compoundable.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 273.** Any person who forges a trade mark of another, which has been registered whether within or outside the Kingdom, shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 274.** Any person who resembles a trade mark of another, which has been registered whether within or outside the Kingdom, to make the people believe that it belongs to such other person, shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 275.** Any person who imports into the Kingdom, distributes or offers to distribute the goods which bear any name, image, artificial mark or description as provided in section 272 (1) or the goods which bear any forged trade mark or the trade mark resembling the mark of another under section 273 or section 274, shall be liable to the punishment as provided in those sections.

TITLE IX  
OFFENCES RELATING TO SEXUALITY

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**Section 276.**<sup>96</sup> Any person who commits sexual intercourse with another person against that person's will with a threat by any means, or with an act of violence, or when such other person has the condition of being unable to resist, or by making such other person mistake him or her for any other person, shall be liable to imprisonment for a term of four to twenty years and to a fine of eighty thousand to four hundred thousand baht.

If the offence under paragraph one is committed by causing the victim to understand that the perpetrator has a firearm or explosive, such person shall be liable to imprisonment for a term of seven to twenty years and to a fine of one hundred and forty thousand to four hundred thousand baht.

If the offence under paragraph one is committed by carrying a firearm or explosive, or by using arms, or with participation of persons in the nature of sexual assault, the perpetrator shall be liable to imprisonment for a term of fifteen to twenty years and to a fine of three hundred thousand to four hundred thousand baht, or to imprisonment for life.

If the offence under paragraph one is committed between spouses and such spouses still wish to cohabit as husband and wife, the court may impose a lesser punishment to any extent than that provided by law or may prescribe conditions for controlling the behaviour in lieu of imposing the punishment. In the case where the court has rendered a judgement of imprisonment and either spouse does not wish to continue their cohabitation and wishes to divorce, such spouse shall inform the court accordingly and the court shall inform a public prosecutor to proceed in bringing an action for divorce.

**Section 277.**<sup>97</sup> Any person who commits sexual intercourse with a child not over fifteen years of age who is not his or her wife or husband, regardless of the child's consent, shall be liable to imprisonment for a term of five to twenty years and to a fine of one hundred thousand to four hundred thousand baht.

If the offence under paragraph one is committed against a child not over thirteen years of age, the perpetrator shall be liable to imprisonment for a term of seven to twenty years

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<sup>96</sup> Section 276 has been amended by the Penal Code Amendment Act (No. 27), B.E. 2562 (2019).

<sup>97</sup> Section 277 has been amended by the Penal Code Amendment Act (No. 27), B.E. 2562 (2019).

and to a fine of one hundred and forty thousand to four hundred thousand baht, or to imprisonment for life.

If the offence under paragraph one or paragraph two is committed by causing the victim to understand that the perpetrator has a firearm or explosive, the perpetrator shall be liable to imprisonment for a term of ten to twenty years and to a fine of two hundred thousand to four hundred thousand baht, or to imprisonment for life.

If the offence under paragraph one or paragraph two is committed by carrying a firearm or explosive, or by using arms, or with participation of persons in the nature of sexual assault, the perpetrator shall be liable to imprisonment for life.

If the offence provided in paragraph one is committed by a person not over eighteen years of age against a child over thirteen years of age but not over fifteen years of age with such child's consent, the court competent to try a juvenile and family case may consider providing welfare protection for the child who is the victim or the offender in accordance with the law on child protection, in lieu of imposing the punishment. In the court's consideration, the age, background, behaviour, intelligence, education, health, mental state, habit, career and environment of the offender and the child who is the victim, relationship between the offender and the child who is the victim or other reasonable factors shall also be taken into consideration for the benefit of the child who is the victim.

In the case where welfare protection has been provided to the child who is the victim or the offender in accordance with the law on child protection, the offender shall not be punished. However, if the welfare protection is not successful, the court may impose a lesser punishment on the offender to any extent than that provided by law for such offence. In the court's consideration, the factors under paragraph five shall also be taken into consideration.

**Section 277 *bis*.**<sup>98</sup> If the commission of the offence under section 276, paragraph one or section 277, paragraph one or paragraph two causes the victim:

- (1) to suffer grievous bodily harm, the perpetrator shall be liable to imprisonment for a term of fifteen to twenty years and to a fine of three hundred thousand to four hundred thousand baht, or to imprisonment for life;
- (2) to die, the perpetrator shall be liable to a death penalty or imprisonment for life.

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<sup>98</sup> Section 277 *bis* has been amended by the Penal Code Amendment Act (No. 27), B.E. 2562 (2019).



**Section 277 *ter*.**<sup>99</sup> If the commission of the offence under section 276, paragraph three or section 277, paragraph four causes the victim:

- (1) to suffer grievous bodily harm, the perpetrator shall be liable to a death penalty or imprisonment for life;
- (2) to die, the perpetrator shall be liable to a death penalty.

**Section 278.**<sup>100</sup> Any person who commits an indecent act upon a person over fifteen years of age with a threat by any means, or with an act of violence, or when such other person has the condition of being unable to resist, or by making such other person mistake him or her for any other person, shall be liable to imprisonment for a term not exceeding ten years or to a fine not exceeding two hundred thousand baht or to both.

If the offence under paragraph one is committed by using an object or any other organ than a sexual organ to penetrate the sexual organ or anus of such other person, the perpetrator shall be liable to imprisonment for a term of four to twenty years and to a fine of eighty thousand to four hundred thousand baht.<sup>101</sup>

If the offence under paragraph two is committed by causing the victim to understand that the perpetrator has a firearm or explosive, the perpetrator shall be liable to imprisonment for a term of seven to twenty years and to a fine of one hundred and forty thousand to four hundred thousand baht.<sup>102</sup>

If the offence under paragraph two is committed by carrying a firearm or explosive, or by using arms, or with participation of persons in the nature of sexual assault, the perpetrator shall be liable to imprisonment for a term of fifteen to twenty years and to a fine of three hundred thousand to four hundred thousand baht, or to imprisonment for life.<sup>103</sup>

[The rates of punishment have been amended by section 11 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

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<sup>99</sup> Section 277 *ter* has been amended by the Penal Code Amendment Act (No. 27), B.E. 2562 (2019).

<sup>100</sup> Section 278 has been amended by the Penal Code Amendment Act (No. 8), B.E. 2530 (1987).

<sup>101</sup> Section 278, paragraph two has been added by the Penal Code Amendment Act (No. 27), B.E. 2562 (2019).

<sup>102</sup> Section 278, paragraph three has been added by the Penal Code Amendment Act (No. 27), B.E. 2562 (2019).

<sup>103</sup> Section 278, paragraph four has been added by the Penal Code Amendment Act (No. 27), B.E. 2562 (2019).

**Section 279.**<sup>104</sup> Any person who commits an indecent act upon a child not over fifteen years of age, regardless of the child's consent, shall be liable to imprisonment for a term not exceeding ten years or to a fine not exceeding two hundred thousand baht or to both.

If the offence under paragraph one is committed upon a child not over thirteen years of age, the perpetrator shall be liable to imprisonment for a term of one to ten years or to a fine of twenty thousand to two hundred thousand baht or to both.

If the offence under paragraph one or paragraph two is committed with a threat by any means, or with an act of violence, or when the child has the condition of being unable to resist, or by making the child mistake him or her for any other person, the perpetrator shall be liable to imprisonment for a term of one to fifteen years or to a fine of twenty thousand to three hundred thousand baht or to both.

If the offence under paragraph one or paragraph three is committed by using an object or any other organ than a sexual organ to penetrate the sexual organ or anus of such child, the perpetrator shall be liable to imprisonment for a term of five to twenty years and to a fine of one hundred thousand to four hundred thousand baht.

If the offence under paragraph four is committed upon a child not over thirteen years of age, the perpetrator shall be liable to imprisonment for a term of seven to twenty years and to a fine of one hundred and forty thousand to four hundred thousand baht, or to imprisonment for life.

If the offence under paragraph four or paragraph five is committed by causing the victim to understand that the perpetrator has a firearm or explosive, the perpetrator shall be liable to imprisonment for a term of ten to twenty years and to a fine of two hundred thousand to four hundred thousand baht, or to imprisonment for life.

If the offence under paragraph four or paragraph five is committed by carrying a firearm or explosive, or by using arms, or with participation of persons in the nature of sexual assault, the perpetrator shall be liable to imprisonment for life.

**Section 280.**<sup>105</sup> If the commission of the offence under section 278 or section 279 causes the victim:

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<sup>104</sup> Section 279 has been amended by the Penal Code Amendment Act (No. 27), B.E. 2562 (2019).

<sup>105</sup> Section 280 has been amended by the Penal Code Amendment Act (No. 27), B.E. 2562 (2019).

(1) to suffer grievous bodily harm, the perpetrator shall be liable to imprisonment for a term of five to twenty years and to a fine of one hundred thousand to four hundred thousand baht, or to imprisonment for life.

(2) to die, the perpetrator shall be liable to a death penalty or imprisonment for life.

**Section 280/1.**<sup>106</sup> If the person committing the offence under section 276, section 277, section 278 or section 279 has visually or audibly recorded the sexual intercourse or indecent act to seek improper benefits for himself or herself or for any other person, the perpetrator shall be liable to one-third more of the punishment as provided in those sections.

If the person committing the offence under paragraph one has propagated or communicated the visual or audible record of such sexual intercourse or indecent act, the perpetrator shall be liable to one-half more of the punishment as prescribed in those sections.

**Section 281.**<sup>107</sup> Offences under the following sections shall be compoundable:

(1) Section 276, paragraph one and section 278, paragraph two, if the offence is committed between spouses and does not occur in the public or does not cause the victim to suffer grievous bodily harm or to die;

(2) Section 278, paragraph one, if the offence does not occur in the public, does not cause the victim to suffer grievous bodily harm or to die, or is not committed against the person as specified in section 285 and section 285/2.

**Section 282.**<sup>108</sup> Any person who, for sexual gratification of any other person, procures, seduces or takes away for an indecent act a man or woman, even with his or her consent, shall be liable to imprisonment for a term of one to ten years and to a fine of twenty thousand to two hundred thousand baht.

If the offence under paragraph one is committed against a person over fifteen years of age but not over eighteen years of age, the perpetrator shall be liable to imprisonment for a term of three to fifteen years and to a fine of sixty thousand to three hundred thousand baht.

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<sup>106</sup> Section 280/1 has been added by the Penal Code Amendment Act (No. 27), B.E. 2562 (2019).

<sup>107</sup> Section 281 has been amended by the Penal Code Amendment Act (No. 27), B.E. 2562 (2019).

<sup>108</sup> Section 282 has been amended by the Penal Code Amendment Act (No. 14), B.E. 2540 (1997).

If the offence under paragraph one is committed against a child not over fifteen years of age, the perpetrator shall be liable to imprisonment for a term of five to twenty years and to a fine of one hundred thousand to four hundred thousand baht.

Any person who, for sexual gratification of any other person, takes in a person who has been procured, seduced or taken away under paragraph one, paragraph two or paragraph three or supports the commission of such offence, shall be liable to the punishment as provided in paragraph one, paragraph two or paragraph three, as the case may be.

[The rates of punishment have been amended by section 12 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 283.**<sup>109</sup> Any person who, for sexual gratification of any other person, procures, seduces or takes away for an indecent act a man or woman by trick or swindle, threat, violence, exercising undue influence or compulsion by any other means, shall be liable to imprisonment for a term of five to twenty years and to a fine of one hundred thousand to four hundred thousand baht.

If the offence under paragraph one is committed against a person over fifteen years of age but not over eighteen years of age, the perpetrator shall be liable to imprisonment for a term of seven to twenty years and to a fine of one hundred and forty thousand to four hundred thousand baht, or to imprisonment for life.

If the offence under paragraph one is committed against a child not over fifteen years of age, the perpetrator shall be liable to imprisonment for a term of ten to twenty years and to a fine of two hundred thousand to four hundred thousand baht, or to imprisonment for life or a death penalty.

Any person who, for sexual gratification of any other person, takes in a person who has been procured, seduced or taken away under paragraph one, paragraph two or paragraph three, or supports the commission of such offence, shall be liable to the punishment as provided in paragraph one, paragraph two or paragraph three, as the case may be.

[The rates of punishment have been amended by section 12 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 283 bis.**<sup>110</sup> Any person who takes away a person over fifteen years of age but not over eighteen years of age for an indecent act, even with his or her consent, shall be

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<sup>109</sup> Section 283 has been amended by the Penal Code Amendment Act (No. 14), B.E. 2540 (1997).

<sup>110</sup> Section 283 *bis* has been added by the Penal Code Amendment Act (No. 14), B.E. 2540 (1997).

liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand baht or to both.

If the offence under paragraph one is committed against a child not over fifteen years of age, the perpetrator shall be liable to imprisonment for a term not exceeding seven years or to a fine not exceeding one hundred and forty thousand baht or to both.

Any person who conceals the person taken away under paragraph one or paragraph two shall be liable to the punishment as provided in paragraph one or paragraph two, as the case may be.

The offences under paragraph one and paragraph three only in the case of against a person over fifteen years of age shall be compoundable.

[The rates of punishment have been amended by section 12 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 284.**<sup>111</sup> Any person who takes away another person for an indecent act by trick or swindle, threat, violence, exercising undue influence or compulsion by any other means shall be liable to imprisonment for a term of one to ten years and to a fine of twenty thousand to two hundred thousand baht.

Any person who conceals the person taken away under paragraph one shall be liable to the same punishment prescribed for a person taking away such person.

The offence under this section shall be compoundable.

[The rates of punishment have been amended by section 12 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 285.**<sup>112</sup> If the offence under section 276, section 277, section 277 *bis*, section 277 *ter*, section 278, section 279, section 280, section 282 or section 283 is committed against the ascendant, descendant, brother or sister of full blood or sibling, blood relative, pupil under the care, person under the control according to the public duties, person under the guardianship or curatorship or person under the authority by any other means, the perpetrator shall be liable to one-third more of the punishment as provided in those sections.

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<sup>111</sup> Section 284 has been amended by the Penal Code Amendment Act (No. 14), B.E. 2540 (1997).

<sup>112</sup> Section 285 has been amended by the Penal Code Amendment Act (No. 27), B.E. 2562 (2019).

**Section 285/1.**<sup>113</sup> If the offence under section 277, section 279, section 282, paragraph three, section 283, paragraph three and section 283 *bis*, paragraph two is committed against a child not over thirteen years of age, ignorance of the age of such child may not be claimed to be exempted from such offence.

**Section 285/2.**<sup>114</sup> If the offence under section 276, section 277, section 277 *bis*, section 277 *ter*, section 278 or section 279 is committed against a person who cannot protect himself or herself because he or she is an infirm person, a person with mental deficiency, psychosis or mental infirmity, an ill person, an elderly person, a pregnant woman or a person with the condition of being unable to understand right and wrong, the perpetrator shall be liable to one-third more of the punishment as provided in those sections.

**Section 286.**<sup>115</sup> Any person who commits the following acts by any means shall be liable to imprisonment for a term not exceeding twenty years and to a fine not exceeding four hundred thousand baht or **to imprisonment for life**:

- (1) to give assistance, facilitation or protection to prostitution of another;
- (2) to accept a benefit in any form from prostitution of another or from a prostitute;
- (3) to force, threaten, swindle or exercise undue influence or admit another person to work for prostitution;
- (4) to arrange for prostitution between a prostitute and a customer;
- (5) to conceal or disguise the source of income or property acquired from prostitution;
- (6) to reside or habitually associate with one or more prostitutes and be unable to demonstrate the origin of income for his or her livelihood;
- (7) to impede the operation of an agency in charge of protecting, controlling, assisting or educating prostitutes, persons intending to participate in prostitution or persons who may be endangered from prostitution.

The provisions of paragraph one (2) and (6) shall not apply to any person who receives a benefit in any form according to law or morality.

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<sup>113</sup> Section 285/1 has been added by the Penal Code Amendment Act (No. 23), B.E. 2558 (2015).

<sup>114</sup> Section 285/2 has been added by the Penal Code Amendment Act (No. 27), B.E. 2562 (2019).

<sup>115</sup> Section 286 has been amended by the Penal Code Amendment Act (No. 27), B.E. 2562 (2019).

**Section 287.<sup>116</sup>** Any person who:

(1) for the purpose of trade or by trade or for public distribution or exhibition, makes, produces, possesses, imports or causes to be imported into the Kingdom, exports or causes to be exported out of the Kingdom, takes away or causes to be taken away or propagates by any means any document, drawing, print, painting, printed matter, picture, advertised image, symbol, photograph, movie, audio tape, video tape or any other thing which is obscene;

(2) carries on the trade, or participates or engages in the trade of the aforesaid obscene object or thing, distributes or exhibits to the public or hires out such object or thing;

(3) for the purpose of propagating or trading of such obscene object or thing, advertises or propagates by any means that there is a person who commits an act which is an offence under this section, or advertises or propagates how or from whom such obscene object or thing may be obtained,

shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand baht or to both.

[The rates of punishment have been amended by section 10 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 287/1.<sup>117</sup>** Any person who possesses child pornography for the sexual benefit of himself or herself or of any other person shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand baht or to both.

If the person committing the offence under paragraph one forwards the child pornography to any other person, he or she shall be imprisonment for a term not exceeding seven years or to a fine not exceeding one hundred and forty thousand baht or to both.

**Section 287/2.<sup>118</sup>** Any person who:

(1) for the purpose of trade or by trade or for public distribution or exhibition, makes, produces, possesses, imports or causes to be imported into the Kingdom, exports or causes to be exported out of the Kingdom, takes away or causes to be taken away or propagates by any means any child pornography;

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<sup>116</sup> Section 287 has been amended by the Penal Code Amendment Act (No. 5), B.E. 2525 (1982).

<sup>117</sup> Section 287/1 has been added by the Penal Code Amendment Act (No. 24), B.E. 2558 (2015).

<sup>118</sup> Section 287/2 has been added by the Penal Code Amendment Act (No. 24), B.E. 2558 (2015).

(2) carries on the trade, or participates or engages in the trade of child pornography, distributes or exhibits to the public or hires out child pornography;

(3) for the purpose of propagating or trading of child pornography, advertises or propagates by any means that there is a person who commits an act which is an offence under this section, or advertises or propagates how or from whom child pornography may be obtained,

shall be liable to imprisonment for a term of three to ten years and to a fine of sixty thousand to two hundred thousand baht.

## TITLE X OFFENCES RELATING TO LIFE AND BODY

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### CHAPTER I OFFENCES CAUSING DEATH

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**Section 288.** Any person who causes death to another shall be liable to a death penalty, imprisonment for life or imprisonment for a term of fifteen to twenty years.

**Section 289.** Any person who:

- (1) causes death to the ascendant;
  - (2) causes death to a competent official who is engaged in the performance of his or her duty or by reason of his or her willing to perform or having performed such duty;
  - (3) causes death to a person who assists a competent official in the performance of the official's duty or by reason of such person's willing to assist or having assisted such competent official;
  - (4) causes death to another with premeditation;
  - (5) causes death to another preceded by torture or cruelty;
  - (6) causes death to another for the purpose of preparing or facilitating the commission of any other offence; or
  - (7) causes death to another for the purpose of obtaining or securing the benefit obtained through any other offence, concealing any other offence or evading punishment for any other offence committed by him or her,
- shall be liable to a death penalty.



**Section 290.** Any person who, without an intention to cause death, causes injury to another resulting in death shall be liable to imprisonment for a term of three to fifteen years.

If such offence has any characteristic as provided in section 289, the perpetrator shall be liable to imprisonment for a term of three to twenty years.

**Section 291.** Any person who negligently commits an act resulting in death of another shall be liable to imprisonment for a term not exceeding ten years and to a fine not exceeding two hundred thousand baht.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 292.** Any person who commits an act of cruelty or of similar nature against a person, whose livelihood or any other affair is dependent on him or her, to cause such person to commit suicide shall, if such suicide occurs or there is an attempt of the suicide, be liable to imprisonment for a term not exceeding seven years and to a fine not exceeding one hundred and forty thousand baht.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 293.** Any person who assists or encourages a child not over sixteen years of age or a person who is unable to understand the nature or essence of his or her act or unable to control his or her act, to commit suicide shall, if such suicide occurs or there is an attempt of the suicide, be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 294.** If death is caused to any person by an act in an affray in which three or more persons were gathered, irrespective of whether the deceased participated in such affray, each of the persons participating in such affray shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand baht or to both.

If the person participating in such affray can demonstrate that his or her act was to stop such affray or was a lawful defence, such person shall not be liable to punishment.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

## CHAPTER II

### OFFENCES AGAINST BODY

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**Section 295.** Any person who causes injury to the body or mind of another is said to commit an offence of bodily harm and shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 296.** Any person who commits an offence of bodily harm shall, if such offence has any characteristic as provided in section 289, be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 297.** Any person who commits an offence of bodily harm resulting in grievous bodily harm of the victim shall be liable to imprisonment for a term of six months to ten years and to a fine of ten thousand to two hundred thousand baht.

Grievous bodily harm shall include:

- (1) Blindness, deafness, an untied tongue or loss of olfactory nerve;
- (2) Loss of genital organs or reproductive capacity;
- (3) Loss of limb, hand, foot, finger or any other organ of the body;
- (4) Permanent disfiguration of the face;
- (5) Abortion;
- (6) Permanent mental disorder;
- (7) Infirmary or chronic illness which may last throughout life;
- (8) Infirmary or illness causing pain and suffering for more than twenty days or to the extent preventing the carrying out of ordinary obligations for more than twenty days.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 298.** Any person who commits the offence under section 297 shall, if such offence has any characteristic as provided in section 289, be liable to imprisonment for a term of two to ten years and to a fine of forty thousand to two hundred thousand baht.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 299.** If grievous bodily harm is caused to any person by an act in an affray in which three or more persons were gathered, irrespective of whether such person participated in such affray, each of the persons participating in such affray shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht or to both.

If the person participating in such affray can demonstrate that his or her act was to stop such affray or was a lawful defence, such person shall not be liable to punishment.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 300.** Any person who negligently commits an act resulting in grievous bodily harm of another shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

### CHAPTER III OFFENCES OF ABORTION

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**Section 301.**<sup>119</sup> Any woman who, by herself, causes a termination of her pregnancy or allows another to do it while her pregnancy is more than twelve weeks shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand baht or to both.

**Section 302.** Any person who causes a termination of pregnancy of any woman with her consent shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand baht or to both.

If such act also causes such woman to suffer other grievous bodily harm, the perpetrator shall be liable to imprisonment for a term not exceeding seven years or to a fine not exceeding one hundred and forty thousand baht or to both.

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<sup>119</sup> Section 301 has been amended by the Penal Code Amendment Act (No. 28), B.E. 2564 (2021).

If such act causes death to such woman, the perpetrator shall be liable to imprisonment for a term not exceeding ten years and to a fine not exceeding two hundred thousand baht.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 303.** Any person who causes a termination of pregnancy of any woman without her consent shall be liable to imprisonment for a term not exceeding seven years or to a fine not exceeding one hundred and forty thousand baht or to both.

If such act also causes such woman to suffer other grievous bodily harm, the perpetrator shall be liable to imprisonment for a term of one to ten years and to a fine of twenty thousand to two hundred thousand baht.

If such act causes death to such woman, the perpetrator shall be liable to imprisonment for a term of five to twenty years and to a fine of one hundred thousand to four hundred thousand baht.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 304.** Any person who merely attempts to commit the offence under section 301 or section 302, paragraph one shall not be liable to punishment.

**Section 305.**<sup>120</sup> If the offence under section 301 or section 302 is committed by a person practicing in medicine and in accordance with the criteria of the Medical Council as follows, the person committing it shall not be guilty:

(1) Such act is necessary because the continuance of pregnancy poses a threat to either the physical or mental health of such woman;

(2) Such act is necessary because there is substantial risk or there is a medical reason to believe that the infant, if born, would be abnormal to the extent of serious infirmity;

(3) The woman has confirmed to the person practicing in medicine that her pregnancy results from a sexual offence;

(4) The woman whose pregnancy is not more than twelve weeks has confirmed to terminate her pregnancy;

(5) The woman whose pregnancy is more than twelve weeks but not more than twenty weeks has confirmed to terminate her pregnancy after receiving an examination and

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<sup>120</sup> Section 305 has been amended by the Penal Code Amendment Act (No. 28), B.E. 2564 (2021).

consultation for alterations from a person practicing in medicine and a person practicing in another profession in accordance with the criteria and procedures as prescribed in the Notification by the Minister of Public Health with recommendation of the Medical Council and other related agencies under the law on prevention and solution of the adolescent pregnancy problem.

#### CHAPTER IV

#### OFFENCES OF ABANDONMENT OF CHILDREN, ILL OR ELDERLY PERSONS

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**Section 306.** Any person who abandons a child not over nine years of age in any place to leave such child in a manner putting him or her in a careless situation shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 307.** Any person who, by law or contract, has a duty to take care of a dependent person by reason of his or her age, illness or physical or mental disorder, abandons such person in a manner likely to cause danger to his or her life shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 308.** If the commission of the offence under section 306 or section 307 causes death or grievous bodily harm to the abandoned person, the perpetrator shall be liable to the punishment as provided in section 290, section 297 or section 298.

#### TITLE XI

#### OFFENCES RELATING TO LIBERTY AND REPUTATION

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#### CHAPTER I

#### OFFENCES AGAINST LIBERTY

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**Section 309.** Any person who compels another to carry out or abstain from carrying out any act or submit to any thing, by causing fear of danger to life, body, liberty, reputation or property of the compelled person or of any other person, or by committing an act of violence to the extent that the compelled person has to carry out or abstain from carrying out such act or submit to such thing, shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand baht or to both.

If the offence under paragraph one is committed by carrying arms, or with participation of five or more persons, or is committed with an aim to cause the compelled person to execute, revoke, damage or destroy any document of rights, the perpetrator shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand baht or to both.

If such act is committed by alluding to the power of a secret society or criminal association, irrespective of whether it exists, the perpetrator shall be liable to imprisonment for a term of one to seven years and to a fine of twenty thousand to one hundred and forty thousand baht.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 310.** Any person who restrains or detains another or commits an act by any means to deprive another of liberty in his or her person shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand baht or to both.

If the commission of the offence under paragraph one causes death or grievous bodily harm to the restrained or detained person or the person deprived of liberty in person, the perpetrator shall be liable to the punishment as provided in section 290, section 297 or section 298.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 310 *bis*.**<sup>121</sup> Any person who restrains or detains another or commits an act by any means to deprive another of liberty in his or her person and causes such other person to commit any act for him or her or for any other person, shall be liable to imprisonment for a term not exceeding five years and to a fine not exceeding one hundred thousand baht.

[The rates of punishment have been amended by section 14 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

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<sup>121</sup> Section 310 *bis* has been added by the Penal Code Amendment Act (No. 13), B.E. 2537 (1994).

**Section 311.** Any person who negligently commits an act resulting in another person to be restrained or detained or deprived of liberty in his or her person shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht or to both.

If the commission of the offence under paragraph one causes death or grievous bodily harm to the restrained or detained person or the person deprived of liberty in person, the perpetrator shall be liable to the punishment as provided in section 291 or section 300.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 312.** Any person who, with an aim to enslave another or places another in a position similar to slavery, imports into or exports out of the Kingdom, takes from any place, purchases, sells, distributes, accepts or restrains any person, shall be liable to imprisonment for a term not exceeding seven years and to a fine not exceeding one hundred and forty thousand baht.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 312 *bis*.**<sup>122</sup> If the offence under section 310 *bis* or section 312 is committed against a child not over fifteen years of age, the perpetrator shall be liable to imprisonment for a term of three to ten years and to a fine not exceeding two hundred thousand baht.

If the commission of the offence under paragraph one or section 310 *bis* or section 312 causes the victim:

- (1) to suffer bodily or mental harm, the perpetrator shall be liable to imprisonment for a term of five to fifteen years and to a fine not exceeding three hundred thousand baht;
- (2) to suffer grievous bodily harm, the perpetrator shall be liable to imprisonment for life or imprisonment for a term of seven to twenty years;
- (3) to die, the perpetrator shall be liable to a death penalty, imprisonment for life or imprisonment for a term of fifteen to twenty years.

[The rates of punishment have been amended by section 14 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

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<sup>122</sup> Section 312 *bis* has been added by the Penal Code Amendment Act (No. 13), B.E. 2537 (1994).

**Section 312 *ter*.**<sup>123</sup> Any person who dishonestly takes in, distributes, procures, seduces or takes away a person over fifteen years of age but not over eighteen years of age, even with his or her consent, shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand baht or to both.

If the offence under paragraph one is committed against a child not over fifteen years of age, the perpetrator shall be liable to imprisonment for a term not exceeding seven years or to a fine not exceeding one hundred and forty thousand baht or to both.

[The rates of punishment have been amended by section 12 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 313.**<sup>124</sup> Any person who, with an aim to obtain a ransom:

- (1) takes away a child not over fifteen years of age;
- (2) takes away a person over fifteen years of age by trick or swindle, threat, violence, exercising undue influence or compulsion by any other means; or
- (3) restrains or detains any person,

shall be liable to imprisonment for a term of fifteen to twenty years and to a fine of three hundred thousand to four hundred thousand baht, or to imprisonment for life or a death penalty.

If the commission of the offence under paragraph one causes grievous bodily harm to the taken, restrained or detained person, or is committed by torture or cruelty resulting in bodily or mental harm of the victim, the perpetrator shall be liable to a death penalty or imprisonment for life.

If the commission of such offence causes death to the taken, restrained or detained person, the perpetrator shall be liable to a death penalty.

[The rates of punishment have been amended by section 11 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 314.** Any person who acts as an accomplice to the commission of the offence under section 313 shall be liable to the same punishment prescribed for a principal for such offence.

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<sup>123</sup> Section 312 *ter* has been added by the Penal Code Amendment Act (No. 14), B.E. 2540 (1997).

<sup>124</sup> Section 313 has been amended by the Penal Code Amendment Act (No. 8), B.E. 2530 (1987).



**Section 315.**<sup>125</sup> Any person who acts as a middleman by demanding, accepting or agreeing to accept property or any benefit to which he or she is not entitled from the person committing the offence under section 313 or the person who will give a ransom, shall be liable to imprisonment for a term of fifteen to twenty years and to a fine of three hundred thousand to four hundred thousand baht, or to imprisonment for life.

[The rates of punishment have been amended by section 10 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 316.** If the person committing the offence under section 313, section 314 or section 315 causes the taken, restrained or detained person to regain his or her liberty before the court of first instance has rendered a judgement, without suffering grievous bodily harm or being put under a state of imminent danger to life, the punishment to be imposed on such person shall be less than that provided by law, but not less than one-half.

**Section 317.**<sup>126</sup> Any person who, without valid reason, takes away a child not over fifteen years of age from his or her parent, guardian or the person maintaining him or her shall be liable to imprisonment for a term of three to fifteen years and to a fine of sixty thousand to three hundred thousand baht.

Any person who dishonestly purchases, distributes or takes in the child who has been taken away under paragraph one shall be liable to the same punishment as the person taking away the child.

If the offence under this section is committed for profit or indecent purposes, the perpetrator shall be liable to imprisonment for a term of five to twenty years and to a fine of one hundred thousand to four hundred thousand baht.

[The rates of punishment have been amended by section 11 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 318.**<sup>127</sup> Any person who takes away a minor over fifteen years of age but not over eighteen years of age from his or her parent, guardian or the person maintaining him or

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<sup>125</sup> Section 315 has been amended by the Penal Code Amendment Act (No. 5), B.E. 2525 (1982).

<sup>126</sup> Section 317 has been amended by the Penal Code Amendment Act (No. 8), B.E. 2530 (1987).

<sup>127</sup> Section 318 has been amended by the Penal Code Amendment Act (No. 8), B.E. 2530 (1987).

her, without the minor's consent, shall be liable to imprisonment for a term of two to ten years and to a fine of forty thousand to two hundred thousand baht.

Any person who dishonestly purchases, distributes or takes in the minor who has been taken away under paragraph one shall be liable to the same punishment as the person taking away the minor.

If the offence under this section is committed for profit or indecent purposes, the perpetrator shall be liable to imprisonment for a term of three to fifteen years and to a fine of sixty thousand to three hundred thousand baht.

[The rates of punishment have been amended by section 11 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 319.**<sup>128</sup> Any person who takes away a minor over fifteen years of age but not over eighteen years of age from his or her parent, guardian or the person maintaining him or her for profit or indecent purposes, with the minor's consent, shall be liable to imprisonment for a term of two to ten years and to a fine of forty thousand to two hundred thousand baht.

Any person who dishonestly purchases, distributes or takes in the minor who has been taken away under paragraph one shall be liable to the same punishment as the person taking away the minor.

[The rates of punishment have been amended by section 11 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 320.**<sup>129</sup> Any person who, by trick or swindle, threat, violence, exercising undue influence or compulsion by any means, takes or exports a person out of the Kingdom shall be liable to imprisonment for a term of two to ten years or to a fine of forty thousand to two hundred thousand baht or to both.

If the offence under paragraph one is committed to place the taken or exported person under any unlawful power of another or to leave such person as a pauper, the perpetrator shall be liable to imprisonment for a term of three to fifteen years and to a fine of sixty thousand to three hundred thousand baht.

[The rates of punishment have been amended by section 10 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

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<sup>128</sup> Section 319 has been amended by the Penal Code Amendment Act (No. 8), B.E. 2530 (1987).

<sup>129</sup> Section 320 has been amended by the Penal Code Amendment Act (No. 5), B.E. 2525 (1982).

**Section 321.** The offences under section 309, paragraph one, section 310, paragraph one and section 311, paragraph one shall be compoundable.

**Section 321/1.**<sup>130</sup> If the offence under section 312 *ter*, paragraph two and section 317 is committed against a child not over thirteen years of age, ignorance of the age of such child may not be claimed to be exempted from such offence.

## CHAPTER II

### OFFENCES OF DISCLOSURE OF SECRETS

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**Section 322.** Any person who opens or takes away any sealed letter, telegram or document of another in order to obtain knowledge of the content or disclose the content of such letter, telegram or document shall, if such act is likely to cause injury to any person, be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 323.** Any person who knows or obtains a secret of another by reason of his or her capacity of a competent official in charge, or by reason of his or her profession as a physician, pharmacist, pharmaceutical distributor, midwife, nursing attendant, clergy person, advocate, lawyer or auditor, or by reason of being an assistant in such professions, who discloses such secret in a manner likely to cause injury to any person, shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand baht or to both.

A person receiving education and training in the professions specified in paragraph one who discloses another person's secret, which is known or obtained by him or her from such education and training, in a manner likely to cause injury to any person, shall be liable to the same punishment.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

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<sup>130</sup> Section 321/1 has been added by the Penal Code Amendment Act (No. 23), B.E. 2558 (2015).

**Section 324.** Any person who knows or obtains another person's secret relating to industry, discovery or scientific invention by reason of his or her position and function, profession or career having fiduciary responsibilities, who discloses or uses such secret for the benefit of himself or herself or any other person, shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 325.** The offences in this Chapter shall be compoundable.

### CHAPTER III OFFENCES OF DEFAMATION

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**Section 326.**<sup>131</sup> Any person who, by communication made to a third party, imputes a fact to another in a manner likely to injure the reputation of such other person or cause such other person to be affronted or hated, is said to commit an offence of defamation and shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht or to both.

**Section 327.** Any person who, by communication made to a third party, imputes a fact to a deceased person and such imputation is likely to injure the reputation of the father, mother, spouse or child of the deceased or cause any of them to be affronted or hated, is said to commit an offence of defamation and shall be liable to the punishment as provided in section 326.

**Section 328.**<sup>132</sup> If the defamation is committed by means of publication of any document, drawing, painting, film, picture or letters made visible by any means, gramophone record or audio, visual or letter recorder, or by audio or visual broadcast or by announcement by any other means, the perpetrator shall be liable to imprisonment for a term not exceeding two years and to a fine not exceeding two hundred thousand baht.

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<sup>131</sup> Section 326 has been amended by the Penal Code Amendment Act (No. 11), B.E. 2535 (1992).

<sup>132</sup> Section 328 has been amended by the Penal Code Amendment Act (No. 11), B.E. 2535 (1992).

**Section 329.** Any person who expresses any opinion or statement in good faith:

(1) by way of righteousness, self-defence, or for the protection of a legitimate self-interest,

(2) in the capacity of a competent official in the exercise of his or her duty;

(3) by way of fair comment on any person or thing normally subject to public criticism;

or

(4) by way of fair report of open proceedings in any court or meeting,

shall not be guilty of defamation.

**Section 330.** In the case of defamation, if the person alleged to commit the offence can prove the truth of the alleged defamatory fact, such person shall not be liable to punishment.

However, if the imputation of such alleged defamatory fact concerns personal matters and the proof will not be beneficial to the people, no such proof shall be allowed.

**Section 331.** A party in a case or his or her lawyer who expresses opinion or statement in the proceedings of a court for the benefit of his or her case shall not be guilty of defamation.

**Section 332.** In a case charged with defamation in which the defendant is found guilty by a judgement, the court may order:

(1) seizure and destruction of the object or its part which bears the defamatory statement;

(2) publication of the whole or part of the judgement in one or more newspaper, once or several times, at the expense of the defendant.

**Section 333.** The offences in this Chapter shall be compoundable.

If the injured person in the defamation case dies before making a complaint, the father, mother, spouse or child of such person may make a complaint, and such person shall be deemed to be the injured person.

## TITLE XII

### OFFENCES RELATING TO THINGS

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#### CHAPTER I

#### OFFENCES OF TAKING BY STEALTH AND SNATCHING

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**Section 334.** Any person who dishonestly takes away a thing belonging to another or which is jointly owned by another is said to commit an offence of taking by stealth and shall be liable to imprisonment for a term not exceeding three years and to a fine not exceeding sixty thousand baht.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 335.**<sup>133</sup> Any person who takes by stealth:

- (1) during night time;
  - (2) in the place or area where there is fire, explosion, flood or in the place or area where there is an accident, distress to a train or other public conveyances, or other similar calamities, or by taking advantage of such event, or by taking advantage of any public panic over danger;
  - (3) by damaging a barricade made for the protection of persons or things, or by going through such barricade by any means;
  - (4) by using a passage not intended for human access, or using a passage opened by an accomplice;
  - (5) by disguise or impersonation, or by painting the face or doing otherwise so as not to be seen or recognised;
  - (6) by fictitiously pretending to be a competent official;
  - (7) by carrying arms, or with participation of two or more persons;
  - (8) in a dwelling place, Government office or place provided for public service into which he or she has entered without permission or in which he or she has hidden himself or herself;
  - (9) in a place of public worship, train station, airport, public parking or mooring place, public place for loading and unloading goods or public conveyance;
  - (10) any thing used or provided for public benefit;
  - (11) any thing belonging to or in possession of the employer;
  - (12) any product, plant, animal or instrument used for performing agricultural operation, or acquired from agriculture, which belongs to an agriculturist,
- shall be liable to imprisonment for a term of one to five years and to a fine of twenty thousand to one hundred thousand baht.

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<sup>133</sup> Section 335 has been amended by the Penal Code Amendment Act (No. 5), B.E. 2525 (1982).

If the offence under paragraph one consists of the characteristics as provided in any two or more of the above subsections, the perpetrator shall be liable to imprisonment for a term of one to seven years and to a fine of twenty thousand to one hundred and forty thousand baht.

If the offence under paragraph one is committed upon an ox, buffalo, machine or machinery possessed by agriculturists for performing agricultural operation, the perpetrator shall be liable to imprisonment for a term of three to ten years and to a fine of sixty thousand to two hundred thousand baht.<sup>134</sup>

If the offence as specified in this section is committed against the will or on account of unbearable poverty, and such thing is of little value, the court may impose the punishment on the offender as provided in section 334.

[The rates of punishment have been amended by section 15 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 335 *bis*.**<sup>135</sup> Any person who takes by stealth any Buddhist statue or religious object or any part of such things shall, if it is worshipped by the people or is kept as the nation's property, be liable to imprisonment for a term of three to ten years and to a fine of sixty thousand to two hundred thousand baht.

If the offence under paragraph one is committed in a temple, house of priests, place of religious worship, historic building which is the State property, Government place or national museum, the perpetrator shall be liable to imprisonment for a term of five to fifteen years and to a fine of one hundred thousand to three hundred thousand baht.

[The rates of punishment have been amended by section 10 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 336.** Any person who takes by stealth a thing by snatching is said to commit an offence of snatching and shall be liable to imprisonment for a term not exceeding five years and to a fine not exceeding one hundred thousand baht.

If a snatching causes bodily or mental harm to any other person, the perpetrator shall be liable to imprisonment for a term of two to seven years and to a fine of forty thousand to one hundred and forty thousand baht.

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<sup>134</sup> Section 335, paragraph four has been amended by the Penal Code Amendment Act (No. 7), B.E. 2530 (1987).

<sup>135</sup> Section 335 *bis* has been amended by the Penal Code Amendment Act (No. 5), B.E. 2525 (1982).

If a snatching causes grievous bodily harm to any other person, the perpetrator shall be liable to imprisonment for a term of three to ten years and to a fine of sixty thousand to two hundred thousand baht.

If a snatching causes death to any other person, the perpetrator shall be liable to imprisonment for a term of five to fifteen years and to a fine of one hundred thousand to three hundred thousand baht.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 336 *bis*.**<sup>136</sup> Any person who commits the offence under section 334, section 335, section 335 *bis* or section 336 by wearing a soldier or police uniform or dressing to obtain the appearance of a soldier or police, or by carrying or using a firearm or explosive, or by using a conveyance to facilitate the commission of the offence or the taking away of such thing or to escape from arrest, shall be liable to one-half more of the punishment as provided in those sections.

## CHAPTER II

### OFFENCES OF EXTORTION, BLACKMAIL, ROBBERY AND GANG-ROBBERY

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**Section 337.** Any person who compels another to give or agree to give him or her or any other person a benefit in the form of property, by using an act of violence or threatening to cause danger to life, body, liberty, reputation or property of the compelled person or of any third party to the extent that the compelled person submits to such compulsion, is said to commit an offence of extortion and shall be liable to imprisonment for a term not exceeding five years and to a fine not exceeding one hundred thousand baht.

If extortion is committed:

(1) with a threat to cause death or grievous bodily harm to the compelled person or any other person or with a threat to cause fire to a thing of the compelled person or any other person; or

(2) by carrying arms for threatening purpose,

the perpetrator shall be liable to imprisonment for a term of six months to seven years and to a fine of ten thousand to one hundred and forty thousand baht.

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<sup>136</sup> Section 336 *bis* has been added by the Announcement of the Revolutionary Council No. 11, Dated 21 November 2514 (1971).



[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 338.** Any person who compels another to give or agree to give him or her or any other person a benefit in the form of property, by threatening to disclose any secret which will cause injury to the compelled person or any third party to the extent that the compelled person submits to such compulsion, is said to commit an offence of blackmail and shall be liable to imprisonment for a term of one to ten years and to a fine of twenty thousand to two hundred thousand baht.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 339.**<sup>137</sup> Any person who takes a thing by stealth by using an act of violence or threatening to use violence instantly for the purpose of:

- (1) facilitating such taking by stealth or the taking away of such thing;
- (2) obtaining delivery of such thing;
- (3) retaining such thing;
- (4) concealing the commission of such offence; or
- (5) escaping from arrest,

is said to commit an offence of robbery and shall be liable to imprisonment for a term of five to ten years and to a fine of one hundred thousand to two hundred thousand baht.

If such offence consists of the characteristic as provided in any of the subsections of section 335 or is committed upon an ox, buffalo, machine or machinery possessed by agriculturists for performing agricultural operation, the perpetrator shall be liable to imprisonment for a term of ten to fifteen years and to a fine of two hundred thousand to three hundred thousand baht.<sup>138</sup>

If a robbery causes bodily or mental harm to any other person, the perpetrator shall be liable to imprisonment for a term of ten to twenty years and to a fine of two hundred thousand to four hundred thousand baht.

If a robbery causes grievous bodily harm to any other person, the perpetrator shall be liable to imprisonment for a term of fifteen to twenty years and to a fine of three hundred thousand to four hundred thousand baht.

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<sup>137</sup> Section 339 has been amended by the Announcement of the Revolutionary Council No. 11, Dated 21 November 2514 (1971).

<sup>138</sup> Section 339, paragraph two has been amended by the Penal Code Amendment Act (No. 5), B.E. 2525 (1982).

If a robbery causes death to any other person, the perpetrator shall be liable to a death penalty or imprisonment for life.

[The rates of punishment have been amended by section 10 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 339 *bis*.**<sup>139</sup> If a robbery is committed upon the thing under section 335 *bis*, paragraph one, the perpetrator shall be liable to imprisonment for a term of ten to fifteen years and to a fine of two hundred thousand to three hundred thousand baht.<sup>140</sup>

If such robbery is also committed in the place as provided in section 335 *bis*, paragraph two, the perpetrator shall be liable to imprisonment for a term of ten to twenty years and to a fine of two hundred thousand to four hundred thousand baht.

If the robbery under paragraph one or paragraph two causes bodily or mental harm to any other person, the perpetrator shall be liable to imprisonment for a term of fifteen to twenty years and to a fine of three hundred thousand to four hundred thousand baht.

If the robbery under paragraph one or paragraph two causes grievous bodily harm to any other person, the perpetrator shall be liable to imprisonment for life or imprisonment for a term of fifteen to twenty years.

If the robbery under paragraph one or paragraph two causes death to any other person, the perpetrator shall be liable to a death penalty.

[The rates of punishment have been amended by section 10 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 340.**<sup>141</sup> If three or more persons jointly commit a robbery, each of such persons is said to commit an offence of gang-robbery and shall be liable to imprisonment for a term of ten to fifteen years and to a fine of two hundred thousand to three hundred thousand baht.

If even any one of the persons engaged in a gang-robbery carries arms, each of the perpetrators shall be liable to imprisonment for a term of twelve to twenty years and to a fine of two hundred and forty thousand to four hundred thousand baht.

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<sup>139</sup> Section 339 *bis* has been amended by the Announcement of the Revolutionary Council No. 11, Dated 21 November 2514 (1971).

<sup>140</sup> Section 339 *bis*, paragraph one has been amended by the Penal Code Amendment Act (No. 5), B.E. 2525 (1982).

<sup>141</sup> Section 340 has been amended by the Announcement of the Revolutionary Council No. 11, Dated 21 November 2514 (1971).

If a gang-robbery causes grievous bodily harm to any other person, the perpetrator shall be liable to imprisonment for life or imprisonment for a term of fifteen to twenty years.

If a gang-robbery is committed with an act of cruelty resulting in bodily or mental harm of any other person, or is committed by discharging a firearm, by using an explosive or by torture, the perpetrator shall be liable to imprisonment for life or imprisonment for a term of fifteen to twenty years.

If a gang-robbery causes death to any other person, the perpetrator shall be liable to a death penalty.

[The rates of punishment have been amended by section 6 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 340 *bis*.**<sup>142</sup> If a gang-robbery is committed upon the thing under section 335 *bis*, paragraph one, the perpetrator shall be liable to imprisonment for a term of ten to twenty years and to a fine of two hundred thousand to four hundred thousand baht.

If such gang-robbery is also committed in the place as prescribed in section 335 *bis*, paragraph two, the perpetrator shall be liable to imprisonment for a term of fifteen to twenty years and to a fine of three hundred thousand to four hundred thousand baht.

If even any one of the persons engaged in the gang-robbery under paragraph one or paragraph two carries arms, each of the perpetrators shall be liable to imprisonment for life or imprisonment for a term of fifteen to twenty years.

If the gang-robbery under paragraph one or paragraph two causes grievous bodily harm to any other person, the perpetrator shall be liable to imprisonment for life.

If the gang-robbery under paragraph one or paragraph two is committed with an act of cruelty resulting in bodily or mental harm of any other person, or is committed by discharging a firearm, by using an explosive or by torture, the perpetrator shall be liable to a death penalty or imprisonment for life.

If the gang-robbery under paragraph one or paragraph two causes death to any other person, the perpetrator shall be liable to a death penalty.

[The rates of punishment have been amended by section 6 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

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<sup>142</sup> Section 340 *bis* has been amended by the Announcement of the Revolutionary Council No. 11, Dated 21 November 2514 (1971).

**Section 340 *ter*.**<sup>143</sup> Any person who commits the offence under section 339, section 339 *bis*, section 340 or section 340 *bis* by wearing a soldier or police uniform or dressing to obtain the appearance of a soldier or police, or by carrying or using a firearm or explosive, or by using a conveyance to facilitate the commission of the offence or the taking away of such thing or to escape from arrest, shall be liable to one-half more of the punishment as provided in those sections.

### CHAPTER III OFFENCES OF DEFRAUDING

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**Section 341.** Any person who dishonestly swindles another by making any false statement or concealing any fact which should be revealed, and thereby obtains property from the swindled person or any third party, or thereby causes the swindled person or any third party to execute, remove or destroy any document of rights, is said to commit an offence of defrauding and shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 342.** If, in the commission of an offence of defrauding, the perpetrator:

(1) poses as another person; or

(2) takes advantage of the lack of intelligence of the swindled person who is a child or takes advantage of weakness of mind of the swindled person,

the perpetrator shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 343.** If the offence under section 341 is committed by making any false statement to the people or by concealing any fact which should be revealed to the people, the perpetrator shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand baht or to both.

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<sup>143</sup> Section 340 *ter* has been added by the Announcement of the Revolutionary Council No. 11, Dated 21 November 2514 (1971).

If the commission of the offence as specified in paragraph one also has the characteristic as specified in any of the subsections of section 342, the perpetrator shall be liable to imprisonment for a term of six months to seven years and to a fine of ten thousand to one hundred and forty thousand baht.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 344.** Any person who dishonestly swindles ten or more persons for performing any work for himself or herself or for any third party with determination not to pay wages or remuneration to those persons or pay wages or remuneration to those persons less than that agreed upon, shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 345.** Any person who orders and consumes any food or beverage or stays in a hotel, knowing himself or herself to be unable to pay for such food, beverage or stay, shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding five thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 346.** Any person who, with an aim to take property of another for himself or herself or for any third party, induces any person to dispose of the property at a disadvantage by taking advantage of weakness of mind of the induced person or of his or her capacity as a child who lacks intelligence and is unable to reasonably understand the essence of his or her act, and such person disposes of such property, shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 347.** Any person who, with an aim to obtain a benefit from a casualty insurance for himself or herself or for any other person, maliciously causes damage to the property which is the subject-matter of the insurance, shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 348.** The offences in this Chapter other than those under section 343 shall be compoundable.

#### CHAPTER IV OFFENCES OF DEFRAUDING OF CREDITORS

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**Section 349.** Any person who takes away, damages, destroys, causes depreciation in value or renders useless any thing pledged by himself or herself to another person shall, if it is committed to cause injury to the pledgee, be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 350.** Any person who, with an aim to prevent his or her creditor or another person's creditor, who has exercised or will exercise his or her claim through a court for performance of obligation, from receiving performance of obligation, in whole or in part, removes, conceals or transfers to any other person any thing or maliciously incurs debt for any amount which is not true, shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 351.** The offences in this Chapter shall be compoundable.

#### CHAPTER V OFFENCES OF MISAPPROPRIATION

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**Section 352.** Any person who possesses a thing belonging to another or which is jointly owned by another and then dishonestly misappropriates such thing for himself or herself or for any third party, is said to commit an offence of misappropriation and shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand baht or to both.

If such thing has vested in the possession of the offender because any other person delivered it to him or her under a mistake by any means, or is lost property picked up by the offender, such offender shall be liable only to one-half of the punishment.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 353.** Any person who has been assigned to manage property belonging to another or which is jointly owned by another, who dishonestly breaches his or her duty by any means resulting in damage to any benefit in the form of property of such other person shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 354.** If the offence under section 352 or section 353 is committed by the offender in the capacity of the administrator of property of such other person according to a court order or a will, or in the capacity of a person whose career or business has fiduciary responsibilities to the people, the perpetrator shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 355.** Any person who picks up movable property of value which is hidden or buried under the circumstances where no person may claim to be its owner and then misappropriates such thing for himself or herself or for any other person shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 356.** The offences in this Chapter shall be compoundable.

## CHAPTER VI

### OFFENCES OF RECEIVING STOLEN PROPERTY

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**Section 357.** Any person who assists in concealing, disposing of or making away with, purchases, takes in pledge or otherwise receives any thing obtained through the commission of an offence, if such offence falls within the characteristics of a taking by stealth, snatching, extortion, blackmail, robbery, gang-robbery, defrauding, misappropriation or misappropriation by a competent official, is said to commit an offence of receiving stolen property and shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand baht or to both.

If such offence of receiving stolen property is committed for profit or upon the thing obtained through the taking by stealth under section 335 (10), robbery or gang-robbery, the perpetrator shall be liable to imprisonment for a term of six months to ten years and to a fine of ten thousand to two hundred thousand baht.

If such offence of receiving stolen property is committed upon the thing obtained through the taking by stealth under section 335 *bis*, robbery under section 339 *bis* or gang-robbery under section 340 *bis*, the perpetrator shall be liable to imprisonment for a term of five to fifteen years and to a fine of one hundred thousand to three hundred thousand baht.<sup>144</sup>

[The rates of punishment have been amended by section 16 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

## CHAPTER VII

### OFFENCES OF INTERFERENCE WITH GOODS

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**Section 358.** Any person who damages, destroys, causes depreciation in value or renders useless a thing belonging to another or which is jointly owned by another, is said to commit an offence of interference with goods and shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 359.** If the offence under section 358 is committed upon:

- (1) a machine or machinery used for performing agricultural or industrial operation;
- (2) a cattle;
- (3) a conveyance or beast of burden used for public transportation or for performing agricultural or industrial operation; or

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<sup>144</sup> Section 357, paragraph three has been added by the Penal Code Amendment Act (No. 2), B.E. 2512 (1969).



(4) a plant or crop of an agriculturist,  
the perpetrator shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 360.** Any person who damages, destroys, causes depreciation in value or renders useless a thing used or provided for public benefit shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 360 *bis*.**<sup>145</sup> Any person who damages, destroys, causes depreciation in value or renders useless the thing under section 335 *bis*, paragraph one, which is located in the place under section 335 *bis*, paragraph two shall be liable to imprisonment for a term not exceeding ten years or to a fine not exceeding two hundred thousand baht or to both.

[The rates of punishment have been amended by section 16 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 361.** The offences under section 358 and section 359 shall be compoundable.

## CHAPTER VIII OFFENCES OF TRESPASS

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**Section 362.** Any person who enters immovable property of another in order to take possession of such property, in whole or in part, or enters to commit any act which disturbs the peaceful possession of such other person shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

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<sup>145</sup> Section 360 *bis* has been added by the Penal Code Amendment Act (No. 2), B.E. 2512 (1969).

**Section 363.** Any person who, with an aim to obtain ownership of immovable property of another for himself or herself or for any third party, removes or destroys the boundary mark of such property, in whole or in part, shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 364.** Any person who, without valid reason, enters or hides himself or herself in a dwelling place or storage or office building under the possession of another, or refuses to leave such place when forbidden to do so by the person entitled to forbid him or her from entry, shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 365.** If the offence under section 362, section 363 or section 364 is committed:

- (1) with an act of violence or with a threat to use violence;
- (2) by carrying arms or with participation of two or more persons; or
- (3) during night time,

the perpetrator shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding one hundred thousand baht or to both.

[The rates of punishment have been amended by section 4 of the Penal Code Amendment Act (No. 26), B.E. 2560 (2017).]

**Section 366.** The offences in this Chapter other than those under section 365 shall be compoundable.

### TITLE XIII OFFENCES RELATING TO CORPSES<sup>146</sup>

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<sup>146</sup> Title XIII Offences Relating to Corpses, section 366/1 to section 366/4 have been added by the Penal Code Amendment Act (No. 22), B.E. 2558 (2015).

**Section 366/1.**<sup>147</sup> Any person who, for sexual gratification of himself or herself, uses his or her sexual organ to penetrate the sexual organ, anus or oral cavity of a corpse shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand baht or to both.

**Section 366/2.**<sup>148</sup> Any person who commits an indecent act on a corpse shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand baht or to both.

**Section 366/3.**<sup>149</sup> Any person who, without valid reason, damages, removes, destroys, causes depreciation in value or renders useless a corpse, its part, bones or cremated remains shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand baht or to both.

**Section 366/4.**<sup>150</sup> Any person who commits an act by any means to affront or insult a corpse shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding five thousand baht or to both.

### BOOK III PETTY OFFENCES

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**Section 367.** Any person who has been required to give his or her name or address by a competent official for the purpose of execution of law, who refuses to do so or gives a false name or address shall be liable to a fine not exceeding one thousand baht.

[The rates of punishment have been amended by section 6 of the Penal Code Amendment Act (No. 22), B.E. 2558 (2015).]

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<sup>147</sup> Section 366/1 has been amended by the Penal Code Amendment Act (No. 27), B.E. 2562 (2019).

<sup>148</sup> Section 366/2 has been added by the Penal Code Amendment Act (No. 22), B.E. 2558 (2015).

<sup>149</sup> Section 366/3 has been added by the Penal Code Amendment Act (No. 22), B.E. 2558 (2015).

<sup>150</sup> Section 366/4 has been added by the Penal Code Amendment Act (No. 22), B.E. 2558 (2015).

**Section 368.** Any person who is informed of an order of a competent official given according to the power provided by law, who fails to comply with such order without valid reason or excuse shall be liable to imprisonment for a term not exceeding ten days or to a fine not exceeding five thousand baht or to both.

If such order is given to require a person to assist in carrying on the activity in the function of a competent official and such requisition is allowed by law, such person shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding ten thousand baht or to both.

[The rates of punishment have been amended by section 6 of the Penal Code Amendment Act (No. 22), B.E. 2558 (2015).]

**Section 369.** Any person who commits an act by any means to cause any notice, advertised image or document posted up or exhibited, or ordered to be posted up or exhibited by a competent official, who is engaged in the performance of his or her duty, to be pulled down, torn or rendered useless shall be liable to a fine not exceeding five thousand baht.

[The rates of punishment have been amended by section 6 of the Penal Code Amendment Act (No. 22), B.E. 2558 (2015).]

**Section 370.** Any person who, without valid reason, makes noise, causes noise or carries out an activity that causes loud noise to the extent of causing fright or trouble to the people shall be liable to a fine not exceeding one thousand baht.

[The rates of punishment have been amended by section 6 of the Penal Code Amendment Act (No. 22), B.E. 2558 (2015).]

**Section 371.** Any person who carries arms in any town, village or public way openly or without valid reason, or in any assembly of the people held for worship, entertainment or any other purpose shall be liable to a fine not exceeding one thousand baht, and the court shall have the power to order forfeiture of such arms.

[The rates of punishment have been amended by section 6 of the Penal Code Amendment Act (No. 22), B.E. 2558 (2015).]

**Section 372.** Any person who quarrels noisily in any public way or place, or commits any other act to cause disorder in any public way or place shall be liable to a fine not exceeding five thousand baht.

[The rates of punishment have been amended by section 6 of the Penal Code Amendment Act (No. 22), B.E. 2558 (2015).]

**Section 373.** Any person who negligently allows the person of unsound mind in his or her custody to wander alone shall be liable to a fine not exceeding five thousand baht.

[The rates of punishment have been amended by section 6 of the Penal Code Amendment Act (No. 22), B.E. 2558 (2015).]

**Section 374.** Any person who sees any other person in danger of life but does not render assistance as necessary to such person when the former can do so without unreasonable fear of danger to himself or herself or to others shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding ten thousand baht or to both.

[The rates of punishment have been amended by section 6 of the Penal Code Amendment Act (No. 22), B.E. 2558 (2015).]

**Section 375.** Any person who causes a public drain, water course or sewer to be in trouble or inconvenient shall be liable to a fine not exceeding five thousand baht.

[The rates of punishment have been amended by section 6 of the Penal Code Amendment Act (No. 22), B.E. 2558 (2015).]

**Section 376.** Any person who unnecessarily discharges a gunpowder firearm in any town, village or assembly of the people shall be liable to imprisonment for a term not exceeding ten days or to a fine not exceeding five thousand baht or to both.

[The rates of punishment have been amended by section 6 of the Penal Code Amendment Act (No. 22), B.E. 2558 (2015).]

**Section 377.** Any person who negligently allows any ferocious or vicious animal under his or her control to wander alone in a manner likely to cause danger to any person or thing shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding ten thousand baht or to both.

[The rates of punishment have been amended by section 6 of the Penal Code Amendment Act (No. 22), B.E. 2558 (2015).]

**Section 378.** Any person who consumes liquor or other intoxicating substances resulting in intoxication, unruly behaviour or inability to control himself or herself while he or she is in any public road or place shall be liable to a fine not exceeding five thousand baht.

[The rates of punishment have been amended by section 6 of the Penal Code Amendment Act (No. 22), B.E. 2558 (2015).]

**Section 379.** Any person who draws or shows any arms in the course of a fight shall be liable to imprisonment for a term not exceeding ten days or to a fine not exceeding five thousand baht or to both.

[The rates of punishment have been amended by section 6 of the Penal Code Amendment Act (No. 22), B.E. 2558 (2015).]

**Section 380.** Any person who pollutes the water in any well, pond or reservoir provided for public use shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding ten thousand baht or to both.

[The rates of punishment have been amended by section 6 of the Penal Code Amendment Act (No. 22), B.E. 2558 (2015).]

**Section 381.** Any person who commits an act of torture upon any animal or kills it in such a manner as to subject it to unnecessary suffering shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding ten thousand baht or to both.

[The rates of punishment have been amended by section 6 of the Penal Code Amendment Act (No. 22), B.E. 2558 (2015).]

**Section 382.** Any person who overworks any animal, or uses any animal for work inappropriately due to its illness, old or young age shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding ten thousand baht or to both.

[The rates of punishment have been amended by section 6 of the Penal Code Amendment Act (No. 22), B.E. 2558 (2015).]

**Section 383.** Any person who, in case of a fire or any other public danger and when required by a competent official to render assistance in suppressing it, does not render such assistance when he or she can do so, shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding ten thousand baht or to both.

[The rates of punishment have been amended by section 6 of the Penal Code Amendment Act (No. 22), B.E. 2558 (2015).]

**Section 384.** Any person who maliciously spreads a false rumour resulting in public panic shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding ten thousand baht or to both.

[The rates of punishment have been amended by section 6 of the Penal Code Amendment Act (No. 22), B.E. 2558 (2015).]

**Section 385.** Any person who, without lawful permission, obstructs a public way to the extent which may be an obstacle to the safety or convenience of traffic by placing or leaving any object thereon or by any other means shall, if such act is committed without necessity, be liable to a fine not exceeding five thousand baht.

[The rates of punishment have been amended by section 6 of the Penal Code Amendment Act (No. 22), B.E. 2558 (2015).]

**Section 386.** Any person who digs any hole or groove, or builds, erects or places any object untidily in a public way without lawful permission or with a lawful right but neglects to put a proper signal to prevent an accident shall be liable to a fine not exceeding five thousand baht.

[The rates of punishment have been amended by section 6 of the Penal Code Amendment Act (No. 22), B.E. 2558 (2015).]

**Section 387.** Any person who hangs, installs or places any object in a manner likely to fall, or be dislodged, which will cause danger, dirt or trouble to any passer-by in a public way shall be liable to a fine not exceeding five thousand baht.

[The rates of punishment have been amended by section 6 of the Penal Code Amendment Act (No. 22), B.E. 2558 (2015).]

**Section 388.** Any person who commits any shameful act in public by being nude or indecently exposing his or her person or committing any other indecent act shall be liable to a fine not exceeding five thousand baht.

[The rates of punishment have been amended by section 6 of the Penal Code Amendment Act (No. 22), B.E. 2558 (2015).]

**Section 389.** Any person who commits an act by any means to cause any hard object to fall on any place in a manner likely to cause danger or trouble or annoyance to a person or cause danger to a thing, or commits an act by any means to cause any filth to dirty or likely to dirty any person or thing, or maliciously causes any filth to cause trouble or annoyance, shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding ten thousand baht or to both.

[The rates of punishment have been amended by section 6 of the Penal Code Amendment Act (No. 22), B.E. 2558 (2015).]

**Section 390.** Any person who negligently commits an act resulting in bodily or mental harm of any other person shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding ten thousand baht or to both.

[The rates of punishment have been amended by section 6 of the Penal Code Amendment Act (No. 22), B.E. 2558 (2015).]

**Section 391.** Any person who attacks another not amounting to bodily or mental harm shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding ten thousand baht or to both.

[The rates of punishment have been amended by section 6 of the Penal Code Amendment Act (No. 22), B.E. 2558 (2015).]

**Section 392.** Any person who puts any other person in fear or in fright by a threat shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding ten thousand baht or to both.

[The rates of punishment have been amended by section 6 of the Penal Code Amendment Act (No. 22), B.E. 2558 (2015).]

**Section 393.**<sup>151</sup> Any person who abuses another directly or by publication shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding ten thousand baht or to both.

[The rates of punishment have been amended by section 6 of the Penal Code Amendment Act (No. 22), B.E. 2558 (2015).]

**Section 394.** Any person who drives, herds or causes any animal to enter plantation, field or paddy land of any other person, which has been prepared, under cultivation, covered with crop or containing produce shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding ten thousand baht or to both.

[The rates of punishment have been amended by section 6 of the Penal Code Amendment Act (No. 22), B.E. 2558 (2015).]

**Section 395.** Any person who negligently allows any animal under his or her control to enter plantation, field or paddy land of any other person, which has been prepared, under

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<sup>151</sup> Section 393 has been amended by the Order of the State Reformation Council No. 41, Dated 21 October 2519 (1976).



cultivation, covered with crop or containing produce shall be liable to a fine not exceeding five thousand baht.

[The rates of punishment have been amended by section 6 of the Penal Code Amendment Act (No. 22), B.E. 2558 (2015).]

**Section 396.** Any person who leaves an animal carcass which may be putrid on or along a public way shall be liable to a fine not exceeding five thousand baht.

[The rates of punishment have been amended by section 6 of the Penal Code Amendment Act (No. 22), B.E. 2558 (2015).]

**Section 397.**<sup>152</sup> Any person who commits an act by any means to another to annoy, bully, threaten or cause such other person to suffer disgrace or trouble or annoyance shall be liable to a fine not exceeding five thousand baht.

If the offence under paragraph one is committed in a public place or before the public, or is committed in a manner indicating possible sexual harassment, the perpetrator shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding ten thousand baht or to both.

If the offence under paragraph two is committed by taking advantage of the superior power of the perpetrator over the victim on account of the former's relationship as a commander, employer or otherwise person with superior power, the perpetrator shall be liable to imprisonment for a term not exceeding one month and to a fine not exceeding ten thousand baht.

**Section 398.**<sup>153</sup> Any person who commits an act of cruelty by any means against a child not over fifteen years of age or an ill or elderly person, whose livelihood or any other affair is dependent on him or her shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding ten thousand baht or to both.

[The rates of punishment have been amended by section 6 of the Penal Code Amendment Act (No. 22), B.E. 2558 (2015).]

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<sup>152</sup> Section 397 has been amended by the Penal Code Amendment Act (No. 22), B.E. 2558 (2015).

<sup>153</sup> Section 398 has been amended by the Penal Code Amendment Act (No. 8), B.E. 2530 (1987).