



LINARI LAW FIRM

AVOCATS A LA COUR

Luxembourg amendment of criminal law to deter and punish all kind of violent behaviors

As a result of the demonstrations that took place in Luxembourg towards the end of last year and the accompanying misbehaviors, bill n°8015 to amend both Criminal Code ("*Code Pénal*") and Criminal Procedure Code ("*Code de Procédure Pénale*") was introduced on May 31st, 2022.

The bill aims to prevent and penalize all forms of violence, particularly during demonstrations, likely to disturb public order, as well as to protect people exposed to violence because of their functions, such as members of the security forces, members of the Chamber of Deputies and professional journalists.

The bill's objective is to increase (i) the maximum prison sentence and (ii) the minimum fine in case of rebellion and to (iii) extend the offence of contempt provided for in articles 275 and 276 of the Criminal Code, to the sending of objects and to the diffusion of substances of any kind. This includes, but is not limited to spitting on police officers or using smoke bombs and firecrackers.

The bill proposes to add an article 328 in the Criminal Code, criminalizing a new form of threat against public forces by punishing any person who diffuses or spreads potential dangerous substances of any sort in order to inspire a fear of an attack against people or properties.



If the offense is committed against members of the Chamber of Deputies, judges or ministerial officers, public forces or any person with a public function, or professional journalists, a harsher sentence is expected.

Finally, the bill aims to extend the possibilities of investigating under a pseudonym all crimes and offences punishable by imprisonment, as long as they are performed through the use of electronic communication. Previously this possibility was limited to offences against state security, acts of terrorism and terrorist financing.

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