

Penal Law, Title 26, Liberian Codes Revised

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Section 12.31. False statements.

1. *False swearing in official proceedings.* A person has committed a first degree misdemeanor if, in an official proceeding, he makes a false statement, whether or not material, under oath or equivalent affirmation, or swears or affirms the truth of such a statement previously made, if he does not believe the statement to be true.
2. *Other falsity in governmental matters.* A person has committed a first degree misdemeanor if, in a governmental matter, he
 - (a) Makes a false statement, when the statement is material and he does not believe it to be true;
 - (b) Purposely creates a false impression in a written application for pecuniary or other benefit, by omitting information necessary to prevent a material statement therein from being misleading;
 - (c) Submits or invites reliance on any material writing which he knows to be forged, altered or otherwise lacking in authenticity; or
 - (d) Submits or invites reliance on any sample, specimen, map, boundary mark, or other object which he knows to be false in a material respect.
3. *Statement in criminal investigation.* This section does not apply to information given during the course of an investigation into possible commission of an offense unless the information is given in an official proceeding or the declarant is otherwise under a legal duty to give the information.
4. *Definitions.* A matter is a “governmental matter” if a branch of government, whether executive, legislative or judicial, or government agency has the power to adjudicate rights, establish binding regulations, make monetary awards or contracts, or grant governmental privilege with respect to the matter. “Official proceeding” and “statement” are defined as stated in paragraph 4 of Section 12.30.

Section 12.30

4. *Definitions.* As used in this section:

- (a) “official proceeding” means a proceeding heard or which may be heard before any legislative, judicial, administrative or other governmental agency or official authorized to take evidence under oath, including any referee, hearing examiner, commissioner, notary or other person taking testimony of deposition in connection with any such proceeding;
- (b) “statement” means any representation, but includes a representation of opinion, belief or other state of mind only if the representation clearly relates to the state of mind apart from or in addition to any facts which are the subject of the representation.

Section 12.34. Tampering with public records.

- 1. *Offense.* A person has committed a first degree misdemeanor if he:
 - (a) Knowingly makes a false entry in or a false alteration of a government record; or
 - (b) Knowingly and without lawful authority destroys, conceals, removes or otherwise impairs the verity or availability of a government record.
- 2. *Definition.* In this section “government record” means:
 - (a) Any record, document or thing belonging to, or received or kept by the government for information or record;
 - (b) Any other record, document or thing required to be kept by other [sic] under a statute which expressly invokes the sanctions of this section.

Section 12.50. Bribery.

- 1. *Offense.* A person has committed bribery, a second degree felony, if he knowingly offers, gives or agrees to give to another, or solicits, accepts or agrees to accept from another, a thing of value as consideration for:
 - (a) The recipient’s official action as a public servant; or
 - (b) The recipient’s violation of a known duty as a public servant.
- 2. *Defense precluding.* It is no defense to a prosecution under this section that a recipient was not qualified to act in the desired way whether because he had not yet assumed office, or lack jurisdiction, or for any other reason.
- 3. *Prima facie case.* A prima facie case is established under this section upon proof that the thing of value was offered, given, or agreed to be given, or solicited, accepted or agreed to be accepted, as consideration for the recipient’s official action or violation of a known legal duty as a public servant if:

- (a) The consideration was a thing of pecuniary value; and
- (b) The actor knew that he was offered, given or agreed to be given by, or solicited, accepted from a person having an interest in an imminent or pending (i) investigation, arrest, or judicial or administrative proceeding, or (ii) bid, contract, claim or application, and that interest could be affected by the recipient's performance or nonperformance of his official action or violation of his known legal duty as a public servant.

Section 12.51. Unlawful rewarding of public servants.

1. *Receiving unlawful reward.* A public servant has committed a first degree misdemeanor if he solicits, accepts or agrees to accept a thing of pecuniary value for:
 - (a) Having engaged in official action as a public servant; or
 - (b) Having violated a legal duty as a public servant.
2. *Giving unlawful reward.* A person has committed a first degree misdemeanor if he knowingly offers, gives or agrees to give a thing of pecuniary value, receipt of which is prohibited by this section.

Section 12.52. Unlawful compensation for assistance in government matters.

1. *Receiving unlawful compensation.* A public servant has committed a first degree misdemeanor if he solicits, accepts or agrees to accept a thing of pecuniary value as compensation for advice or other assistance in preparing or promoting a bill, contract, claim or other matter which is or is likely to be subject to his official action.
2. *Giving unlawful compensation.* A person has committed a first degree misdemeanor if he knowingly offers, gives or agrees to give a thing of pecuniary value to a public servant, receipt of which is prohibited by this section.

Section 15.70. Forgery or counterfeiting.

1. *Definition.* A person has committed forgery or counterfeiting if, with the purpose of deceiving or harming the government or another person, or with knowledge that he is facilitating such deception or harm by another person, he
 - (a) Knowingly and falsely makes, completes or alters any writing or subject; or
 - (b) Knowingly utters a forged or counterfeited writing or object.
2. *Grading.* Forgery or counterfeiting is:

- (a) A second degree felony if:
 - (i) The actor forges or counterfeits money which is legal tender in Liberia or postage or revenue stamps or any obligation or other security of Liberia; or
 - (ii) The offense is committed pursuant to a scheme to defraud another of money or property of a value of \$50,000 or over;
- (b) A third degree felony if it is not a second degree felony within paragraph 2(a) and if:
 - (i) The actor is a public servant or an officer or employee of a financial institution and the offense is committed under color of office or is made possible by this office; or
 - (ii) The actor forges or counterfeits foreign money not used as legal tender in Liberia or utters money which is legal tender in Liberia or abroad or utters postage or revenue stamps or any obligation or other security of Liberia; or
 - (iii) The actor forges or counterfeits any writing from plates, dies, molds, photographs, or other similar instruments designed for multiple reproduction; or
 - (iv) The actor forges or counterfeits a writing which purports to have been made by the government except a writing covered by subparagraph (a) (i) of this paragraph; or
 - (v) The offense is committed pursuant to a scheme to defraud another of money or property of a value of \$300 or over.
- (c) A first degree misdemeanor in all other cases.

Section 15.72. Obtaining or issuing deceptive writings.

- 1. *Offense.* A person has committed an offense if:
 - (a) By deception he causes another to execute any instrument affecting or likely to affect the pecuniary interest of any person; or
 - (b) With the purpose of deceiving or harming the government or another person, or with knowledge that he facilitated such a deception or harm by another person, he knowingly issues a writing without authority to issue it or knowingly utters a writing which has been procured by deception or has been issued without authority.

2. *Grading*. The offense is a third degree felony if the actor is a public officer or an officer or employee of a financial institution and the offense is committed under color of office or is made possible by his office. Otherwise it is a first degree misdemeanor.

Section 15.73. Definitions for sections relating to false documents and counterfeiting.

As used in sections 15.70 through 15.72:

- (a) “deception” means (i) creating or reinforcing false impressions as to fact, law, status, value, intention or other state of mind; but deception as to a person’s intention to perform a promise shall not be inferred from the fact alone that he did not substantially perform the promise;
- (b) “Writing” or “object”: (i) any paper, document or other instrument containing written or printed matter or its equivalent including money, a money order, bond, judgment, public record, affidavit, certificate, passport, visa, contract, security, or obligation, and (ii) any coin or any gold or silver bar officially coined or stamped or any signature, credit card, token, stamp, seal, badge, decoration, medal, trademark, or other symbol evidence of value, right, privilege, or identification which is capable of being used to the advantage or disadvantage of the government or any person.
- (c) “without authority” includes conduct that, on the specific occasion called into question, is beyond any authority given by statute, regulation or agreement;
- (d) “falsely makes” means to make a writing which purports to be made by the government or another person, or a copy thereof, but which is not because the apparent maker is fictitious or because the writing was made without authority;
- (e) “falsely completes” means to make an addition to or insertion in writing, without authority, so that the writing appears to have been made by, or fully authorized by, its apparent maker;
- (f) “falsely alters” means to make a change in writing, without authority, so that the writing appears to have been made by, or fully authorized by, its apparent maker;
- (g) to “forge” or to “counterfeit” a writing means to falsely make, complete or alter the writing, and a “forged” or “counterfeited” writing is a writing which has been falsely made, completed or altered. The terms “forgery” and “counterfeiting” and their variants are intended to be synonymous in legal effect;
- (h) “utter” means to issue, authenticate, transfer, publish, sell, transmit, present, use or otherwise give currency to;
- (i) “possess” means to receive, conceal, hold or otherwise exercise control over;

- (j) the term “obligation or other security of Liberia” means a bond, certificate of indebtedness, or other representation of value of whatever denomination, issued pursuant to government authority, and a cancelled Liberian stamp.
- (k) “security” other than as provided in subparagraph (j) of this section includes any note, stock certificate, bond, debenture, check, draft, warrant, traveller’s [sic] check, letter of credit, warehouse receipt, negotiable bill of lading, evidence of indebtedness, or any certificate or document commonly known as a security.
- (l) “tax stamp” includes any tax stamp, tax token, tax meter imprint, or any other form of evidence of an obligation running to the Government, or evidence of the discharge thereof.

Section 18.81. [sic; NB: it should read Section 15.81] Misuse of public money, property or record.

A person is guilty of a first degree felony, if he:

- (a) Knowingly steals, takes, purloins, or converts to his own use and benefit or the use of another; or without authority, sells, conveys or disposes of any record, voucher, money, or thing of value of the Government of Liberia or of any Ministry, or Agency thereof, or public corporation, or any property made or being made under contract for the Government of Liberia or any Ministry, Agency thereof or public corporation;
- (b) Receives, conceals, or retains the same with intent to convert it to this use or gain, knowing it to have been stolen, purloined or converted;
- (c) Disposes of, uses or transfers any interest in property which has been entrusted to him as a fiduciary, and in his capacity as a public servant or any officer of an institution, in a manner he knows is not authorized and that he knows to involve risk of loss or detriment to the owner of the property or to the Government of Liberia or other person for whose benefit the property was entrusted.

Section 15.82. Theft and/or illegal disbursement and expenditure of public money.

A person is guilty of a first degree felony, if he:

- (a) Knowingly fails to render his account or accounts for public money or property as provided by law, said person being an officer, employee or agent of the Government of Liberia or of any Ministry or Agency thereof or public corporation, having received public money which he is not authorized to retain as salary, pay or emolument;
- (b) Knowingly takes, misappropriates, converts, or exercises unauthorized control over, or makes unauthorized transfer of an interest in the property of another or the Government

of Liberia, with the purpose of depriving the owner thereof or purposely deprives another of his property by deception, or by threat; or

- (c) Knowingly receives, retains or disposes of property of another or the Government of Liberia which has been stolen, with the purpose of depriving the owner thereof or the Government of Liberia [of such property].

Section 50.1 Definition of grades of offenses.

As used in this title:

- (a) “Offense” means conduct for which a sentence of death or a term of imprisonment of [sic] a fine is authorized.
- (b) “Crime” means a felony or misdemeanor.
- (c) “Infraction” means an offense for which a sentence of imprisonment is not authorized. An infraction is not a crime and conviction of an infraction shall not give rise to any disability or legal disadvantage based on conviction of a criminal offense.
- (d) “Felony” means an offense for which a sentence of death or a term of imprisonment of more than one year is authorized.
- (e) “Misdemeanor” means an offense for which a term of imprisonment of one year or less is authorized.
- (f) “Petty offense” means a misdemeanor of the second degree or an infraction.

Section 50.2. Classification of offenses.

1. *Felonies*. Felonies are classified for the purpose of sentence into the following three categories:
 - (a) Felonies of the first degree;
 - (b) Felonies of the second degree;
 - (c) Felonies of the third degree.
2. *Misdemeanors*. Misdemeanors are classified for the purpose of sentence into the following two categories:
 - (a) Misdemeanors of the first degree;

(b) Misdemeanors of the second degree.

3. *Infractions.* Infractions are not further classified.

Section 50.3. Grade of sentence when not indicated by statute.

1. *Offense declared a felony.* Any offense declared by statute to be a felony, without specification of degree or penalty, is a felony of the third degree.
2. *Offense declared a misdemeanor.* Any offense declared by statute to be misdemeanor without specification of degree or penalty, is a misdemeanor in the second degree.
3. *Offense declared a crime.* Any offense declared by statute to constitute a crime, without specification of class or penalty is a misdemeanor of the first degree.

Section 50.5. Sentence to death or imprisonment.

2. *Sentence after Parole Board established.* After a Parole Board has been established in accordance with the provisions of chapter 35 of the Criminal Procedure Law, a person who has been convicted of a felony may be sentenced as follows:

- (a) For a felony of the first degree, to death or life imprisonment where such penalty is specified by statute, or, where not so specified, to an indefinite term of imprisonment, the maximum of which shall be fixed by the court at not more than ten years;
- (b) For a felony of the second degree, to an indefinite term of imprisonment, the maximum of which shall be fixed by the court at not more than five years;
- (c) For a felony of the third degree, to an indefinite term of imprisonment, the maximum of which shall be fixed by the court at not more than three years.

Section 50.7. Sentence to imprisonment for misdemeanor.

A person who has been convicted of a misdemeanor may be sentenced to imprisonment for the following terms:

- (a) For a misdemeanor of the first degree, to a definite term of imprisonment to be fixed by the court at no more than one year;
- (b) For a misdemeanor of the second degree, to a definite term of imprisonment to be fixed by the court at no more than thirty days;

Section 50.9. Authorized fines; restitution.

1. *As to individuals.* Except as otherwise expressly provided, and subject to the limitations contained in paragraph 3, an individual who has been convicted of an offense may be sentenced to pay a fine which does not exceed:
 - (a) For a felony of the first or second degree, the commission of which has resulted in gain for the defendant, an amount double the gain realized by the defendant, but if such crime has not resulted in gain for the defendant, only sentence of imprisonment without a fine may be imposed;
 - (b) For a felony of the third degree, \$5,000, or double the gain realized by the defendant;
 - (c) For a misdemeanor of the first degree, \$1,000, or double the gain realized by the defendant;
 - (d) For a misdemeanor of the second degree, \$500, or double the gain realized by the defendant;
 - (e) For an infraction, \$500, or double the gain realized by the defendant.
2. *As to corporations.* Except as otherwise expressly provided and subject to the limitation contained in paragraph 3, a corporation which has been convicted of an offense may be sentenced to pay a fine which does not exceed:
 - (a) For a felony of the first or second degree, \$10,000, or double the gain realized by the defendant;
 - (b) For a felony of the third degree, \$5,000, or double the gain realized by the defendant;
 - (c) For a misdemeanor of the first degree, \$500.00 or double the gain realized by the defendant;
 - (d) For an infraction, \$500, or double the gain realized by the defendant.
3. *Limitations on amount of fine in case of restitution.* If the defendant at the time of sentencing has made restitution, or is directed by order of the court as authorized by paragraph 5 to make restitution to the victim of the crime, the amount of the maximum fine which may be imposed under paragraphs 1 and 2 is decreased to the extent of the value of the property restored or directed to be restored.
4. *Definition of "gain".* As used in this section, the term "gain" means the amount of money or other property taken by the defendant from the victim or the net gain produced by commission of the crime.
5. *Restitution.* Unless restitution has been made prior to sentencing the court shall include in the sentence an order directing the defendant to return the property or pay its value to the person wrongfully deprived thereof, or pay the person whose property was damaged

through the intentional or reckless commission of the offense, the amount of loss suffered therefrom.