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ภาคผนวก

The German Criminal Code (Strafgesetzbuch, StGB), 1977

Title Three Determining Punishment For More Than One Violation of The Law.

Section 52 Act Constituting More than One Violation

(1) If the same act violates more than one penal norm or the same penal norm repeatedly, then only one punishment shall be imposed.

(2) If more than one penal norm has been violated, then the punishment shall be determined according to the norm that provides for the most severe punishment. It may not be more lenient than the other applicable norms permit.

(3) The court may impose a fine under the provisions of Section 41 separately, collateral to imprisonment.

(4) If one of the applicable norms allows imposition of a property fine, then the court may impose it separately collateral to imprisonment for life or a fixed term of more than two years. In addition, collateral punishments or consequences and measures (Section 11 subsection (1), no. 8) must or may be imposed if one of the applicable norms prescribes or so permits.

Section 53 Commission of More than One Violation

(1) If someone has committed more than one crime, as to which judgment will be simultaneously rendered and incurred more than one term of imprisonment or more than one fine, an aggregate punishment shall be imposed.

(2) If a term of imprisonment concurs with a fine, then an aggregate punishment shall be imposed. However, the court may also separately impose a fine; if in such cases a fine is to be imposed for more than one crime, then an aggregate fine should to that extent be imposed.

(3) If the perpetrator, pursuant to the law according to which Section 43a is applicable or under the terms of Section 52 subsection (4), has incurred as an individual punishment imprisonment for life or a fixed term of more than two years, then the court may separately impose a property fine collateral to the aggregate punishment formed pursuant to subsections (1) or (2); if in such cases a property fine is to be imposed for more than one crime, then an aggregate property fine shall to that extent be imposed.

Section 43 subsection (3), shall apply accordingly.

(4) Section 52 subsection (3) and Section 52 subsections (4) and (2) apply by analogy.

Section 54 Formation of the Aggregate Punishment.

(1) If one of the individual punishments is imprisonment for life, then an aggregate punishment of imprisonment for life shall be imposed. In all other cases the aggregate punishment shall be formed by increasing the highest punishment incurred and, in the case of different kinds of punishment, by increasing the punishment most severe in nature. In doing so, the personal characteristics of the perpetrator and the individual crimes shall be comprehensively evaluated.

(2) The aggregate punishment must be less than the sum of the individual punishment. It should not exceed, in the case of imprisonment for a fixed term, fifteen years, in the case of a property fine, the value of the perpetrator's assets, and in the case of a fine, seven hundred twenty daily rates;

Section 43 subsection (1), sent. 3, shall apply accordingly.

(3) If an aggregate punishment is to be formed from imprisonment and fine, then one daily rate corresponds to one day imprisonment in determining the sum of the individual punishments.

Section 55 Subsequent Formation of the Aggregate Punishment

(1) Sections 53 and 54 shall also be applicable if a convicted person, as to whom a punishment imposed pursuant to a final judgment has neither been executed, barred by the statute of limitations or remitted, is convicted of another crime which he committed before the previous conviction. A previous conviction shall be deemed to be the judgment in the previous proceeding in which the underlying factual findings could last be reviewed.

(2) Property fines, collateral punishments, collateral consequences and measures (Section 11 subsection (1), no. 8 which were imposed in the previous sentence should be maintained to the extent they have not been rendered superfluous by the new sentence. This also applies when the amount of the property fine which was imposed in the previous sentence exceeds the value of the perpetrator's assets at the time of the new sentence.

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