

German Penal Code (StGB)

Section 331 Acceptance of a Benefit

(1) A public official or a person with special public service obligations who demands, allows himself to be promised or accepts a benefit for himself or for a third person for the discharge of a duty, shall be punished with imprisonment for not more than three years or a fine.

(2) A judge or arbitrator who demands, allows himself to be promised or accepts a benefit for himself or a third person in return for the fact that he performed, or would in the future perform a judicial act, shall be punished with imprisonment for not more than five years or a fine. An attempt shall be punishable.

(3) The act shall not be punishable under subsection (1), if the perpetrator allows himself to be promised or accepts a benefit which he did not demand and the competent public authority, within the scope of its powers, either previously authorizes the acceptance, or the perpetrator promptly makes a report to it and it authorizes the acceptance.

Section 332 Taking a Bribe

(1) A public official or person with special public service obligations who demands, allows himself to be promised or accepts a benefit for himself or for a third person in return for the fact that he performed or would in the future perform an official act, and thereby violated or would violate his official duties, shall be punished with imprisonment from six months to five years. In less serious cases the punishment shall be imprisonment for not more than three years or a fine. An attempt shall be punishable.

(2) A judge or an arbitrator, who demands, allows himself to be promised or accepts a benefit for himself or for a third person in return for the fact that he performed or would in the future perform a judicial act, and thereby violates or would violate his judicial duties, shall be punished with imprisonment from one year to ten years. In less serious cases the punishment shall be imprisonment from six months to five years.

(3) If the perpetrator demands, allows himself to be promised or accepts a benefit in return for a future act, then subsections (1) and (2) shall already be applicable if he has indicated to the other his willingness to:

1. violate his duties by the act; or

2. to the extent the act is within his discretion, to allow himself to be influenced by the benefit in the exercise of his discretion.

Section 333 Granting a Benefit

(1) Whoever offers, promises or grants a benefit to a public official, a person with special public service obligations or a soldier in the Federal Armed Forces, for that person or a third person, for the discharge of a duty, shall be punished with imprisonment for not more than three years or a fine.

(2) Whoever offers promises or grants a benefit to a judge or an arbitrator, for that person or a third person, in return for the fact that he performed or would in the future perform a judicial act, shall be punished with imprisonment for not more than five years or a fine.

(3) The act shall not be punishable under subsection (1), if the competent public authority, within the scope of its powers, either previously authorizes the acceptance of the benefit by the recipient or authorizes it upon prompt report by the recipient.

Section 334 Offering a Bribe

(1) Whoever offers, promises or grants a benefit to a public official, a person with special public service obligations, or a soldier of the Federal Armed Forces, for that person or a third person, in return for the fact that he performed or would in the future perform an official act and thereby violates or would violate his official duties, shall be punished with imprisonment from three months to five years. In less serious cases the punishment shall be imprisonment for not more than two years or a fine.

(2) Whoever offers, promises or grants a benefit to a judge or an arbitrator, for that person or a third person, in return for the fact that he:

1. performed a judicial act and thereby violated his judicial duties; or
2. would in the future perform a judicial act and would thereby violate his judicial duties,

shall be punished in cases under number 1 with imprisonment from three months to five years, in cases under number 2 with imprisonment from six months to five years. An attempt shall be punishable.

(3) If the perpetrator offers, promises or grants the benefit in return for a future act, then subsections (1) and (2) shall already be applicable if he attempts to induce the other to:

1. violate his duties by the act; or
2. to the extent the act is within his discretion, to allow himself to be influenced by the benefit in the exercise of his discretion.

Section 335 Especially Serious Cases of Taking or Offering Bribes

(1) In especially serious cases:

1. an act under: a) Section 332 subsection (1), sent. 1, also in conjunction with subsection (3); and b) Section 334 subsection (1), sent. 1, and subsection (2), respectively also in conjunction with subsection (3), shall be punished with imprisonment from one year to ten years; and

2. an act under Section 332 subsection (2), also in conjunction with subsection (3), shall be punished with imprisonment for not less than two years.

(2) An especially serious case within the meaning of subsection (1) exists, as a rule, when:

1. the act relates to a benefit of great magnitude;

2. the perpetrator continuously accepts benefits which he demanded in return for the fact that he would perform an official act in the future; or

3. the perpetrator acts professionally or as a member of a gang which has combined for the continued commission of such acts.