OUTCAST REGISTRATION

DELIKT

EINFACHER DIEBSTAHL

SCHWERER DIEBSTAHL

RAUB

RÄUBERISCHE ERPRESSUNG

ERPRESSUNG

SCHWERE ERPRESSUNG DES UNMUTES

SACHBESCHÄDIGUNG

FÄLSCHUNG

KÖRPERVERLETZUNG

KÖRPERVERLETZUNG MIT TODESFOLGE

SCHWERE KÖRPERVERLETZUNG

SCHWERE KÖRPERVERLETZUNG DES LEBEN

SEXUALDELIKT

RAUSCHGIFTDELIKT

BETRUG

ERPRESSUNG DES PERSÖNLICHE FREIHEIT

BEWAFFNETE HANDLUNG

SONSTIGE STRAFTATEN

TÄTIGKEIT BEWAFFNETE HANDLUNG

Tätigkeit, die mit Waffen, Munition oder Sprengstoff (Kriegswaffen, Waffen, Munition und Sprengstoff im Sinne des Kriegswaffenkontrollgesetzes) oder mit Gegenständen, die ihrer Art nach geeignet und den Umständen nach zu dem Zweck bestimmt sind, Menschen zu verletzen oder zu töten, ausgeführt wird.

KÖRPERSCHÄDEN UND VERLETZUNGEN

Körperschäden und Verletzungen, die durch Waffen, Munition oder Sprengstoff verursacht wurden.

Tätigkeit und Körperschäden: Siehe, ob Waffenbesitzkarte vorhanden ist und ob Waffen registriert sind.

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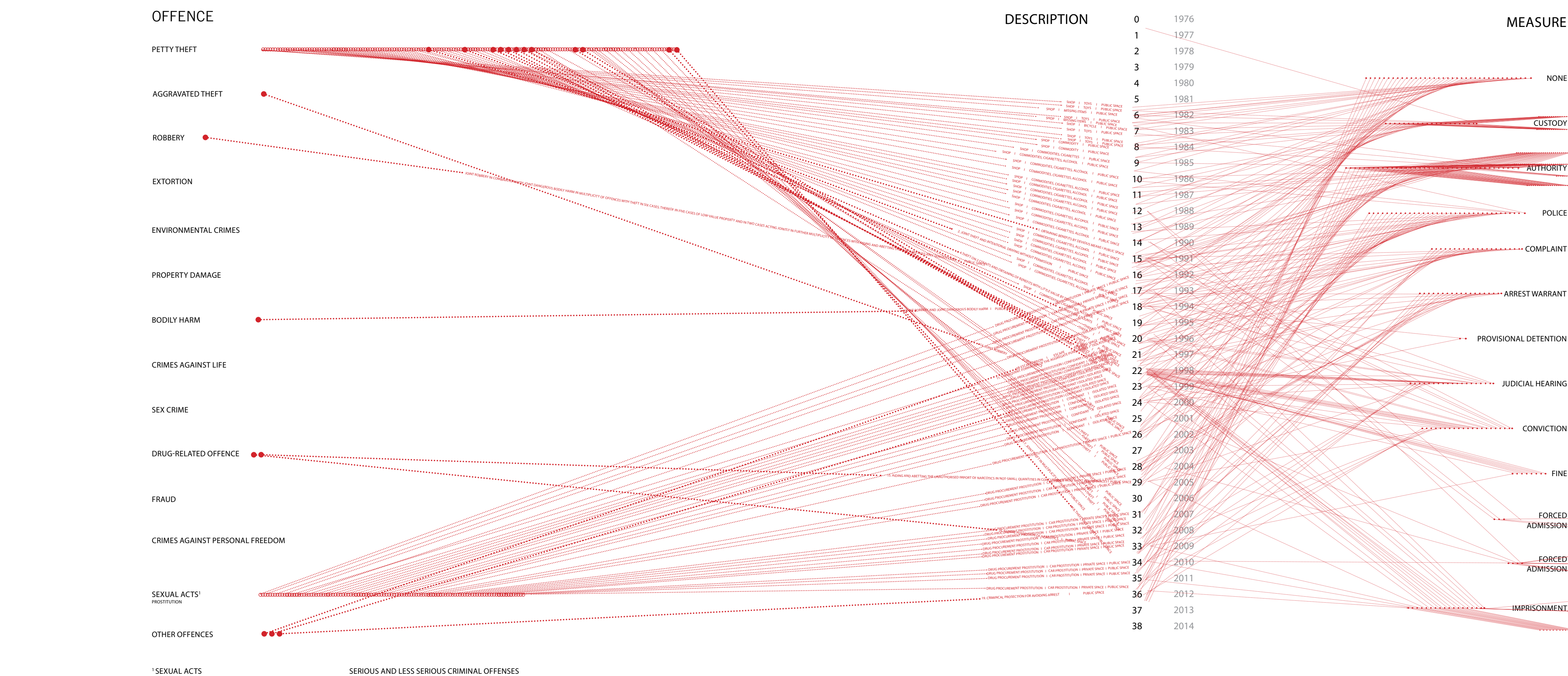
OUTCAST REGISTRATION



¹ SEXUAL ACTS

The term 'sexual act' is a central concept of German sexual criminal law. The term was introduced by the 4th Criminal Law Reform Act of 23 November 1973, which comprehensively amended sexual criminal law, in place of the previously widely used terms of 'fornication' and 'lewd act', in order to use a more value-neutral and thus also more clearly pointed wording.

Section 184h of the Criminal Code only appears to contain a legal definition, because it does not define what a sexual act is, but merely states that sexual acts shall only be those which are of some relevance in relation to the respective legal interest protected (Section 184h No. 1 StGB) and sexual acts in front of another shall be those which are committed in front of another, who observes the event.
(criminal code section 184h No. 2)

SERIOUS AND LESS SERIOUS CRIMINAL OFFENSES

Serious criminal offenses (crimes) are unlawful acts that are punishable by a minimum of imprisonment for one year or more.

Less serious criminal offenses (misdemeanours) are unlawful acts that are punishable by a minimum of a lesser term of imprisonment or a fine.

Aggravation or mitigation, which are provided under the provisions of the General Part or for especially serious or less serious cases, shall be irrelevant to this classification.
(criminal code section 12)

offence resulting in a formal criminal charge
unknown number of identical offences

CRIMINAL OFFENCES REBECCA MERTENS [1976, GER]

1.
16.01.1991 STAATSANWALTSCHAFT BIELEFELD
R21005 55 JS 908/91
Description of the offence:
OBTAINING BENEFITS BY DEVIOUS MEANS
Date of the (last) offence: 25.02.1991
Regulations applied: STGB Section 265A par 1, Section 248A
Charges dropped according to Section 45 par 2 JGG
- Entry in the juvenile criminal records, not in criminal record certificates (for private persons or for authorities including their extensions) -

2.
06.05.1993 AMTSGERICHT OSNABRÜCK
P3313 34 DS 20 JS 8958/93 (III 226/93)
Legally binding since 06.05.1993
Description of the offence: JOINT THEFT AND INTENTIONALLY DRIVING WITHOUT A DRIVING LICENCE
Date of the (last) offence: 09.11.1992
Regulations applied: STGB Section 242 Para.1, Section 25 Para.2, Section 53, STVG Section 21 Para.1 No.1, JGG Section 1, Section 3, Section 10
Caution issued
Juvenile detention for violating probation conditions 3W
- Entry in the juvenile criminal records, not in criminal record certificates (for private persons or for authorities including their extensions) -

04.07.1994 Arrest warrant of the Amtsgericht Osnabrück
05.07.1994 Remanded

3.
11.10.1994 AMTSGERICHT OSNABRÜCK
P3313 34 LS 13 JS 22758/94 (III 558/94)
Legally binding since 19.10.1994
Description of the offence: JOINT ROBBERY IN COMBINATION WITH JOINT SERIOUS BODILY HARM AND THEFT IN SIX CASES, THEREOF IN FIVE CASES OF LOW VALUE GOODS AND IN TWO CASES CASES ACTING IN CONCERT IN A FURTHER OFFENCE OF AIDING AND ABETTING THEFT IN ONE PARTICULARLY SERIOUS CASE
Date of the (last) offence: 30.06.1994
Regulations applied: STGB Section 223 Para.1, Section 223a Para.1, Section 242 Para.1, Section 243 Para.1 SATZ 2 No.1, Section 248A, Section 249 Para.1, Section 25 Para.2 Section 27 Para.1, JGG Section 1, Section 17, Section 18, Section 105
1 year 8 months juvenile sentence
Suspension of remainder of the juvenile penalty deferred until 01.08.1996
Deferred by decision of 30.01.1995+5 VRJS 130/94+P3212
Deferral revoked

4.
07.02.1996 AMTSGERICHT VECHTA
P3212 9 LS 204 JS 33594/95 (SCH 2/95)
Legally binding since 07.02.1996
Description of the offence: TWO CASES OF THEFT AND BENEFIT FRAUD OF SLIGHT VALUE
Date of the (last) offence: 23.05.1995
Regulations applied: STGB Section 242 Para.1, Section 248A, Section 265A Para.1, Section 21, Section 53, JGG Section 1, Section 105
2 years juvenile sentence
The decision of 11.10.1994+34 LS JS 22758/94+P3313+ AMTSGERICHT OSNABRÜCK was taken into account

5.
04.09.1996 AMTSGERICHT VECHTA
P3212 9 LS 204 JS 48682/95 (SCH 2/96) HW
Legally binding since 12.09.1996
Description of the offence: THEFT IN 2 FÄLLEN
Date of the (last) offence: 29.09.1995
Regulations applied: STGB Section 242 Para.1, Section 53, JGG Section 1, Section 105
2 years 3 months juvenile sentence
The decision of 07.02.1996+9 LS 204 JS 33594/95 (SCH 2/95) + P3212+AG VECHTA was taken into account
The decision of 11.10.1994+34 LS JS 22758/94+P3313+AG OSNABRÜCK was taken into account
Remainder of juvenile sentence suspended until 28.02.1999
Deferral through: 05.02.1997+5 VRJS 122/96+P3212
Probation officer appointed
Suspension of sentence revoked
Execution of sentence completed 22.09.1998

6.
28.04.1998 AMTSGERICHT OSNABRÜCK
P3313 2 29 JS 7954/98 (VRS)
Legally binding since 30.05.1998
Description of the offence: THEFT
Date of the (last) offence: 21.01.1998
Regulations applied: STGB Section 242 Para.1, Section 248A
20 day fines à 10 DM
- Not to be included in criminal record certificates (for private persons or for authorities including their extensions) -

7.
13.05.1998 AMTSGERICHT OSNABRÜCK
P3313 2 29 JS 14289/98 (VRS)
Legally binding since 03.06.1998
Description of the offence: THEFT
Date of the (last) offence: 17.02.1998
Regulations applied: STGB Section 242 Para.1, Section 248A
40 day fines à 10 DM
- Not to be included in criminal record certificates (for private persons or for authorities including their extensions) -

8.
18.05.1998 AMTSGERICHT OSNABRÜCK
P3313 2 CS 29 JS 15858/98 (VRS)
Legally binding since 12.06.1998
Description of the offence: THEFT
Date of the (last) offence: 19.02.1998
Regulations applied: STGB Section 242 Para.1
60 day fines à 10 DM
- Not to be included in criminal record certificates (for private persons or for authorities including their extensions) -

9.
08.06.1998 AMTSGERICHT OSNABRÜCK
P3313 17 DS 2 JS 44448/97 (38 VRS)
Legally binding since 16.06.1998
Description of the offence: THEFT
Date of the (last) offence: 05.09.1997
Regulations applied: STGB Section 242 Para.1
3 months imprisonment
Execution of sentence completed on 21.12.1998
- Not to be included in criminal record certificates (for private persons or for authorities including their extensions) -

10.
08.07.1998 AMTSGERICHT OSNABRÜCK
P3313 18 CS 29 JS 16704/98 (VRS)
Legally binding since 22.02.1998
Description of the offence: INTENTIONALLY DRIVING WITHOUT A DRIVING LICENCE
Date of the (last) offence: 05.09.1997
Regulations applied: STVG Section 21 Para. No.1
30 day fines à 10 DM
- Not to be included in criminal record certificates (for private persons or for authorities including their extensions) -

11.
03.08.1998 AMTSGERICHT OSNABRÜCK
P3313 2 CS 29 JS 14289/98 (VRS)
Legally binding since 15.08.1998
55 day fines à 10 DM
Total penalty decided on subsequently
The decision of 13.05.1998+2 CS 29 JS 14289/98 (VRS) +P3313+AG OSNABRÜCK was taken into account
The decision of 28.04.1998+2 CS 29 JS 7954/98 (VRS) +P3313+AG OSNABRÜCK was taken into account
- Not to be included in criminal record certificates (for private persons or for authorities including their extensions) -

12.
03.12.1998 AMTSGERICHT HANNOVER
P2305 244 CS 6878 JS 83559/98 618 VRS
Legally binding since 15.01.1999
Description of the offence: THEFT OF THINGS OF SLIGHT VALUE
Date of the (last) offence: 17.10.1998
Regulations applied: STGB Section 242 Para.1, Section 248A
50 day fines à 10 DM
- Not to be included in criminal record certificates (for private persons or for authorities including their extensions) -

13.
23.12.1999 AMTSGERICHT OSNABRÜCK
P3313 2 DS 2 JS 29446/99 (38 VRS)
Legally binding since 29.06.2000
Description of the offence: THEFT
Date of the (last) offence: 03.08.1999
Regulations applied: STGB Section 242 Para.1
90 day fines à 10 DM
- Not to be included in criminal record certificates (for private persons or for authorities including their extensions) -

14.
06.01.2000 AMTSGERICHT OSNABRÜCK
P3313 3 LS 2 JS 37071/99 (63 VRS)
Legally binding since 08.05.2000
Description of the offence: JOINT PREDATORY THEFT QUALIFIED AS PREDATORY THEFT
Date of the (last) offence: 05.10.1999
Regulations applied: STGB Section 252, Section 250 Para.1 No.1B,
Section 21, Section 25 Para. 2
3 years imprisonment
Loss of the ability to hold office and eligibility for election (legal secondary consequence) according to Section 45 Para.1 StGB
Execution of the remainder of the prison sentence deferred until 30.11.2001
Deferred by decision of 24.11.2000+2 JS 37071/00 (63 VRS) +P3300S=STA OSNABRÜCK
Deferral of execution revoked
Execution of the remainder of the prison sentence deferred until 31.03.2003
Deferred by decision of 19.02.2002+666 JS 37071/99 VRS+P3300S+STA OSNABRÜCK
Deferral of execution revoked
Loss of the ability to hold office and eligibility for election until 11.04.2008
Execution of sentence completed on 11.04.2003

15.
08.11.2005 AMTSGERICHT OSNABRÜCK
P3313 236 LS 163/05 602 JS 18530/05
Legally binding since 23.12.2005
Description of the offence: MULTIPLE OFFENCE OF AIDING AND ABETTING THE UNAUTHORIZED IMPORTATION OF NARCOTICS IN NON-NEGLIGIBLE QUANTITIES IN COMBINATION WITH 3 CASES OF THEFT
Date of the (last) offence: 08.09.2005
Regulations applied: STGB Section 242 Para.1, Section 27, Section 53, BTMG Section 1, Section 3, Section 30 Para.1 No. 4
2 years imprisonment
Loss of the ability to hold office and eligibility for election (legal secondary consequence according to Section 45 Para.1 STGB)
Prohibition of employment, supervision, instruction and training of juveniles (legal secondary consequence according to Section 25 JARBSCHG)
Execution of prison sentence deferred unti 31.01.2008
Deferred by decision of 19.01.2006+236 LS 163/05 602 JS 18530/05+P3313+ AG OSNABRÜCK
Deferral of execution revoked
Execution of the remainder of the prison sentence deferred until 30.05.2007
Deferral of execution revoked
Execution of the remainder of the prison sentence deferred until 20.03.2009
Deferral of execution revoked
Execution of the remainder of the prison sentence deferred until 27.02.2009
Deferral of execution revoked
Loss of the ability to hold office and eligibility for election until 10.03.2014
Execution of sentence completed on 10.03.2009
Continued supervision after the sentence has been served in full until 10.03.2014
Length of continued supervision as per Section 68f STGB changed;
ends on 02.06.2014

16.
29.09.2009 AMTSGERICHT VECHTA
P3212 3 DS 840 JS 17415/09 (134/09)
Legally binding since 21.10.2009
Description of the offence: ILLICIT POSSESSION OF NARCOTICS
Date of the (last) offence: 14.12.2008
Regulations applied: BTMG Section 3 Para.1, Section 29 Para.1 No. 3
30 day fines à 10 DM
Confiscation
Prohibition of employment, supervision, instruction, and training of juveniles (legal secondary consequence according to Section 25 JARBSCHG)

17.
18.10.2010 AMTSGERICHT OSNABRÜCK
P3313 222 DS 781/10 602 JS 21919/10
Legally binding since 03.06.2011
Description of the offence: MULTIPLE OFFENCE OF JOINT THEFT AND THEFT
Date of the (last) offence: 07.08.2010
Regulations applied: STGB Section 242 Para.1, Section 248A, Section 25 Para.2, Section 53, Section 56, Section 56D, BZRG Section 17 Para. 2
2 months imprisonment
Probation period 3 years
Offence committed due to addiction to narcotics
Probation officer appointed

18.
30.06.2011 AMTSGERICHT OSNABRÜCK
P3313 213 DS 342/11 602 JS 18419/11
Legally binding since 16.12.2011
Description of the offence: TWO CASES OF THEFT
Date of the (last) offence: 25.03.2011
Regulations applied: STGB Section 242 Para.1, Section 248A, Section 53, BZRG Section17 Para.2
5 months 2 weeks imprisonment
Offence committed due to addiction to narcotics

19.
05.01.2012 STAATSANWALTSCHAFT OSNABRÜCK
P3300S 602 JS 24157/11
WANTED FOR: PROSECUTION DUE TO ARREST
- Not to be included in criminal record certificates (for private persons or for authorities including their extensions) -

REGULATIONS APPLIED

1. 16.01.1991 STA BIELEFELD
Description of the offence: OBTAINING BENEFITS BY DEVIOUS MEANS
Charges dropped according to Section 45 PARA.2 JGG
Regulations applied: STGB Section 265A Para.1, Section 248A

STGB SECTION 265A OBTAINING BENEFITS BY DEVIOUS MEANS
(1) Whoever obtains the benefits of an automat or a telecommunications network serving public purposes, conveyance by a means of transportation or entrance to an event or institution by devious means, with the intent of not paying the price, shall be punished with imprisonment for not more than one year or a fine if the act is not punishable under other provisions with a more severe punishment.
(2) An attempt shall be punishable.
(3) Sections 247 and 248a shall apply accordingly.

STGB SECTION 248A THEFT AND MISAPPROPRIATION OF THINGS OF SLIGHT VALUE
The theft and misappropriation of property of slight value shall be prosecuted only upon complaint in cases under Sections 242 and 246, unless the prosecuting authority considers ex officio that it is required to enter the case because of the special public interest therein.

JGG SECTION 45 DISPENSING WITH PROSECUTION
(1) The public prosecutor may dispense with prosecution without the judge's consent if the conditions set out in section 153 of the Code of Criminal Procedure are met.
(2) The public prosecutor shall dispense with prosecution if a supervisory measure has already been enforced or initiated and if he considers neither the participation of the judge pursuant to subsection 3 nor the bringing of charges to be necessary. An attempt by the youth to achieve a settlement with the aggrieved person shall be considered equivalent to a supervisory measure.
(3) The public prosecutor shall propose issuance of a reprimand, of instructions pursuant to section 10, subsection 1, third sentence, numbers 4, 7 and 9 or conditions by the youth court judge if the accused admits his guilt and if the public prosecutor considers that the ordering of such a judicial measure is necessary but the bringing of charges not apposite. If the youth court judge agrees to the proposal, the public prosecutor shall dispense with the prosecution; where instructions or conditions are imposed he shall however dispense with the prosecution only once the youth has complied with them. Section 11, subsection 3 and section 15, subsection 3, second sentence, shall not be applied. Section 47, subsection 3, shall apply mutatis mutandis.

2. 06.05.1993 AG OSNABRÜCK
Description of the offence: JOINT THEFT AND INTENTIONALLY DRIVING WITHOUT A DRIVING LICENCE
Juvenile detention for violating probation conditions 3W
Regulations applied: STGB Section 242 Para.1, Section 25 Para.2, Section 53, STVG Section 21 Para.1 No.1, JGG Section1, Section 3, Section 10

STGB SECTION 242 THEFT
(1) Whoever takes moveable property not his own away from another with the intent of unlawfully appropriating the property for himself or a third person, shall be punished with imprisonment for not more than five years or a fine.
(2) An attempt shall be punishable.

STGB SECTION 25 PERPETRATION
(1) Whoever commits the crime himself or through another shall be punished as a perpetrator.
(2) If more than one person commit the crime jointly, each shall be punished as a perpetrator (co-perpetrator).

STGB SECTION 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.

STVG SECTION 21(1-2) DRIVING WITHOUT A DRIVING LICENCE
(1) A prison sentence of up to one year or a fine shall be imposed on anyone who
1.drives a motor vehicle although he does not have the necessary driving licence or is prohibited from driving the vehicle in accordance with Section 44 German Criminal Code or Section 25 of this Act, or
2.as the owner of a motor vehicle, orders or permits someone to drive the vehicle who does not have the necessary driving licence or who is prohibited from driving the vehicle in accordance with Section 44 German Criminal Code or in accordance with Section 25 of this Act.
(2) A prison sentence of up to six months or a fine of up to 180 daily rates shall be imposed on anyone who
1. negligently commits an act referred to in paragraph 1,
2. intentionally or negligently drives a motor vehicle although the prescribed driving licence has been taken into custody, seized or confiscated in accordance with Section 94 Code of Criminal Procedure, or
3. intentionally or negligently orders or permits someone to drive a motor vehicle as the owner of a motor vehicle although the prescribed driving licence has been taken into custody, secured or confiscated in accordance with Section 94 Code of Criminal Procedure. Section 94 StPO refers to vehicles which may be required as evidence in criminal law cases.

JGG Section 1 SCOPE AS TO PERSONS AND SUBSTANTIVE SCOPE
(1) This Law shall apply if a youth or young adult engages in misconduct punishable under the provisions of general law.
(2) "Youth" shall mean anyone who, at the time of the act, has reached the age of fourteen but not yet eighteen years; "young adult" shall mean anyone who, at the time of the act, has reached the age of eighteen but not yet twenty-one years.

JGG SECTION 3 CRIMINAL LIABILITY
A youth shall bear criminal liability if, at the time of the act, he has reached a level of moral and intellectual maturity sufficient to enable him to understand the wrongfulness of the act and to conduct himself in accordance with such understanding.
For the purposes of bettering a youth who bears no criminal liability due to a lack of maturity the judge may order the same measures as the judge responsible for family and guardianship matters.

JGG SECTION 10 INSTRUCTIONS
(1) Instructions shall be directions and prohibitions by which the youth can conduct his life and which are intended to promote and guarantee his education. Instructions must not place unreasonable demands on the way the youth conducts his life. In particular, the judge may instruct the youth to:
1 comply with instructions relating to his place of residence,
2 live with a family or in residential accommodation,
3 accept a training place or employment,
4 perform certain work tasks,
5) submit himself to the care and supervision of a specific person (care assistant),
6 attend a social skills training course,
7 attempt to achieve a settlement with the aggrieved person (settlement between offender and victim),
8 avoid contact with certain persons or frequenting places providing public hospitality or entertainment, or
attend a road-traffic training course.
(2) With the consent of the parent or guardian and the legal representative, the judge may also require the youth to undergo specialist rehabilitative treatment or addiction withdrawal treatment. If the youth is more than sixteen years of age, such condition should be imposed only with his consent.

3. 11.10.1994 AG OSNABRÜCK
Description of the offence: JOINT ROBBERY IN COMBINATION WITH JOINT SERIOUS BODILY HARM AND THEFT IN SIX CASES, THEREOF IN FIVE CASES OF LOW VALUE GOODS AND IN TWO CASES CASES ACTING IN CONCERT IN A FURTHER OFFENCE OF AIDING AND ABETTING THEFT IN ONE PARTICULARLY SERIOUS CASE
1 year 8 months juvenile sentence
Regulations applied: STGB Section 223 Para.1, Section 223a Para.1, Section 242 Para.1, Section 243 Para.1 SATZ 2 No.1, Section 248A, Section 249 Para.1, Section 25 Para.2 Section 27 Para.1, JGG Section 1, Section17, Section 18, Section 105

STGB SECTION 223 BODILY INJURY
(1) Whoever physically maltreats or harms the health of another person, shall be punished with imprisonment for not more than five years or a fine.
(2) An attempt shall be punishable.

STGB SECTION 224 DANGEROUS BODILY INJURY
(1) Whoever commits bodily harm:
1. through the administration of poison or other substances dangerous to health;
2. by means of a weapon or other dangerous tool;
3. by means of a sneak attack;
4. jointly with another participant; or
5. by means of a treatment dangerous to life,
shall be punished with imprisonment from six months to ten years, in less serious cases with imprisonment from three months to five years.
(2) An attempt shall be punishable.

STGB SECTION 242 THEFT
(1) Whoever takes moveable property not his own away from another with the intent of unlawfully appropriating the property for himself or a third person, shall be punished with imprisonment for not more than five years or a fine.
(2) An attempt shall be punishable.

STGB SECTION 243 ESPECIALLY SERIOUS CASE OF THEFT
(1) In especially serious cases theft shall be punished with imprisonment from three months to ten years. An especially serious cases exists as a rule, if the perpetrator:
1. in executing the act breaks or climbs into a building, official or business premises or another enclosed space or intrudes therein by using a skeleton key or other tool not regularly used for entry or hides in the space;
2. steals property which is specially protected against taking by a sealed container or other protective equipment;
3. steals professionally;
4. steals property which is used in religious services or for religious veneration from a church or other building or space used for the practice of religion;
5. steals property of significance for science, art or history or for technical development which is located in a generally accessible collection or is publicly exhibited;
6. steals by exploiting the helplessness of another person, an accident or a common danger; or
7. steals a handgun, for the acquisition of which a license is required under the Weapons Law, a machine gun, a submachine gun, a fully or semi-automatic rifle or a military weapon containing an explosive within the meaning of the Military Weapons Control Law, or an explosive.
(2) In cases under subsection (1), sentence 2, numbers 1 to 6, an especially serious case shall be excluded if the act relates to property of slight value.

STGB SECTION 248A THEFT AND MISAPPROPRIATION OF THINGS OF SLIGHT VALUE
The theft and misappropriation of property of slight value shall be prosecuted only upon complaint in cases under Sections 242 and 246, unless the prosecuting authority considers ex officio that it is required to enter the case because of the special public interest therein.

STGB Section 249 Robbery
(1) Whoever, by force against a person or the use of threats of imminent danger to life or limb, takes moveable property not his own from another with the intent of appropriating the property for himself or a third person, shall be punished with imprisonment for not less than one year.
(2) In less serious cases the punishment shall be imprisonment from six months to five years.

STGB SECTION 27 ACCESSORYSHIP
(1) Whoever intentionally renders aid to another in that person's intentional commission of an unlawful act shall be punished as an accessory.
(2) The punishment for the accessory corresponds to the punishment threatened for the perpetrator. It shall be mitigated pursuant to Section 49 subsection (1).

JGG SECTION 17 FORM AND CONDITIONS
(1) "Youth penalty" shall mean deprivation of liberty in a facility provided for its execution.
(2) The judge shall impose youth penalty if, as a result of the harmful inclinations demonstrated by the youth during the act, supervisory measures or disciplinary measures are not sufficient for the purposes of supervision or if such a penalty is necessary given the seriousness of the youth's guilt.

JGG SECTION 18 DURATION OF YOUTH PENALTY
(1) The minimum duration of youth penalty shall be six months; its maximum duration shall be five years. If the act constitutes a serious criminal offence for which general criminal law prescribes a maximum sentence of more than ten years' deprivation of liberty, the maximum duration of youth penalty shall be ten years. The statutory range of penalties under general criminal law shall not apply.
(2) Youth penalty shall be calculated such as to make it possible to achieve the desired supervisory aim.

JGG SECTION 105 APPLICATION OF YOUTH CRIMINAL LAW TO YOUNG ADULTS
(1) Where a young adult engages in misconduct punishable under the provisions of general law, the judge shall apply the provisions applicable to a youth set out in sections 4 to 8, section 9, number 1, sections 10 and 11, and 13 to 32, mutatis mutandis if: the overall assessment of the perpetrator's personality, taking account of his living environment, demonstrates that at the time of the act he was still equivalent to a youth in terms of his moral and intellectual development, or the type, circumstances and motives of the act indicate that it constituted youth misconduct.
(2) Section 31, subsection 2, first sentence, and section 31, subsection 3, shall also be applied even if the young adult has already been convicted with legal effect according to the provisions of general criminal law for part of the criminal offences.
(3) The maximum period of youth penalty applicable to young adults shall be ten years.

4. 07.02.1996 AMTSGERICHT VECHTA
Description of the offence: TWO CASES OF THEFT AND BENEFIT FRAUD OF SLIGHT VALUE
2 years juvenile sentence
Regulations applied: STGB Section 242 Para.1, Section 248A, Section 265A Para.1, Section 21, Section 53, JGG Section 1, Section 105

STGB SECTION 242 THEFT
(1) Whoever takes moveable property not his own away from another with the intent of unlawfully appropriating the property for himself or a third person, shall be punished with imprisonment for not more than five years or a fine.
(2) An attempt shall be punishable.

STGB SECTION 265A OBTAINING BENEFITS BY DEVIOUS MEANS
(1) Whoever obtains the benefits of an automat or a telecommunications network serving public purposes, conveyance by a means of transportation or entrance to an event or institution by devious means, with the intent of not paying the price, shall be punished with imprisonment for not more than one year or a fine if the act is not punishable under other provisions with a more severe punishment.
(2) An attempt shall be punishable.
(3) Sections 247 and 248a shall apply accordingly.

STGB SECTION 248A THEFT AND MISAPPROPRIATION OF THINGS OF SLIGHT VALUE
The theft and misappropriation of property of slight value shall be prosecuted only upon complaint in cases under Sections 242 and 246, unless the prosecuting authority considers ex officio that it is required to enter the case because of the special public interest therein.

STGB SECTION 21 DIMINISHED CAPACITY TO BE ADJUDGED GUILTY
If the capacity of the perpetrator to appreciate the wrongfulness of the act or to act in accordance with such appreciation is substantially diminished upon commission of the act due to one of the reasons indicated in Section 20, then the punishment may be mitigated pursuant to Section 49 subsection (1).

STGB 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.

5. 04.09.1996 AG VECHTA
Description of the offence: TWO CASES OF THEFT
Regulations applied: STGB Section 242 Para.1, Section 53, JGG Section 1, Section 105

STGB SECTION 242 THEFT
(1) Whoever takes moveable property not his own away from another with the intent of unlawfully appropriating the property for himself or a third person, shall be punished with imprisonment for not more than five years or a fine.
(2) An attempt shall be punishable.

STGB 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.

JGG Section 1 SCOPE AS TO PERSONS AND SUBSTANTIVE SCOPE
(1) This Law shall apply if a youth or young adult engages in misconduct punishable under the provisions of general law.
(2) "Youth" shall mean anyone who, at the time of the act, has reached the age of fourteen but not yet eighteen years; "young adult" shall mean anyone who, at the time of the act, has reached the age of eighteen but not yet twenty-one years.

JGG SECTION 105 APPLICATION OF YOUTH CRIMINAL LAW TO YOUNG ADULTS
(1) Where a young adult engages in misconduct punishable under the provisions of general law, the judge shall apply the provisions applicable to a youth set out in sections 4 to 8, section 9, number 1, sections 10 and 11, and 13 to 32, mutatis mutandis if: the overall assessment of the perpetrator's personality, taking account of his living environment, demonstrates that at the time of the act he was still equivalent to a youth in terms of his moral and intellectual development, or the type, circumstances and motives of the act indicate that it constituted youth misconduct.
(2) Section 31, subsection 2, first sentence, and section 31, subsection 3, shall also be applied even if the young adult has already been convicted with legal effect according to the provisions of general criminal law for part of the criminal offences.
(3) The maximum period of youth penalty applicable to young adults shall be ten years.

STGB Section 21 Diminished Capacity to be Adjudged Guilty
If the capacity of the perpetrator to appreciate the wrongfulness of the act or to act in accordance with such appreciation is substantially diminished upon commission of the act due to one of the reasons indicated in Section 20, then the punishment may be mitigated pursuant to Section 49 subsection (1).

6. 28.04.1998 AG OSNABRÜCK
Description of the offence: THEFT
20 day fines à 10 DM
Regulations applied: STGB Section 242 Para.1, Section 248A

STGB SECTION 242 THEFT
(1) Wer eine fremde bewegliche Sache einem Anderen in der Paricht wegnimmt, dieselbe sich rechtswidrig zuzueignen, wird mit imprisonment bis zu fünf yearsn oder mit bestraft.
(2) Der Versuch ist strafbar.

STGB SECTION 248A THEFT UND UNTERSCHLAGUNG GERINGWERTIGER SACHEN
Der THEFT und die Unterschlagung geringwertiger Sachen werden in den Fällen der SectionSection 242 und 246 nur auf Antrag verfolgt, es sei denn, daß die Strafverfolgungsbehörde wegen des besonderen öffentlichen Interesses an der Strafverfolgung ein Einschreiten von Amts wegen für geboten hält.

7. 13.05.1998 AG OSNABRÜCK
Description of the offence: THEFT
40 day fines à 10 DM
Regulations applied: STGB Section 242 Para.1, Section 248A

STGB SECTION 242 THEFT
(1) Whoever takes moveable property not his own away from another with the intent of unlawfully appropriating the property for himself or a third person, shall be punished with imprisonment for not more than five years or a fine.
(2) An attempt shall be punishable.

STGB SECTION 248A THEFT AND MISAPPROPRIATION OF THINGS OF SLIGHT VALUE
The theft and misappropriation of property of slight value shall be prosecuted only upon complaint in cases under Sections 242 and 246, unless the prosecuting authority considers ex officio that it is required to enter the case because of the special public interest therein.

8. 18.05.1998 AG OSNABRÜCK
Description of the offence: THEFT
Date of the (last) offence: 19.02.1998
60 day fines à 10 DM
Regulations applied: STGB Section 242 Para.1

STGB SECTION 242 THEFT
(1) Whoever takes moveable property not his own away from another with the intent of unlawfully appropriating the property for himself or a third person, shall be punished with imprisonment for not more than five years or a fine.
(2) An attempt shall be punishable.

9. 08.06.1998 AG OSNABRÜCK
Description of the offence: THEFT
Date of the (last) offence: 05.09.1997
3 months imprisonment
Regulations applied: STGB Section 242 Para.1

STGB SECTION 242 THEFT
(1) Whoever takes moveable property not his own away from another with the intent of unlawfully appropriating the property for himself or a third person, shall be punished with imprisonment for not more than five years or a fine.
(2) An attempt shall be punishable.

10. 08.07.1998 AG OSNABRÜCK
Description of the offence: INTENTIONALLY DRIVING WITHOUT A DRIVING LICENCE
30 day fines à 10 DM
Regulations applied: STGB Section 2, Section 21 Para. No.1

STGB SECTION 2 TEMPORAL APPLICABILITY
(1) The punishment and its collateral consequences are determined by the law which is in force at the time of the act.
(2) If the threatened punishment is amended during the commission of the act, then the law shall be applicable which is in force at the time the act is completed.
(3) If the law in force upon the completion of the act is amended before judgment, then the most lenient law shall be applicable.
(4) A law, which was intended to be in force only for a determinate time, shall be applicable to acts committed while it was in force, even if it is no longer in force. This shall not apply to the extent a law provides otherwise.
(5) Subsections (1) through (4) shall apply, correspondingly, to forfeiture, confiscation and rendering unusable.
(6) Unless the law provides otherwise, decisions as to measures of reform and prevention shall be according to the law which is in force at the time of judgment.

STGB Section 21 Diminished Capacity to be Adjudged Guilty
If the capacity of the perpetrator to appreciate the wrongfulness of the act or to act in accordance with such appreciation is substantially diminished upon commission of the act due to one of the reasons indicated in Section 20, then the punishment may be mitigated pursuant to Section 49 subsection (1).

11. 03.08.1998 AG OSNABRÜCK
55 day fines à 10 DM
Total penalty decided on subsequently
The decision of 13.05.1998+2 CS 29 JS 14289/98 (VRS) +P3313+AG OSNABRÜCK was taken into account
The decision of 28.04.1998+2 C S 29 JS 7954/98 (VRS) +P3313+AG OSNABRÜCK was taken into account

12. 03.12.1998 AG HANNOVER
Description of the offence: THEFT OF THINGS OF SLIGHT VALUE
50 day fines à 10 DM
Regulations applied: STGB Section 242 Par.1, Section 248A

STGB SECTION 242 THEFT
(1) Whoever takes moveable property not his own away from another with the intent of unlawfully appropriating the property for himself or a third person, shall be punished with imprisonment for not more than five years or a fine.
(2) An attempt shall be punishable.

STGB SECTION 248A THEFT AND MISAPPROPRIATION OF THINGS OF SLIGHT VALUE
The theft and misappropriation of property of slight value shall be prosecuted only upon complaint in cases under Sections 242 and 246, unless the prosecuting authority considers ex officio that it is required to enter the case because of the special public interest therein.

13. 23.12.1999 AG OSNABRÜCK
Description of the offence: THEFT
90 day fines à 10 DM
Regulations applied: STGB Section 242 Para.1

STGB SECTION 242 THEFT
(1) Whoever takes moveable property not his own away from another with the intent of unlawfully appropriating the property for himself or a third person, shall be punished with imprisonment for not more than five years or a fine.
(2) An attempt shall be punishable.

14. 06.01.2000 AG OSNABRÜCK
Description of the offence: JOINT PREDATORY THEFT QUALIFIED AS PREDATORY THEFT
3 years imprisonment
Regulations applied: STGB Section 252, Section 250 Para.1 No.1B

STGB SECTION 252 ROBBERY-LIKE THEFT
Whoever, when caught in the act during a theft, uses force against a person or threats of imminent danger to life and limb, in order to retain possession of the stolen property, shall be punished the same as a robber.

STGB SECTION 250 SERIOUS ROBBERY
(1) imprisonment for not less than three years shall be imposed, if:
1. the perpetrator or another participant in the robbery: a). carries a weapon or other dangerous tool; b) otherwise carries a tool or means in order to prevent or overcome the resistance of another person through force or threat of force; c) by the act places another person in danger of serious health damage; or
2. the perpetrator commits the robbery as a member of a band which has combined for the continued commission of robbery or theft with the participation of another member of the gang.
(2) imprisonment for not less than five years shall be imposed, if the perpetrator or another participant in the robbery:
1. uses a weapon or other dangerous tool during the act;
2. carries a weapon in cases under subsection (1), number 2; or
3. during or by the act: a) seriously physically maltreats another person; or b) places another person in danger of death.
(3) In less serious cases under subsections (1) and (2) the punishment shall be imprisonment from one year to ten years.

STGB SECTION 21 DIMINISHED CAPACITY TO BE ADJUDGED GUILTY
If the capacity of the perpetrator to appreciate the wrongfulness of the act or to act in accordance with such appreciation is substantially diminished upon commission of the act due to one of the reasons indicated in Section 20, then the punishment may be mitigated pursuant to Section 49 subsection (1).

STGB SECTION 25 PERPETRATION
(1) Whoever commits the crime himself or through another shall be punished as a perpetrator.
(2) If more than one person commit the crime jointly, each shall be punished as a perpetrator (co-perpetrator).

15. 08.11.2005 AG OSNABRÜCK
Description of the offence: MULTIPLE OFFENCE OF AIDING AND ABETTING THE UNAUTHORIZED IMPORTATION OF NARCOTICS IN NON-NEGLIGIBLE QUANTITIES IN COMBINATION WITH 3 CASES OF THEFT
2 years imprisonment
Regulations applied: STGB Section 242 Para.1, Section 27, Section 53, BTMG Section 1, Section 3, Section 30 Para.1 No. 4

BTMG SECTION 1 NARCOTIC DRUGS
(1) For the purpose of this Act, narcotic drugs means the substances and preparations listed in Annexes I to III.
(2) The Federal Government shall be authorised to amend or supplement, upon the hearing of experts by means of an ordinance adopted with the consent of the Bundesrat, Annexes I to III as is necessary
1. on the basis of scientific knowledge because of the effect of a substance, especially in view of the creation of an addiction,
2. because of the possibility of producing narcotic drugs from a substance or by use of a substance or
3. for the security or control of the trade in narcotic drugs or other substances or preparations because of the extent of abuse and the indirect or direct danger to health.
In the ordinance pursuant to sentence 1, specific substances or preparations may be exempted, in whole or in part, from the application of this Act or an ordinance issued on the basis of this Act, as long as the security and control of the trade in narcotic drugs remain guaranteed.
(3) In urgent cases concerning the security or control of the trade in narcotics, the Federal Ministry of Health shall be authorised to include, by means of an ordinance adopted without the consent of the Bundesrat, in Annexes I to III substances and preparations which are not medicinal products, if such a step is necessary because of the extent of abuse and the indirect or direct danger to health. An ordinance issued on the basis of this provision shall lose its validity after the expiration of one year.
(4) The Federal Ministry of Health (Federal Ministry) shall be authorised to amend, by means of an ordinance adopted without the consent of the Bundesrat, Annexes I to III or the ordinances issued on the basis of this Act insofar as this is required due to amendments to the Schedules annexed to the Single Convention on Narcotic Drugs, 1961, in the version as promulgated on 4 February 1977 (Federal Law Gazette II, p. 111) and the Convention on Psychotropic Substances, 1971 (Federal Law Gazette 1976 II, p. 1477) (International Narcotics Conventions) in their respective versions that are binding on the Federal Republic of Germany.

BTMG SECTION 3 LICENCE FOR THE TRADE IN NARCOTIC DRUGS
(1) A licence issued by the Federal Institute for Drugs and Medical Devices shall be required by any person who wishes
1. to cultivate, produce or trade in narcotic drugs or without engaging in their trade, to import, export, supply, sell, otherwise place them on the market, acquire them or
2. to produce exempt preparations (section 2 subsection 1 number 3).
(2)The Federal Institute for Drugs and Medical Devices may issue a licence for the narcotic drugs listed in Annex I only by way of exception for scientific or other purposes in the public interest.

BTMG Section 30 paragraph.1 NO. 4 CRIMINAL OFFENCES
(1) A term of imprisonment of not less than two years shall be imposed on any person who
4 imports narcotic drugs in quantities which are not small without a licence pursuant to section 3 subsection 1 number 1.

STGB SECTION 242 THEFT
(1) Whoever takes moveable property not his own away from another with the intent of unlawfully appropriating the property for himself or a third person, shall be punished with imprisonment for not more than five years or a fine.
(2) An attempt shall be punishable.

STGB SECTION 27 ACCESSORYSHIP
(1) Whoever intentionally renders aid to another in that person's intentional commission of an unlawful act shall be punished as an accessory.
(2) The punishment for the accessory corresponds to the punishment threatened for the perpetrator. It shall be mitigated pursuant to Section 49 subsection (1).

STGB 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.

16. 29.09.2009 AG VECHTA
Description of the offence: ILLICIT POSSESSION OF NARCOTICS
Regulations applied: BTMG Section 29 Para.1 No.3, Section 3 Para.1
30 day fines à 10 DM
Confiscation
Prohibition of employment, supervision, instruction, and training of juveniles (legal secondary consequence according to § 25 JARBSCHG)

BTMG Section 29(1) CRIMINAL OFFENCES
(1) A term of imprisonment of up to five years or a fine shall be imposed on any person who
1. illicitly cultivates, produces and trades in narcotic drugs or, without engaging in their trade, imports, exports, sells, supplies, otherwise places them on the market or acquires or procures them in any other way,
2. produces an exempt preparation (section 2 subsection 1 number 3) without a licence pursuant to section 3 subsection 1 number 2,
3. possesses narcotic drugs without being in possession of a written licence for their acquisition,
4. (deleted)
5. contrary to section 11 subsection 1 sentence 2, carries narcotic drugs in transit,
6. contrary to section 13 subsection 1
a) prescribes narcotic drugs
b) administers narcotic drugs or puts them at the disposal of another person for immediate use,
7. contrary to section 13 subsection 2
a) supplies narcotic drugs in a pharmacy or in a veterinary house dispensary, b) supplies diamorphine as a pharmaceutical entrepreneur,
8. contrary to section 14 subsection 5 promotes narcotic drugs,
9. gives incorrect or incomplete information to obtain a prescription for a narcotic drug for himself, for another person or for an animal,
10. affords or grants another person an opportunity for the unauthorized acquisition or unauthorized supply of narcotic drugs, informs about such an opportunity publicly or out of selfish motives or entices another person into using narcotic drugs in an unauthorized manner,
11. affords or grants another person an opportunity for the unauthorized use of narcotic drugs without holding a licence pursuant to section 10a or informs about an opportunity for such use which exists outside a facility pursuant to section 10a out of selfish motives or publicly,
12. publicly, at a meeting or by disseminating written material (section 11 subsection 3 of the Criminal Code) encourages the use of narcotic drugs which have not been prescribed as permitted,
13. makes available financial means or other assets to another person for the commission of an unlawful act as defined in numbers 1, 5, 6, 7, 10, 11 or 12,
14. acts in contravention of an ordinance pursuant to section 11 subsection 2 sentence 2 number 1 or section 13 subsection 3 sentence 2 number 1, 2a or 5 where such ordinance refers to the present penal provision in respect of a specific offence.

BTMG Section 3 LICENCE FOR THE TRADE IN NARCOTIC DRUGS
(1) A licence issued by the Federal Institute for Drugs and Medical Devices shall be required by any person who wishes
1. to cultivate, produce or trade in narcotic drugs or without engaging in their trade, to import, export, supply, sell, otherwise place them on the market, acquire them or
2. to produce exempt preparations (section 2 subsection 1 number 3).
(2)The Federal Institute for Drugs and Medical Devices may issue a licence for the narcotic drugs listed in Annex I only by way of exception for scientific or other purposes in the public interest.

17. 18.10.2010 AG OSNABRÜCK
Description of the offence: MULTIPLE OFFENCE OF JOINT THEFT AND THEFT
2 months imprisonment
Probation period 3 years
Regulations applied: STGB Section 242 Para.1, Section 248A, Section 25 Para.2, Section 53, Section 56, Section 56D, BZRG Section17 Para.2
Offence committed due to addiction to narcotics
Probation officer appointed

STGB SECTION 242 THEFT
(1) Whoever takes moveable property not his own away from another with the intent of unlawfully appropriating the property for himself or a third person, shall be punished with imprisonment for not more than five years or a fine.
(2) An attempt shall be punishable.

STGB SECTION 248A THEFT AND MISAPPROPRIATION OF THINGS OF SLIGHT VALUE
The theft and misappropriation of property of slight value shall be prosecuted only upon complaint in cases under Sections 242 and 246, unless the prosecuting authority considers ex officio that it is required to enter the case because of the special public interest therein.

STGB SECTION 25 PERPETRATION
(1) Whoever commits the crime himself or through another shall be punished as a perpetrator.
(2) If more than one person commit the crime jointly, each shall be punished as a perpetrator (co-perpetrator).

STGB 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.

STGB SECTION 56 SUSPENDED EXECUTION OF PUNISHMENT
(1) Upon a sentence of imprisonment of no more than one year the court shall suspend the execution of the punishment and grant probation if it can be expected that the sentence will serve the convicted person as a warning and he will commit no further crimes in the future even without the influence exerted by serving the sentence. Particularly to be considered are the personality of the convicted person, his previous history, the circumstances of his act, his conduct after the act, his living conditions and the effects which can be expected as a result of the suspension.
(2) The court may also suspend the execution of a longer term of imprisonment which does not exceed two years under the provisions of subsection (1) and grant probation if a comprehensive evaluation of the act and personality of the convicted person reveals the existence of special circumstances. In making the decision the efforts of the convicted person to make restitution for the harm caused by the act should particularly be considered.
(3) The execution of a sentence of imprisonment of no less than six months shall not be suspended when defense of the legal order so requires.
(4) A suspended execution of punishment may not be limited to a part of the punishment. It shall not be excluded by the crediting of time served in remand detention or any other deprivation of liberty.

STGB SECTION 56D PROBATION ASSISTANCE
(1) The court shall place the convicted person under the supervision and guidance of a probation officer for all or part of the term of probation when advisable to prevent him from committing crimes.
(2) The court shall issue an instruction pursuant to subsection (1), as a rule, if it suspends a term of imprisonment of more than nine months and the convicted person is less than twenty-seven years of age.
(3) The probation officer shall assist and care for the convicted person. With the approval of the court he shall supervise the fulfillment of the conditions and instructions as well as the offers and promises. He shall report on the way the convicted person is conducting his life at intervals determined by the court. He shall inform the court as to gross or persistent violations of the conditions, instructions, offers or promises.
(4) The probation officer shall be appointed by the court. It may give instructions concerning his functions under subsection 3.
(5) The functions of the probation officer shall be exercised on a full-time official or honorary basis.

BZRG SECTION 17 OTHER DECISIONS AND COURT FINDINGS
(2) If a term of imprisonment of no more than two years is imposed and the court has found that the convicted person committed the act owing to drug addiction, this finding shall be entered in the Register; this also applies in the case of an aggregate sentence of no more than two years if the convicted person committed all or the major part of the offences adjudicated owing to the drug addiction.

18. 30.06.2011 AG OSNABRÜCK
Description of the offence: TWO CASES OF THEFT
5 months 2 weeks imprisonment
Regulations applied: STGB Section 242 Para.1, Section 248A, Section 53, BZRG Section 17 Para.2
Offence committed due to addiction to narcotics

STGB SECTION 242 THEFT
(1) Whoever takes moveable property not his own away from another with the intent of unlawfully appropriating the property for himself or a third person, shall be punished with imprisonment for not more than five years or a fine.
(2) An attempt shall be punishable.

STGB SECTION 248A THEFT AND MISAPPROPRIATION OF THINGS OF SLIGHT VALUE
The theft and misappropriation of property of slight value shall be prosecuted only upon complaint in cases under Sections 242 and 246, unless the prosecuting authority considers ex officio that it is required to enter the case because of the special public interest therein.

STGB 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.

BZRG SECTION 17 OTHER DECISIONS AND COURT FINDINGS
(2) If a term of imprisonment of no more than two years is imposed and the court has found that the convicted person committed the act owing to drug addiction, this finding shall be entered in the Register; this also applies in the case of an aggregate sentence of no more than two years if the convicted person committed all or the major part of the offences adjudicated owing to the drug addiction.

19. 05.01.2012 STA OSNABRÜCK
P3300S 602 JS 24157/11
WANTED FOR: PROSECUTION DUE TO ARREST
- Not to be included in criminal record certificates (for private persons or for authorities including their extensions) -

AG	District court
BTMG	Narcotic Drugs Act
BZRG	FEDERAL CENTRAL CRIMINAL REGISTER ACT
JGG	Youth Courts Act
STA	Public prosecutor
STGB	German Criminal Code
STVG	Road Traffic Act

TRANSLATIONS:

BTMG - HTTPS://WWW.BUNDESGESUNDHEITSMINISTERIUM.DE/FILEADMIN/DATEIEN/3_DOWNLOADS/GESETZE_UND_VERORDNUNGEN/GUV/N/NARCOTIC_DRUGS_18_12_2009.PDF
BZRG - HTTPS://WWW.GESETZE-IM-INTERNET.DE/ENGLISCH_BZRG/ENGLISCH_BZRG.HTML
JGG - HTTPS://GERMANLAWARCHIVE.IUSCOMP.ORG/?P=756#105
STGB - HTTPS://GERMANLAWARCHIVE.IUSCOMP.ORG/?P=752#25
STVO - HTTPS://SE-LEGAL.DE/CRIMINAL-DEFENSE-LAWYER/DRIVING-LICENCE-OFFENCES-DRIVING-BAN-GERMANY/?LANG=EN#THE-LEGAL-DEFINITION-OF-DRIVING-WITHOUT-A-DRIVING-LICENCE

PROSTITUTION ACT 1980 UND 2001
PROSTITUTION PROTECTION ACT SINCE 2016

On 15 July 1980, the Federal Administrative Court ruled that prostitution as an act is immoral and in various respects not in accordance with social employment rules, therefor not part of economic life within the meaning of the ECC Treaty and thus could not constitute the right to freedom of movement under Community law.

On 1 December 2000, the Administrative Court of Berlin ruled that voluntary prostitution, irrespective of a moral assessment, could no longer be considered immoral by the social-ethical values recognised today. Sexual service was soberly assessed as a social reality by the Administrative Court of Berlin even before the Prostitution Act came into force in 2002.

While the Prostitution Act deals with the civil law aspects in only three paragraphs, i.e. the enforceability of money, the Prostitution Protection Act is more comprehensive and contains in Section 3 the obligation of prostitutes to register, in Section 33 regulations on fines if one does not register and does not comply with conditions. The possibility for the authorities to impose conditions was nothing new, simply a long-standing practice of administrative law.
The non-observance of restricted zones is sanctioned by fines in Section 120 Administrative Offences (OWiG), but no longer punishable by law.

Prostitution is not subject to the Trade Regulation Act, so a trade licence is not required. However, income must be taxed, otherwise it constitutes tax evasion, as stated in Section 370 of the German Fiscal Code (AO).

With Section 232 of the German Criminal Code, the Prostitution Protection Act 2016 introduces for the first time a "johns" criminal liability, in order to counteract so-called forced prostitution.

Excerpt:

StGB Section 232 Human trafficking

(1) Whoever recruits, transports, transfers, harbours or receives another person by taking advantage of that person's personal or financial predicament or helplessness on account of being in a foreign country, or that person is under 21 years of age, incurs a penalty of imprisonment for a term of between six months and five years if
1. that person is to be exploited by way of
a) engaging in prostitution or performing sexual acts on or in the presence of the offender or a third person, or having sexual acts performed on them by the offender or a third person,
(…)
2. that person is to be held in slavery, bonded labour, debt bondage or under corresponding or similar conditions or
(…)
(2) Whoever, with respect to another person who is to be exploited in the manner referred to in subsection (1) sentence 1 nos. 1 to 3,
1. recruits, transports, transfers, harbours or receives that person by force, by threat of serious harm or by deception or
2. abducts that person or gains physical control over him or her or encourages a third person to gain physical control over him or her
incurs a penalty of imprisonment for a term of between six months and 10 years.
(…)

Section 232a Forced prostitution

(1) Whoever, by taking advantage of another person's personal or financial predicament or helplessness on account of being in a foreign country, causes that person or causes another person under 21 years of age
1. to engage in or continue to engage in prostitution or
2. to perform sexual acts, by way of which they are exploited, on or in the presence of the offender or a third person, or to allow sexual acts to be performed on them by the offender or a third person incurs a penalty of imprisonment for a term of between six months and 10 years.
(2) The attempt is punishable.
(…)