

ON COMBATING ORGANISED CRIME AND RACKETEERING

Article 1 - Intent of the Law

This Law is intended to facilitate the prevention of and fight against organised crime, the criminal underworld and racketeering, and the fight against members of the criminal underworld in order to protect private, public and state interests.

Article 2 - Racketeering, racketeering groups, racketeers

1. Racketeering is a repeated and organised activity intended to obtain income or other property benefits systematically, and related to the intentional commission of crime (unless the conviction is expunged or removed), if it occurred at least twice during five calendar years, which does not include the period of the racketeer's arrest and the period of service of the sentence.
2. A Racketeering group is any legal person or a group of natural and/or legal persons, the occupation of which is related to racket.
3. A racketeer is a person who independently or with other person(s) directs the activities of a racketeering group, or otherwise participates in the activity of a racketeering group, and he/she knows that this group is a racketeering group; also a person who illegally resolves disputes between racketeering groups or between a racketeering group and other persons, or participates in resolving such disputes.

Article 3 - Criminal world, a member of the criminal world, thieves-in-law

1. Criminal underworld - any association of persons, which operates in compliance with special rules established/recognised by them and the intent of which is to gain benefit for its members or other persons through intimidation, threats, coercion, on conditions of silence, through criminal discussions, drawing minors into criminal activities, committing crime or through incitement to commit a crime.
2. A member of the criminal underworld – any person, who recognises the criminal underworld and is actively engaged in accomplishing the objectives of the criminal underworld.
3. Criminal discussions - resolution of disputes between two or more parties by a member of the criminal underworld, which is accompanied by threats, coercion, intimidation or other illegal actions.
4. Thieves-in-law – members of the criminal underworld, who manage in any form and/or organise the criminal underworld or a certain group of persons in compliance with special rules of the criminal underworld.

Article 4 - Family members, close relatives, related persons

1. Family members of racketeers or members of the criminal underworld are spouses, children and stepchildren of racketeers or members of the criminal underworld and the persons permanently living with racketeers or members of the criminal underworld.
2. Close relatives of racketeers or members of the criminal underworld are their direct relatives, brothers and sisters of ascending and descending lines, also stepchildren of their parents and children, brothers, sisters and parents of their spouses.
3. A person related to a racketeer or a member of the criminal underworld is a person who owns property on the basis of legal documents and there is sufficient evidence that the property is received through racketeering or criminal actions of a member of the criminal underworld and a racketeer or a member of the criminal underworld uses this property.

Article 5 - Property obtained through racketeering, property of a member of the criminal underworld

1. Property obtained through racketeering is property received from racketeering, income from such property, the property acquired by the income obtained through racketeering, or the income, property or the property income of racketeering groups, racketeers, family members of racketeers, close relatives of racketeers or of persons related to racketeers, when there is no document or other evidence proving the receipt of this property through legitimate means.
2. Property of members of the criminal underworld is income, property or the property income of members of the criminal world, their family members, close relatives or related persons, when there is no document or other evidence proving the receipt of this property through legitimate means.
3. Property obtained through racketeering and property of members of the criminal underworld shall be subject to confiscation and shall pass to its rightful owner after satisfaction of lawful interests of third persons; in the case of impossibility of establishing the legal owner, the property shall pass to the State.
4. The procedures for confiscation and passing to the State of property obtained through racketeering and property of members of the criminal underworld is determined by the Civil Procedure Code of Georgia.



Article 6 - Criminal liability of racketeers, members of the criminal underworld and of thieves-in-law

Criminal liability of racketeers, members of the criminal underworld and of thieves-in-law is determined by this Law and other legislative acts of Georgia.

Article 7 - Final Provisions

1. The Law of Georgia on Combating Organised Crime and Racket (Legislative Herald of Georgia, No18, 9.7.2004, Art. 60) of 24 June 2004 shall be deemed repealed upon entry into force of this Law.

2. This Law shall enter into force on the fifteenth day after its promulgation.

President of Georgia

M. Saakashvili

Tbilisi,

20 December 2005

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