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LAW ON AMENDMENTS TO THE CRIMINAL CODE OF REPUBLIKA SRPSKA

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LAW ON AMENDMENTS TO THE CRIMINAL CODE OF REPUBLIKA SRPSKA

Article 1

In the Criminal Code of Republika Srpska (“Official Gazette of Republika Srpska” No. 64/17), Article 2 shall be amended to read:

“(1) Criminal offences and criminal sanctions shall be prescribed only by law.

(2) Nobody can be punished for an act which, prior to being perpetrated, has not been defined as a criminal offence by law, and no punishment that has not been prescribed by such law can be pronounced against the person.”

Article 2

In Article 19, paragraph 1, wording: “to that” shall be deleted. **[Translator’s remark: N/A to English translation.]**

Article 3

In Article 20, paragraph 2, wording: “perpetrator’s expectation” shall be replaced with wording: “perpetrator’s intent”.

Article 4

In Article 24, paragraph 1, after the wording: “A perpetrator, who has attempted to”, wording: “prepare or” shall be inserted, and wording: “any further undertaking of an action of perpetration” shall be replaced with wording: “its perpetration”.

Article 5

In Article 38, paragraph 1, wording: “incites” shall be replaced with wording: “incited”. **[Translator’s remark: N/A to English translation.]**

Article 6

In Article 42, in item 1), wording: “long-term imprisonment”, shall be replaced with wording: “life imprisonment”, as well as in the entire text of the Code in corresponding grammatical cases.

Item 4) shall be amended to read:

“4) sentence of revocation of driver's license.”.

Article 7

In Article 44, paragraph 3, wording: “Prohibition of driving motor vehicles” shall be replaced with wording: “Sentence of revocation of driver's license”.

Article 8

The title of Article 45 and Article 45 shall be amended to read:

“Life Imprisonment

- (1) Life imprisonment can be prescribed for the gravest criminal offences and gravest forms of serious criminal offences.
- (2) The punishment of life imprisonment can never be pronounced as the sole punishment for a particular criminal offence.
- (3) The punishment of life imprisonment cannot be imposed against a perpetrator who has not reached twenty-one years of age at the time of perpetrating the criminal offence, against a pregnant woman, perpetrator with considerably diminished mental capacity at the time of perpetration of the criminal offence (Article 31, paragraph 1), nor for the attempt of a criminal offence.”.

Article 9

In Article 46, paragraph 1, wording: “twenty” shall be replaced with wording: “thirty”.

Paragraphs 3 and 4 shall be deleted.

Current paragraphs 5, 6, 7 and 8 shall become paragraphs 3, 4, 5 and 6.

Article 10

After Article 46, new title of the article and new Article 46a shall be added to read:

“Exceptionality of the Short-Term Imprisonment

Article 46a.

- (1) The court may impose a sentence of imprisonment of up to six months only if the special circumstances of the act and perpetrator show that the fine cannot achieve the purpose of punishment or that the fine cannot be executed.
- (2) The provision of paragraph 1 of this Article does not refer to sentence of imprisonment as a substitute for unpaid fine (Article 50, paragraphs 2 and 3), revoked suspended sentence (Articles 64, 65 and 66), unperformed community service (Article 70, paragraph 7) and the sentence of revoking the driver's license (Article 51, paragraph 5).

(3) The sentence of imprisonment not exceeding one year may be replaced, at the request of the convicted person, by a fine in accordance with the provisions of Article 50 paragraphs 2 and 3 of this Code.”.

Article 11

In Article 47, paragraph 2 shall be amended to read:

“(2) A convicted person who has been sentenced to a life imprisonment may be released on parole once he/she has served twenty-five years of the sentence and under the terms and conditions prescribed in paragraph (1) of this Article.”.

Article 12

The title of and Article 51 shall be amended to read:

“Revocation of driver’s license

Article 51

(1) The sentence of revocation of driver’s license may be pronounced against the perpetrator of a criminal offense of endangering the safety of public traffic.

(2) The court shall pronounce the penalty referred to in paragraph (1) of this Article for a period between six months and five years, and if the endangering of the safety of public traffic has resulted in the death of one or more persons, counting from the date when the decision becomes final, the sentence shall be pronounced for a period between one and eight years, provided that the time spent serving a prison sentence shall not be included in the duration of this sentence.

(3) When pronouncing a suspended sentence, the court may determine that the suspended sentence will be revoked if the convicted person drives a motor vehicle during the duration of the suspended sentence.

(4) In the event that the penalty referred to in paragraph (1) has been pronounced against a person holding a foreign driving license, the ban shall be applicable to driving of a motor vehicle on the territory of the Republika Srpska.

(5) If a convicted person has driven a motor vehicle during the course of the revocation of driver’s license period, the court shall substitute this punishment by an imprisonment sentence ordering one month of imprisonment for every six months for driving a motor vehicle.

(6) The Code may prescribe the mandatory imposition of a penalty of revocation of a driver's license.

(7) The penalty of revoking a driver's license cannot be imposed together with a security measure prohibiting driving a motor vehicle.

Article 13

In Article 54, paragraph 1, item 7) shall be amended to read:

“7) if the criminal offense is punishable by imprisonment of less than one year or imprisonment without specifying the minimum measure as a minimum measure, a fine may be imposed instead of imprisonment.”.

Article 14

Article 56 shall be amended to read:

“(1) If the perpetrator has committed several criminal offenses for one or more acts for which he is being tried at the same time, the court shall first determine the penalties for each of these offenses, and based on the assessment of all these acts in their totality and the personality of the perpetrator, it shall impose a compound punishment for all these acts.

(2) The court shall adhere to the following rules in pronouncing a compound punishment:

1) if two or more criminal offenses are punishable by life imprisonment or life imprisonment and imprisonment, they shall impose a single sentence of life imprisonment;

2) if for two or more criminal offenses punishable by life imprisonment it has established imprisonment for a term of thirty years, the court may impose a single sentence of life imprisonment;

3) if the court has established imprisonment sentences for concurring criminal offenses, the single sentence must be greater than each individually determined sentence, but may not reach the sum of the established sentences or exceed thirty years of imprisonment;

4) If for each of the offences perpetrated in concurrence, a punishment of imprisonment not exceeding three years is prescribed, the compound punishment may not exceed ten years;

5) If fines only have been meted out by the court for the criminal offences in concurrence, the compound punishment may not exceed the sum of all fines meted out nor may it exceed the amount of 200,000 BAM, or BAM 2,000,000 if any of the criminal offences was committed out of greed;

6) If the court has meted out the punishments of imprisonment for some of the concurrent criminal offences, and fines for others, the court shall pronounce one compound punishment of imprisonment and one compound fine, in accordance with the provisions set forth in sub-paragraphs 2), 3), 4) and 5) of this paragraph.

(3) The court shall pronounce an accessory sentence if it has been determined for at least one of the concurrent criminal offences, whereas and if the court has meted out several fines, it shall pronounce a single fine pursuant to the provision referred to in sub-paragraph 5), paragraph (2) of this Article.”.

Article 15

In Article 63, paragraph 2, wording: “may be imposed” shall be replaced with wording: “shall be prescribed”.

Article 16

In Article 66, after the wording: “obligations provided for in criminal legislation”, a comma and wording: “except in the case of measure of confiscation of the material gain (Article 83)” shall be added.

Article 17

In Article 70, after paragraph 2, new paragraph 3 shall be added to read:

“(3) The sentence of imprisonment referred to in paragraph 1 of this Article may not be replaced by community service of a convicted person who has previously been sentenced two or more times to imprisonment or if he has been convicted or convicted of a criminal offense referred to in Chapters XIV and XV of this Code.”

In paragraph 6, wording: “upon the expiry of the determined period” shall be replaced with wording: “within determined period”, and number: “60” shall be replaced with number: “30”.

Current paragraphs 3, 4, 5, 6 and 7 shall become paragraphs 4, 5, 6, 7 and 8.

Article 18

In Article 72, item 8), after the wording: “household”, word: “and” shall be deleted and a comma and new item 10) shall be added to read:

“10) Prohibition of driving motor vehicles”.

Article 19

In Article 74, paragraph 4, after the wording: “of this Article”, a comma and wording: “pronounced along with sentence of imprisonment” shall be added.

Article 20

In Article 75, paragraph 3, number: “47” shall be replaced with number: “74”.

After paragraph 3, new paragraphs 4 and 5 shall be added to read:

“(4) The security measure of mandatory psychiatric treatment outside of a medical institution may not last longer than three years. The court decides again each year whether treatment outside of a medical institution is still necessary.

(5) If in the case referred to in paragraphs 1, 2 and 3 of this Article, the perpetrator does not undergo treatment outside of a medical institution or leaves the treatment on his/her own, or despite the treatment becomes so dangerous for the environment that his/her treatment in a health institution is necessary, the court may impose a security measure of psychiatric treatment and custody in a medical institution.”

Article 21

After Article 82, new title of and new Article 82a shall be added to read:

“Prohibition of driving motor vehicles

Article 82a

- (1) The court may impose a safety measure prohibiting the driving of a motor vehicle of a certain type or category against the perpetrator of a criminal offense against public traffic safety when there is a danger that while driving a motor vehicle, he will commit such a criminal offense again.
- (2) The measure referred to in paragraph 1 of this Article includes the revocation of a driver's license or a ban on issuing a driver's license for the duration of this measure.
- (3) The court shall determine the duration of the measure referred to in paragraph 1 of this Article, which may not be shorter than three months or longer than five years, counting from the day the decision becomes final, provided that the time spent serving the prison sentence, i.e., in a medical institution for custody and treatment shall not be counted in duration of this measure.
- (4) If the measure referred to in paragraph 1 of this Article is imposed on a person who has a foreign driver's license to drive a motor vehicle, this measure includes a ban on its use in the territory of Republika Srpska for a period of three months to five years.
- (5) The provisions of Article 66 and Article 70, paragraph 7 of this Code shall apply to the perpetrator of a criminal offense who has been banned from driving a motor vehicle, along with a suspended sentence or a sentence replaced by community service who does not act in accordance with that prohibition.”.

Article 22

In Article 90, paragraph 2, subparagraph 3), after the wording: “a fine”, a comma and wording: “sentence of revocation of driver's license” shall be inserted.

In subparagraph 5), after the wording: “imprisonment” wording: “for” shall be replaced with wording: “over”.

Article 23

Article 95 shall be amended to read:

- “(1) Criminal prosecution shall not be instituted when the following time periods have elapsed:
- 1) Forty years since the perpetration of a criminal offence punishable by law with an imprisonment sentence for a term exceeding twenty years;
 - 2) Thirty years since the perpetration of a criminal offence punishable by law with an imprisonment sentence for a term exceeding fifteen years;
 - 3) Twenty-five years since the perpetration of a criminal offence punishable by law with an imprisonment sentence for a term exceeding ten years;

- 4) Twenty years since the perpetration of a criminal offence punishable by law with an imprisonment sentence for a term exceeding five years;
 - 5) Fifteen years since the perpetration of a criminal offence punishable by law with an imprisonment sentence for a term exceeding three years;
 - 6) Ten years since the perpetration of a criminal offence punishable by law with an imprisonment sentence for a term exceeding one year;
 - 7) Five years since the perpetration of a criminal offence punishable by law with an imprisonment sentence for a term of up to one year or with a fine.
- (2) If several punishments are prescribed for a single criminal offence, the period of limitation shall be determined according to the most severe punishment prescribed.
- (3) Criminal prosecution for criminal offences for which the sentence of life imprisonment is prescribed shall not become statute-barred.”

Article 24

Article 97 shall be amended to read:

“The pronounced sentence shall not be executed when the following time periods have elapsed:

- 1) Forty years if a sentence of long-term imprisonment for a term exceeding twenty years has been pronounced;
- 2) Thirty years if a sentence of long-term imprisonment for a term exceeding fifteen years has been pronounced;
- 3) Twenty-five years if a sentence of long-term imprisonment for a term exceeding ten years has been pronounced;
- 4) Twenty years if a sentence of long-term imprisonment for a term exceeding five years has been pronounced;
- 5) Fifteen years if a sentence of long-term imprisonment for a term exceeding three years has been pronounced;
- 6) Ten years if a sentence of long-term imprisonment for a term exceeding one year has been pronounced;
- 7) Five years if a sentence of long-term imprisonment for a term of up to one year has been pronounced;
- 8) Execution of a sentence of life imprisonment shall not become statute-barred.”

Article 25

In the title of Article 98, wording: “Accessory Punishment” shall be replaced with wording: “Accessory Sentences”.

Paragraph 1 shall be amended to read:

“The statute of limitations shall apply to execution of a fine as an accessory sentence and sentence of revocation of driver’s license shall arise after five years have elapsed from the date when the verdict pronouncing that punishment became final.”.

Article 26

In Article 101, paragraph 2 shall be amended to read:

“(2) A person sentenced to life imprisonment may not be granted pardon before he/she has served twenty-five years in prison.”.

Article 27

In Article 106, paragraph 1, wording: “guilty” shall be replaced with wording: “criminally liable”.
[Translator’s remark: N/A to English translation.]

Article 28

In Article 107, paragraph 1 shall be amended to read:

“(1) A legal entity under bankruptcy or liquidation may be liable for a criminal offense regardless of whether the criminal offense was committed before the commencement of bankruptcy or liquidation proceedings or during bankruptcy or liquidation proceedings, however, a legal entity under bankruptcy or liquidation proceedings shall not be punished but a security measure of confiscation of objects or confiscation of proceeds of crime shall be pronounced against them.”.

Article 29

In Article 108, paragraph 1, wording: “commenced” shall be replaced with wording: “commenced”. **[Translator’s remark: N/A to English translation.]**

Article 30

In Article 109, paragraph 2 shall be amended to read:

“(2) In the case of complicity of legal entities referred to in paragraph 1 of this Article, each legal entity shall be liable within the limits of its liability, regardless of the liability of other legal entities.”

Article 31

In Article 110, paragraph 2, wording: “following the perpetration of a criminal offence” shall be replaced with wording: “after the perpetration of a criminal offence”.

Article 32

Article 116 shall be amended to read:

“In addition to the security measure of forfeiture of items, the following security measures may be pronounced against the legal person:

- 1) Publication of the verdict;

2) A ban on performing a certain business activity.”.

Article 33

In Article 119, paragraph 1, before the wording: “If”, number: “1” in parentheses shall be inserted. After paragraph 1, new paragraph 2 shall be added to read:

“(2) If the property gain cannot be confiscated from the legal entity because the legal entity has ceased to exist, the confiscation shall be made from the legal successor or legal successors, and if they do not exist, the confiscation shall be made from the founder of the legal entity, i.e., shareholders or company members who will be obliged to jointly pay the amount of money corresponding to the obtained property gain.”.

Article 34

In Article 124, paragraph 1, Article 129, paragraph 4, Article 145, paragraph 3, Article 146, paragraphs 1 and 3, Article 167, paragraph 2, Article 232, paragraph 4, Article 275, paragraph 2, Article 291, paragraph 5, Article 292, paragraph 2, Article 300, paragraph 3, Article 301, paragraph 1, Article 304 paragraph 4, Article 305, paragraph 2, Article 365, paragraph 4 and Article 394, paragraph 7 of this Code, wording: “no less than five years” shall be replaced by the words: "from five to twenty years".

Article 35

In Article 144, paragraph 1, wording: “her” shall be replaced with wording: “him”. **[Translator’s remark: N/A to English translation.]**

Article 36

In Article 145, paragraph 1, after the wording: “pornographic purposes,”, wording: “or other form of sexual exploitation, coercion to beg, servitude,” shall be inserted, and wording: “no less than three years” shall be replaced by wording: “from three to twenty years”.

Article 37

In Article 146, paragraph 1, after the wording: “pornography”, wording: “coercion to beg, servitude,” shall be added.

In paragraph 2, after wording: “power”, wording: “authorization or influence” shall be added.

In paragraph 6, wording: “eight” shall be replaced with wording: “ten”.

In paragraph 7, wording: “paragraphs (1) and (3)” shall be replaced with wording: “paragraphs (1), (2) and (3)”, and wording: “ten” shall be replaced with wording: “twelve”.

In paragraph 8, wording: “minor” shall be replaced with wording: “child”.

Article 38

In Article 152, paragraph 1, after the wording: “shall be punished by”, wording: “fine or” shall be added.

Article 39

In Article 173, paragraph 1, wording: “over the age of fifteen” shall be replaced with wording: “who has reached age of fifteen”.

In paragraph 5, before the wording: “If”, number 5 in parentheses shall be replaced with number 4 in parentheses. [**Translator’s remark: N/A to English translation.**]

Article 40

In Article 190, paragraph 1, wording: “and thereby causes harm to his/her physical or psychological integrity,” shall be deleted.

Paragraph 2 shall be amended to read:

“(2) If a weapon, dangerous tool or other means suitable for seriously injuring the body or impairing health is used in the commission of the act referred to in paragraph 1 of this Article, the perpetrator shall be punished by imprisonment for a term between six months and five years.”

In paragraph 5, wording: “between three months and” shall be deleted.

In paragraph 6, after the wording: “kinship” [**Translator’s remark: in later part of the sentence, near its end**], wording: “and” shall be deleted, and after the wording: “household”, a comma and wording: “and persons who have been or are still in an emotional or intimate relationship with each other, regardless of whether the perpetrator shares or has shared the household with the victim” shall be added.

Article 41

The title of and Article 224 shall be amended to read:

“Theft

Article 224

(1) Whoever takes and carries away someone else’s personal property for the purpose of appropriating it unlawfully, shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) If the value of the taken property does not exceed the amount of BAM 300 and the perpetrator’s intent was to acquire a property gain of such value, he/she shall be punished by a fine or imprisonment not exceeding one year.

(3) An attempt to commit an act referred to in paragraph 1 of this Article shall be punishable.

(4) Prosecution for the offense referred to in paragraph (2) of this Article shall be undertaken following the submission of a motion.”.

Article 42

After Article 224, new title of and Article 224a shall be added to read:

“Forest Theft

Article 224a

- (1) Whoever for the purpose of theft in the forest fells trees in an amount greater than five cubic meters, shall be punished by a fine or by imprisonment for a term not exceeding two years.
- (2) If the act referred to in paragraph 1 of this Article was committed with the intention of sale, or if the quantity of felled trees exceeds twenty cubic meters, the perpetrator shall be punished by imprisonment for a term between one and five years and by a fine.
- (3) If the act referred to in paragraphs 1 or 2 of this Article done in a protective forest, national park or other forest with special purpose, or the quantity of felled trees is greater than one hundred cubic meters, the perpetrator shall be punished by imprisonment for a term between two and eight years and a fine.
- (4) Felled trees referred to in paragraphs 1, 2 and 3 of this Article shall be confiscated.”.

Article 43

The title and paragraph 1 of Article 225 shall be amended to read:

“Theft of Electricity

Article 225

(1) Whoever, contrary to the applicable regulations, connects any electric facilities, devices or installations to the power grid, without the issued consent and concluded connection contract, or who makes unauthorized connection to the network after the suspension of electricity or thermal energy or natural gas, when the technical condition allows the use of electricity or thermal energy or natural gas without a measuring device, outside the measuring device or through a measuring device on which correct measuring is disabled, who removes or damages the seal of the distribution system operator from the measuring device or who uses electricity or thermal energy or natural gas through an unauthorized replacement measuring device or whoever enables to others the connection of facilities, devices and installations through their facilities, devices and installations or disables the authorized persons of the transmission or distribution system operator safe, complete and unobstructed access to measuring devices and installations, as well as the connection point and location for reading, checking the working order, troubleshooting, replacement, maintenance and control of the working order of measuring and other devices with measuring cabinets, arranging the measuring point and suspension of energy supply, shall be punished by imprisonment for six months to three years and a fine.”

In paragraph 3, wording: “referred to in paragraphs (1) and (2)” shall be replaced with wording: “referred to in paragraph (1)”.

Article 44

In Article 226, paragraph 4, wording: “obtain only a minor property gain”, shall be replaced with wording: “appropriate an item of such value”.

Article 45

In Article 227, paragraph 1, wording: “of acquiring a material gain for himself or for another by doing so” shall be replaced with wording: “to appropriate it”.

Article 46

In Article 229, paragraphs 1 and 2 shall be amended to read:

“(1) Whoever unlawfully appropriates another person’s the movable item entrusted to him for himself or another, shall be punished by a fine or by imprisonment for a term not exceeding two years.

(2) If the value of the stolen item does not exceed 300 KM and the perpetrator intended to appropriate the item of such value, he shall be punished by a fine or by imprisonment for a term not exceeding six months.”

Article 47

In Article 231, paragraph 1, wording: “unlawful” shall be deleted.

Article 48

In Article 232, paragraph 6, Article 264, paragraph 3, Article 265, paragraph 3, Article 268, paragraph 4, Article 288, paragraph 1, Article 301, paragraph 2, Article 302, Article 303, paragraph 1, Article 304, paragraph 1 and Article 366, paragraph 2 of this Code, the words: “for minimum term of three years” shall be replaced by the words: “from three to twenty years”.

Article 49

In Article 234, paragraph 2, wording: “between one and eight years” shall be replaced with wording: “between two and eight years”.

Article 50

In Article 240, paragraph 2, wording: “for the purposes of long-term driving” shall be deleted.

Article 51

In Article 243, paragraph 3 shall be amended to read:

“(3) If the act referred to in paragraphs 1 and 2 of this Article caused large-scale damage, the perpetrator shall be punished for a crime referred to in paragraph 1 of this Article by imprisonment from two to twelve years, and for the act referred to in paragraph 2 of this Article, by imprisonment from one to eight years.”.

Article 52

In Article 258, paragraph 3, wording: “as a result of the offense” shall be replaced with wording: “with the offense”.

Article 53

After Article 272, new Article 272a shall be added to read:

“Fraud in Business Operations

Article 272a.

(1) Whoever, in business operations, with the intention of obtaining illegal property gain to a legal entity he represents or to some other legal entity, by falsely presenting or concealing facts, leads somebody in delusion or maintains somebody in delusion and thereby leads him to do or not do something to harm his own or another's property, shall be punished by imprisonment for a term between one and five years and by a fine.

(2) If by act referred to in paragraph 1 of this Article a large property gain has been obtained or it caused significant damage, the perpetrator shall be punished by imprisonment for a term between two and ten years and by a fine.

(3) If the act referred to in paragraph 1 of this Article is committed only with the intention of causing harm to another, it shall be punished by a fine or by imprisonment for a term not exceeding one year.”

Article 54

Title of Article 273 shall be amended to read: “Fraud in Insurance”.

Article 55

In Article 299, paragraph 1, item 8), wording: “five” shall be replaced with wording: “eight”.

Article 56

In Article 316, paragraph 1, wording: “or, generally by his/her position within a governmental authority or legal entity” shall be replaced with wording: “at work”.

Article 57

In Article 319, paragraph 3, wording: “shall be punished by imprisonment for a maximum term of three years”, shall be replaced with wording: “shall be punished by imprisonment for a term between six months and five years.”

Article 58

In Article 320, paragraph 1, after the wording: “or any other benefit”, wording: “intended for that person or other person” shall be inserted.

In paragraph 2, after the wording: “or any other benefit”, wording: “intended for that person or other person” shall be inserted.

Paragraph 5 shall be deleted.

Article 59

After Article 330, new title of and new Article 330a shall be added to read:

“Mandatory Pronouncement of Security Measure of Ban on Carrying Out a Certain Occupation, Activity or Duty

Article 330a

For criminal offenses referred to in Articles 315, 319 and 321 of this Code, the court shall impose on the perpetrator a security measure of ban on carrying out a certain occupation, activity or duty, under the conditions prescribed in Article 77 of this Code.”

Article 60

In Article 358, after paragraph 3, new paragraph 4 shall be added to read:

“(4) The organizer or leader of the group that commits the act referred to in paragraphs 1, 2 and 3 of this Article, shall be punished by imprisonment for a term between three and fifteen years.”

Current paragraph shall become paragraph 5”.

Article 61

In Article 363, paragraph 4, wording: “referred to in paragraph (1)” shall be replaced with wording: “referred to in paragraphs (1) and (2).”.

Article 62

In Article 366, paragraph 5, wording: “prior to having committed, either as member of the group or for the group’s causes, a criminal offence for the purpose of which the group or the organised criminal group was organised” shall be deleted.

Article 63

The title of, and Article 367 shall be deleted.

Article 64

In Article 402, paragraphs 2, 4 and 5, wording: “prohibition of driving a motor vehicle” shall be replaced with wording: “revocation of driver’s license”.

Article 65

In Article 403, paragraph 4, wording: “prohibition of driving a motor vehicle” shall be replaced with wording: “revocation of driver’s license”.

Article 66

This Law shall enter into force on the eighth day after its promulgation in the “Official Gazette of Republika Srpska”.

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11 February 2021
Banja Luka

Speaker of
National Assembly
Nedeljko Čubrilović