



Act on penalties for money laundering offences,

issued on 15 May 2014.

In accordance with a decision by the Riksdag (the Swedish Parliament)¹, the following is enacted.

Scope of the Act

Section 1

This Act contains criminal law provisions on money laundering.

The Act on Measures against Money Laundering and Terrorist Financing (2009:62) contains provisions on measures that any party conducting financial or other business operations is obliged to take to prevent their operations from being exploited for money laundering or financing of terrorism.

Section 2

For the purposes of Sections 3 and 4, 'offence' means

1. an act that is an offence under Swedish law; or
2. an act that is an offence under foreign law and that is equivalent to an offence under Swedish law.

Criminal responsibility

Section 3

A person is guilty of a *money laundering offence* if he or she, provided that the measure is intended to conceal the fact that money or other property derives from an offence or criminal activities or to promote the possibility of someone appropriating the property or its value,

1. transfers, acquires, converts, stores or takes another such measure with the property; or
2. supplies, acquires or draws up a document that can provide a seeming explanation for the possession of the property, participates in transactions that are carried out for the sake of appearances, acts as a front or takes another such measure.

The penalty is imprisonment for at most two years.

¹ Govt bill 2013/14:121, Committee report 2013/14:JuU25, Parliamentary communication 2013/14:253.

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Section 4

A person is also guilty of a money laundering offence if he or she, without the measure having a purpose such as is indicated in Section 3, improperly promotes the possibility of someone converting money or other property deriving from an offence or criminal activities.

Section 5

If an offence referred to in Section 3 or 4 is gross, the penalty shall be imprisonment for at least six months and at most six years for a *gross money laundering offence*.

In judging whether the offence is gross, particular attention shall be paid to whether the act has concerned objects of substantial value, whether the criminal measures have been part of criminal activities that have been conducted systematically or extensively, or whether they have otherwise been of a particularly dangerous nature.

Section 6

If an offence referred to in Section 3 or 4 is petty, the penalty shall be a fine or imprisonment for at most six months for a *money laundering misdemeanour*.

A person is also guilty of a money laundering misdemeanour if he or she, in a case referred to in Section 3 or 4, did not realise but had reasonable cause to assume that the property derived from an offence or criminal activities.

Section 7

A person who, in the context of business operations or as part of activities that are conducted habitually or otherwise extensively, takes part in a measure that can reasonably be assumed to be taken for a purpose indicated in Section 3, shall be sentenced to imprisonment for at most two years for *commercial money laundering*.

For a gross offence, the penalty is imprisonment for at least six months and at most six years.

For a petty offence, the penalty is a fine or imprisonment for at most six months. The same penalty shall be imposed on a person who, in a case other than indicated in the first paragraph, takes part in a measure that can reasonably be assumed to be taken for a purpose indicated in Section 3.

Section 8

Attempt, preparation or conspiracy to commit a money laundering offence, a gross money laundering offence or non-petty commercial money laundering is punishable in accordance with Chapter 23 of the Swedish Penal Code.

Confiscation

Section 9

Unless it is manifestly unreasonable, the following property shall be confiscated:

1. money or other property that has been the subject of an offence under Section 3, 4, 5 or 6 or, with the exception of commercial money laundering, Section 8, or the value of such property;

2. the proceeds of an offence under this Act; and

3. anything a person has received in payment for costs incurred in conjunction with an offence under this Act or the value of such receipts, provided that such receipt constitutes an offence under this Act.

As stated in the Act on Certain Stolen Goods etc. (1974:1065), property that has been the subject of an offence under Section 7 or Section 8 insofar as it refers to commercial money laundering can be taken into safekeeping.

Section 10

Property that has been used as an instrumentality in an offence under this Act may be confiscated if needed in order to prevent crime or if there are other special reasons. This also applies to property intended for use as an instrumentality in an offence under this Act if the offence has been performed or if the procedure has constituted a punishable attempt or a punishable preparation or conspiracy. The value of such property may be confiscated instead of the property itself.

Section 11

Confiscation of property or its value under Sections 9 and 10 may be made from:

1. the perpetrator or another person who has participated in the offence;

2. a person on whose behalf the perpetrator or another person who has participated in the offence acted;

3. a person who has profited from the offence or a business operator referred to in Chapter 36, Section 4 of the Swedish Penal Code;

4. a person who has acquired the property subsequent to the offence

a) through the division of joint marital property or through inheritance, will or gift, or

b) in some other way, while knowing or having reasonable cause to assume that the property was connected with the offence.

If the property did not belong to any of the persons indicated in the first paragraph, points 1–3, at the time of the offence, it may not be confiscated. Confiscation under Section 9, first paragraph, point 1 may, however, be made from the perpetrator or another person who has participated in the offence, even if the property belonged to someone else at the time of the offence.

Property that is to be regarded as proceeds of an offence under Chapter 36, Section 1c of the Swedish Penal Code may be confiscated if the property that the confiscated property has replaced belonged to any person indicated in the first paragraph, points 1–3, at the time of the offence.

Seizure of money

Section 12

Property in the form of money, claims or other rights that can reasonably be

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assumed to be the subject of an offence under this Act, or an equivalent value, may be seized (seizure of money).

A seizure of money may be ordered only if the reasons for the measure outweigh the intrusion or other detriment that the measure entails for the suspect or for any other opposing interest.

Section 13

The investigation leader or the prosecutor orders seizure of money. A seizure of money may only concern available property.

If the seizure of money concerns a claim or other right, the debtor or other person under obligation shall be prohibited to discharge their obligation to any party other than the National Police Board.

In other respects, the provisions on seizure in the Swedish Code of Judicial Procedure apply to seizure of money.

This Act enters into force on 1 July 2014.

On behalf of the Government

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