

Art. 305^{bis} 1

1. Whoever carries out an act that is aimed at frustrating the identification of the origin, the tracing or the confiscation of assets which he knows or must assume originate from a felony,

is liable to a custodial sentence of up to three years or to a monetary penalty .

2. In serious cases, the penalty is a custodial sentence of up to five years or a monetary penalty. A custodial sentence shall be combined with a monetary penalty of up to 500 daily penalty units.²

A serious case is constituted, in particular, where the offender:

- a. acts as a member of a criminal organisation;
- b. acts as a member of a group that has been formed for the purpose of the continued conduct of money laundering activities; or;
- c. achieves a large turnover or substantial profit through commercial money laundering.

3. The offender shall also be liable to the foregoing penalties where the principal offence was committed abroad within a jurisdiction provided such an act is also an offence at the place of commission.³

¹ Inserted by No. I of the Federal Act of 23. März 1990, in force since 1 Aug. 1990 (AS **1990** 1077 1078; BB1 **1989** II 1061).

² New designation of penalties according to No. II 1 para. 16 of the Federal Act of 13 Dec. 2002, in force since 1 Jan. 2007 (AS **2006** 3459 3535; BB1 **1999** 1979).

³ Corrected by the Federal Assembly Drafting Committee [Art. 33 ParlPA – AS **1974** 1051].