

## **Article 416 bis of the Italian Criminal Code** ***Association of Mafia-type***

Persons belonging to a Mafia-type organisation of three or more persons shall be liable to imprisonment for a term of between three and six years.

Persons who further the activities of or manage the organisation shall be liable to imprisonment for a term of between four and nine years for that offence alone.

A Mafia-type organisation is an organisation whose members use the power of intimidation deriving from the bonds of membership, the state of subjugation and conspiracy of silence that it engenders to commit offences, to acquire direct or indirect control of economic activities, licences, authorisations, public procurement contracts and services or to obtain unjust profits or advantages for themselves or others, or to prevent or obstruct the free exercise of vote, or to procure votes for themselves or others at elections.

If the organisation is armed, members shall be liable to imprisonment for a term of between four and ten years in the circumstances described in the first subsection and between five and fifteen years in the circumstances described in the second subsection.

The organisation shall be deemed to be armed if its members have access to weapons or explosives for the purposes of furthering the aims of the organisation, even if hidden or stored.

If the association is directed towards committing one of the crimes under Articles 600, 601, and 602, a prison sentence of between five to fifteen years is applied in the cases foreseen in the first paragraph and from four to nine years in cases foreseen in the second paragraph.

If the economic activities which the members intend to acquire or maintain control over are financed in whole or in part by the proceeds of crime, the penalties set out above shall be increased by between a third and a half.

In the event of a conviction, instruments or means which were used or intended to be used to commit the offence and the proceeds thereof shall be forfeited.

The provisions of this section are also applicable to the Camorra and any other organisation, whatever its name, that make use of the power of intimidation deriving from the bonds of membership to pursue goals typical of Mafia-type organisations.