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Law 9,459, of May 13th, 1997 – modify arts. 1 and 20 of Law 7,716, of January 5th, 1989, which defines crimes resulting from prejudice on race and color and adds a paragraph to art. 140, of Decree-Law 2,848, of December 7th, 1940.

(...)

Art. 1 The arts. 1 and 20 of Law 7,716 of January 5th, 1989, are amended as following:

"Art. 1 It shall be punished according to this Law, crimes resulting from discrimination or prejudice based on race, color, ethnicity, religion or national origin."

"Art. 20. To practice, induce or incite discrimination or prejudice based on race, color, ethnicity, religion or national origin.

Penalty: imprisonment from one to three years and fine.

§1 To manufacture, sell, distribute or exhibit symbols, emblems, objects or advertising using the swastika cross for the purpose of disseminate the Nazism.

Penalty: imprisonment from two to five years and fine.

§2 If any crime stated in the caput is committed through media communication or publication of any kind:

Penalty: imprisonment from two to five years and fine.

§3 For the preceding paragraph the judge may, after hearing the Public Ministry or on its request, even before the police investigation and subject to disobedience penalty, determine:

I – the immediate withdrawal or search and seizure of copies from the material;

II - the cessation of their radio broadcasts or television transmission.

§4 As per §2, one of the effects of the condemnation after the decision in no longer subject to appeal is the destruction of the seized material."

Art 2. The article 140 of the Penal Code shall be amended by the following paragraph:

"Section 140.

.....

§ 3 If the injury is consistent of the use of evidence regarding race, color, ethnicity, religion or origin:

Penalty: imprisonment from one to three years and fine."

Art. 3. This Law shall enter into force upon its publication.

Art. 4. Any and all provisions in contrary are revoked, especially art. 1, of Law 8,081, of September 21st, 1990 and Law 8,882, of June 3rd, 1994.