



**MINISTÉRIO DA JUSTIÇA  
E SEGURANÇA PÚBLICA**  
Assessoria Especial Internacional

# **TRADUÇÃO DE LEGISLAÇÃO BRASILEIRA RELACIONADA À ÁREA DE JUSTIÇA E SEGURANÇA PÚBLICA PARA O INGLÊS E O ESPANHOL**

**Lei nº 7.492 de 16 de junho de 1986.**

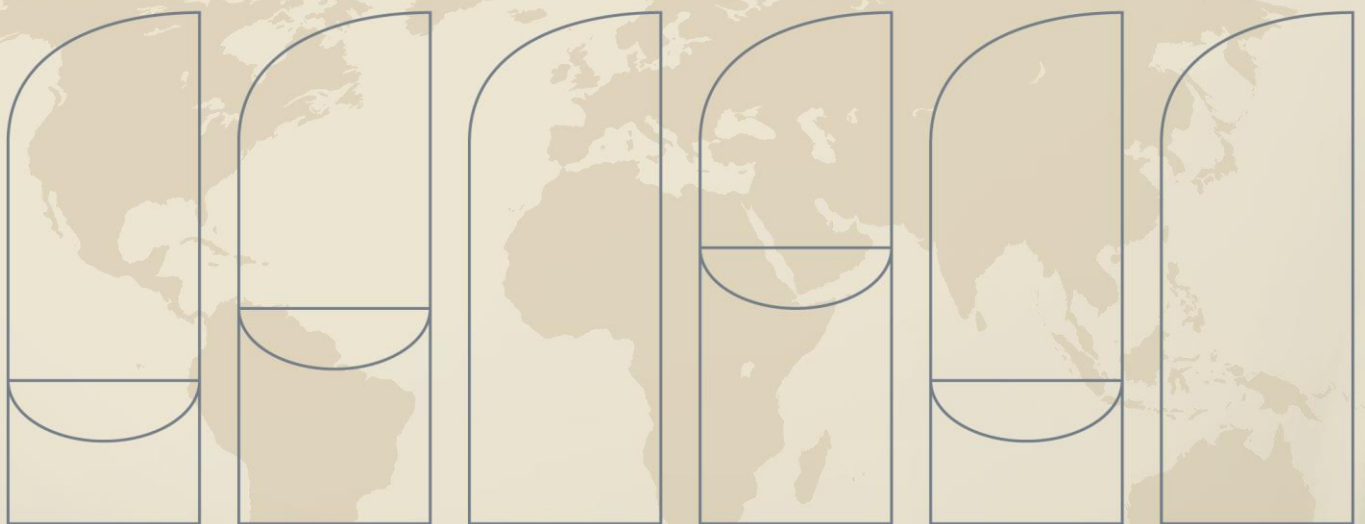
Define os crimes contra o sistema financeiro nacional, e dá outras providências.

**VERSÃO EM INGLÊS**



## Projeto da Assessoria Especial Internacional

Como forma de divulgar o arcabouço legislativo brasileiro a autoridades estrangeiras e a Organismos Internacionais e, ainda, de aprimorar a cooperação internacional, em diversas áreas, a Assessoria Especial Internacional do Ministério da Justiça e Segurança Pública desenvolveu projeto para a compilação e tradução<sup>1</sup>, para os idiomas inglês e espanhol, de parte das legislações brasileiras relacionadas às áreas de Justiça e Segurança Pública. A seleção das leis traduzidas ficou a cargo das áreas técnicas do Ministério, levando em consideração, igualmente, trabalhos já realizados por outros órgãos brasileiros, os quais serão disponibilizados como link externo no site da Assessoria Especial Internacional.



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<sup>1</sup>Traduções não juramentadas ou oficiais.

**LAW n° 7,492 of JUNE 16<sup>th</sup>, 1986.**

Veto message

Defines the crimes against the national financial system and establishes other provisions.

**I, the PRESIDENT OF BRAZIL**, make known that the National Congress decrees and I sanction the following Law:

Art. 1. For the purpose of this Law, financial institution is the legal entity governed by public or private law, with the primary or ancillary activity, cumulatively or not, the collection, intermediation, or investment of financial resources (Vetoed) of third parties, in national or foreign currency, or the custody, issuance, distribution, negotiation, intermediation, or administration of securities.

Sole paragraph. Financial institution equates:

I - the legal entity that collects or manages insurance, exchange, consortium, capitalization, or any type of third party savings or resources;

II - the individual who exercises any of the activities referred to in this article, even if eventually.

**CRIMES AGAINST THE NATIONAL FINANCIAL SYSTEM**

Art. 2. Print, reproduce, or manufacture or put into circulation, in any form, certificate, provisory certificate, or other documents representative of a title or security, without the written authorization of the issuing company:

Penalty - imprisonment, from 2 (two) to 8 (eight) years, and fine.

Sole paragraph. The same penalty is incurred by anyone who prints, manufactures, discloses, distributes, or causes the distribution of prospectus or advertising material relating to the documents referred to in this article.

Art. 3. Disclose false or prejudicially incomplete information about a financial institution:

Penalty - imprisonment, from 2 (two) to 6 (six) years, and fine.

Art. 4. Fraudulently manage a financial institution:

Penalty - imprisonment, from 3 (three) to 12 (twelve) years, and fine.

Sole paragraph. If management is frivolous:

Penalty - imprisonment, from 2 (two) to 8 (eight) years, and fine.

Art. 5. If any of the persons mentioned in article 25 of this Law appropriates money, title, value, or any other movable property of which he/she has possession, or diverts it for ones own or third party's benefit:

Penalty - imprisonment, from 2 (two) to 6 (six) years, and fine.

Sole paragraph. The same penalty is incurred by any of the persons mentioned in article 25 of this Law who trades a right, title, or any other movable or immovable property of which he/she has possession, without the authorization of the rightful person.

Art. 6. Induce error or mislead partner, investor, or competent public office, regarding the operation or financial situation, by evading information or falsely it falsely:

Penalty - imprisonment, from 2 (two) to 6 (six) years, and fine.

Art. 7. Issue, offer, or trade, in any form, titles or securities:

I - that are fake or counterfeit;

II - without prior registration of issue with the competent authority, under conditions different from those in the register, or irregularly registered;

III - without sufficient guarantee under the terms of the legislation;

IV - without prior authorization of the competent authority, when legally required:

Penalty - imprisonment, from 2 (two) to 8 (eight) years, and fine.

Art. 8. Require, in disagreement with the legislation (Vetoed), interest, commission, or any type of remuneration on credit or insurance operation, administration of mutual, tax, or consortium fund, brokerage service, or distribution of titles or securities:

Penalty - imprisonment, from 1 (one) to 4 (four) years, and fine.

Art. 9. Defraud the supervision or the investor, inserting or having inserted a false statement or a statement different from that which should appear in it:

Penalty - imprisonment, from 1 (one) to 5 (five) years, and fine.

Art. 10. Insert a false element or omit element required by law in accounting statements of a financial institution, insurer, or institution that is part of the titles securities distribution system:

Penalty - imprisonment, from 1 (one) to 5 (five) years, and fine.

Art. 11. Maintain or transfer resource or value in parallel with the accounting required by law:

Penalty - imprisonment, from 1 (one) to 5 (five) years, and fine.

Art. 12. The former administrator of a financial institution refrain from presenting to the intervenor, liquidator, or trustee, the information, statements, or documents of his/her responsibility, within the terms and conditions established by law:

Penalty - imprisonment, from 1 (one) to 4 (four) years, and fine.

Art. 13. Divert (Vetoed) a good achieved by the legal unavailability resulting from intervention, extrajudicial liquidation, or bankruptcy of the financial institution.

Penalty - imprisonment, from 2 (two) to 6 (six) years, and fine.

Sole paragraph. The same penalty is incurred by the intervenor, liquidator, or trustee that appropriates a good covered by the head provision of this article or diverts it for one's own or third party's benefit.

Art. 14. Present a false credit or claim statement in an extrajudicial liquidation or bankruptcy of a financial institution ,or add a false or simulated title to them:

Penalty - imprisonment, from 2 (two) to 8 (eight) years, and fine.

Sole paragraph. The same penalty is incurred by the former or bankrupt administrator who recognize as true a credit that is not.

Art. 15. The intervener, liquidator, or trustee (Vetoed) make a false statement regarding the subject of intervention, extrajudicial liquidation, or bankruptcy of a financial institution:

Penalty - imprisonment, from 2 (two) to 8 (eight) years, and fine.

Art. 16. Operate, without proper authorization, or with authorization obtained by a false declaration (Vetoed), a financial institution, including distribution of securities or exchange:

Penalty - imprisonment, from 1 (one) to 4 (four) years, and fine.

Art. 17. Take or receive credit, in the capacity of any of the persons mentioned in article 25, or defer prohibited credit transactions, observing the provisions of [article 34 of Law nº 4,595 of December 31<sup>st</sup>, 1964: \(Wording established by Law nº 13,506 of 2017\)](#)

Penalty - imprisonment, from 2 (two) to 6 (six) years, and fine.

Sole paragraph. The same penalty is incurred by who:

I - in one's own name, as controller or in the capacity of administrator of the company, grants or receives advance payment of fees, remuneration, salary, or any other payment, under the conditions referred to in this article;

II - in an undercover manner, promotes the distribution or receives profits from a financial institution.

Art. 18. Violate the confidentiality of the transaction or service provided by a financial institution or member of the securities distribution system of which one is aware, based on one's own initiative:

Penalty - imprisonment, from 1 (one) to 4 (four) years, and fine.

Art. 19. Obtain financing, through fraud, in a financial institution:

Penalty - imprisonment, from 2 (two) to 6 (six) years, and fine.

Sole paragraph. The penalty is increased by 1/3 (one third) if the crime is committed to the detriment of an official financial institution or by it accredited for the transfer of funding.

Art. 20. Apply resources from financing granted by an official financial institution or by accredited institution to pass it on for purposes other than those provided for by law or contract:

Penalty - imprisonment, from 2 (two) to 6 (six) years, and fine.

Art. 21. Assign oneself or a third party, false identity, for performing foreign exchange operations:

Penalty - imprisonment, from 1 (one) to 4 (four) years, and fine.

Sole paragraph. The same penalty is incurred by anyone who, for the same purpose, omits information that should be provided or provides false information.

Art. 22. Conduct an unauthorized exchange operation to promote evasion of the country's currency:

Penalty - imprisonment, from 2 (two) to 6 (six) years, and fine.

Sole paragraph. The same penalty is incurred by anyone who, in any capacity, promotes, without legal authorization, the departure of currency abroad, or maintains abroad deposits undeclared with the competent federal office.

Art. 23. The civil servant omits, delays, or practices an act of office necessary to regulate the functioning of the national financial system, against the express provision of Law, as well as the preservation of the interests and values of the economic-financial order:

Penalty - imprisonment, from 1 (one) to 4 (four) years, and fine.

Art. 24. (VETOED).

#### APPLICATION AND CRIMINAL PROCEDURE

Art. 25. The controller and administrators of a financial institution, thus considered as directors and managers (Vetoed), are criminally liable under the terms of this Law.

Paragraph 1. The intervenor, liquidator, or trustee are equivalent to the administrators of a financial institution (Vetado).

Paragraph 2. In the crimes provided for in this Law, committed in gangs or co-authorship, the participant or co-author who reveals to the police or judicial authority the entire criminal plot through spontaneous confession shall have his/her sentence reduced from one to two thirds. ([Included by Law nº 9,080 of 7.19.1995](#))

Art. 26. The criminal action, in the crimes provided for in this Law, shall be promoted by the Federal Prosecutor's Office, before the Federal Justice.

Sole paragraph. Without prejudice to the provisions of article 268 of the Brazilian Code of Criminal Procedure, approved by [Decree-Law nº 3,689 of October 3<sup>rd</sup>, 1941](#), the assistance of the Securities and Exchange Commission (CVM in Portuguese) shall be admitted, when the crime was committed in the scope of activity subject to the discipline and supervision of that Agency, and the Central Bank of Brazil when, outside that hypothesis, it was committed in the scope of an activity subject to its discipline and supervision.

Art. 27. When the complaint is not filed within the legal period, the offended may be represented by the Federal Attorney General to offer the complaint, designate another body of the Public Prosecutor's Office to offer it, or determine the filing of the information received.

Art. 28. When, in the exercise of its legal duties, the Central Bank of Brazil or the Securities and Exchange Commission (CVM in Portuguese), verify the occurrence of crime provided for in this Law, it must inform the Federal Public Prosecutor's Office, sending the necessary documents to prove the fact.

Sole paragraph. The conduct referred to in this article shall be observed by the intervenor, liquidator, or trustee who, in the course of intervention, extrajudicial liquidation, or bankruptcy, verify the occurrence of crime covered by this Law.

Art. 29. The Federal Public Prosecutor's Office may request information, document, or diligence from any authority, whenever it deems necessary, relating to the proof of the crimes provided for in this Law.

Sole paragraph. The secrecy of services and financial transactions cannot be invoked as an obstacle to the fulfillment of the request provided for in the head provision of this article.

Art. 30. Without prejudice to the provisions of article 312 of the Brazilian Code of Criminal Procedure, approved by [Decree-Law nº 3,689 of October 3<sup>rd</sup>, 1941](#), the preventive imprisonment of the accused of the crime provided for in this Law may be decreed due to the magnitude of the injury caused (Vetoed).

Art. 31. In the crimes provided for in this Law and punishable by imprisonment, the defendant may not make bail or appeal before being taken to prison, even if primary and having a good background, if a situation is configured that authorizes [preventive](#) imprisonment.

Art. 32. (VETOED).

Paragraph 1. (VETOED).



Paragraph 2. (VETOED).

Paragraph 3. (VETOED).

Art. 33. In fixing the penalty of fine for the crimes provided for in this Law, the limit referred to in [paragraph 1 of article 49 of the Brazilian Criminal Code, approved by Decree-Law nº 2,848 of December 7<sup>th</sup>, 1940](#), can be extended up to tenfold, if the situation contemplated in it occurs.

Art. 34. This Law comes into force on the date of its publication.

Art. 35. The provisions to the contrary are repealed.

Brasília, June 16<sup>th</sup>, 1986; 165<sup>th</sup> of the Independence and 98<sup>th</sup> of the Republic.

JOSÉ SARNEY

*Paulo Brossard*

**This text does not replace the one published in the Federal Gazette of 6.18.1986**