

2017 XC. law
Criminal ¹

The National Assembly
with a view to bringing perpetrators of crimes punishable under international law and international law to justice in an effective and reasonable manner that ensures the exercise of the fundamental right to a fair trial,
Bearing in mind the need to establish the truth,
with particular emphasis on the enhanced protection of victims of crime and the enforcement of their rights,
to ensure procedures based on the division of functions and the proper exercise of rights,
Taking into account Hungary's obligations under international law and the European Union,
for the purpose of enforcing the exclusive criminal power of the state through criminal proceedings
constitutes the following law:

FIRST PART

GENERAL PROVISIONS

CHAPTER I.

ESSENTIAL PROVISIONS

The presumption of innocence

§ 1 No one shall be held guilty of any penal offense on account of any act or omission which did not constitute a penal offense, under national law, at the time when it was committed.

Protection of fundamental rights

§ 2. (1) The human dignity of everyone shall be respected in criminal proceedings.
(2) Everyone has the right to liberty and security of person in criminal proceedings.
(3) A fundamental right may be restricted in criminal proceedings only in proceedings under this Act, for the reason, in the manner and to the extent specified in this Act, provided that the objective pursued cannot be ensured by other procedural acts or measures with minor restrictions.

Right of defense

§ 3. (1) The accused has the right to effective protection at all stages of the criminal proceedings.
(2) The accused shall have the right to defend himself in person and to have the assistance of a defense counsel.
(3) The court, the prosecutor's office and the investigating authority shall provide the accused with a defense counsel as specified in this Act.
(4) The court, the prosecutor's office and the investigating authority shall provide adequate time and circumstances for the preparation of the defense.
(5) The accused shall have the right to defend himself on leave.
(6) The court, the prosecutor's office and the investigating authority shall take into account the circumstances of rescuing the accused and mitigating his / her criminal liability ex officio.

Basis and obstacles to criminal proceedings

§ 4. (1) The public prosecutor's office and the investigating authority shall initiate criminal proceedings of their own motion for a criminal offense to be prosecuted.

(2) Unless otherwise provided by this Act, the court shall act on a motion.

(3) Criminal proceedings may not be instituted or the initiated criminal proceedings shall be terminated if the act of the offender has already been finally tried, except in the case of extraordinary appeal procedures and certain special procedures.

4. Paragraph 3 shall apply even if the perpetrator commits several offenses, but the court shall not find the accused guilty for all the offenses which can be established according to the facts of the charge, according to the classification of the accusation.

(5) Criminal proceedings may not be instituted against a person whose liability has been established by a decision of a court in an infringement procedure before the conduct of a retrial procedure specified in the Infringement Act.

(6) The law shall specify the additional reasons for the occurrence of which criminal proceedings may not be instituted, the criminal proceedings already instituted shall be terminated or an acquittal shall be issued.

(7) ²No criminal proceedings may be instituted or the criminal proceedings instituted shall be terminated if the offender has been convicted in a Member State of the European Union (hereinafter: Member State) or a decision has been taken in a Member State on the merits under the law of the Member State of origin, shall prevent the initiation of further criminal proceedings or the continuation of criminal proceedings of its own motion or on the basis of an ordinary remedy.

(8) ³ to paragraph (7) does not prevent the opening and prosecute where

(a) a final judgment given by a court of a Member State (hereinafter referred to as a judgment of a Member State) shall not be taken into account, or

(b) the offense was committed in its entirety in Hungary, unless the offender has been convicted of a sentence imposed by a Member State, is in the process of being enforced or cannot be enforced under the law of the convicting Member State.

(9) ⁴ In the case specified in subsection (8), the Attorney General shall decide on the initiation of criminal proceedings. In the event of a conviction in such proceedings, the penalty, measure or coercive measure taken abroad shall be included in the penalty or measure imposed by the Hungarian court.

Distribution of procedural tasks

§ 5 In criminal proceedings, prosecution, defense and adjudication are separate.

Basis of judgment and indictment

§ 6. (1) The court shall adjudicate on the basis of an indictment.

(2) The court shall decide on the charge, it may not extend beyond the charge.

(3) The court may decide only on the criminal liability of the accused person and may adjudicate only an act which is included in the indictment.

Basics of proof

§ 7. (1) The accuser is obliged to prove the accusation.

(2) The accused shall not be required to prove his innocence.

(3) In criminal proceedings, no one shall be obliged to testify against himself or to give evidence against himself.

(4) A fact which has not been proved beyond a reasonable doubt shall not be assessed against the accused.

(5) The court, the prosecutor's office and the investigating authority shall not be bound by a decision taken in civil, administrative, infringement, disciplinary or other proceedings or by the facts established therein as to whether the accused has committed a criminal offense.

Language of criminal proceedings and right to use language

§ 8. (1) The language of the criminal proceedings is Hungarian. Members of nationally recognized nationalities living in Hungary may use their mother tongue in criminal proceedings.

(2) No one may be disadvantaged by not knowing the Hungarian language.

(3) Everyone has the right to use their mother tongue in criminal proceedings.

(4) A person with a hearing impairment or a deafblind person is entitled to use sign language in criminal proceedings.

Scope of the Act

§ 9 In cases falling under Hungarian criminal jurisdiction, criminal proceedings shall be conducted in accordance with this Act.

II. CHAPTER

INTERPRETATIVE PROVISIONS

Section 10 (1) For the purposes of this Act

1. *action taken instead of punishment*: reprimand, probation, reparation work and correctional education;

2. *notification address*: notification address according to the Act on the Registration of Citizens' Personal Data and Address;

3. *priority offense related to farming*:

a) embezzlement pursuant to Section 372 (6) (a) of Act C of 2012 on the Penal Code (hereinafter: the Criminal Code) , if a person carrying it out for or on behalf of a budgetary body or economic organization is entitled to an independent measure by an act affecting the property of a body or organization,

b) the Criminal Code. Fraud within the meaning of Section 373 (6) (a) , if it is committed by an act of a person entitled to take independent action for or on behalf of a budgetary body or economic organization by an act affecting the property of the body or organization,

c) the Criminal Code. Economic fraud pursuant to Section 374 (6) a) ,

d) the Criminal Code. Unfaithful treatment pursuant to Section 376 (6) a) ,

e) the Criminal Code. Negligent treatment pursuant to Section 377 (2),

f) the Criminal Code. Budget fraud pursuant to Section 396 (4) (a) and (5) and failure to carry out supervisory or control obligations related to budget fraud committed in connection therewith,

g) the Btk. Violation of the accounting order pursuant to Section 403 (3),

h) the Criminal Code. Bankruptcy offense pursuant to Section 404 (3),

i) insider dealing,

j) unauthorized disclosure of inside information,

k) prohibited market power,

l) organization of the pyramid scheme;

4. *economic organization*: an economic organization as defined in the Code of Civil Procedure;

5. *relative*: the direct relative and his or her spouse or partner, the adoptive parent and foster parent (including the cohabiting stepfather), the adopted and foster child (including the

cohabiting stepchild), the spouse and sibling, or spouse, spouse, common-law relative and brother of a spouse or partner;

6. "*information system*" means a device for the automatic processing, handling, storage and transmission of data, or a set of interconnected such devices;

7. *legal representative*: the lawyer and the law firm, if

(a) as an authorized representative of the injured party, the accused, the economic interest and any other interested party,

b) on behalf of the deputy private prosecutor,

c) as an assistant to the witness,

d) as a probation lawyer,

(e) as a trustee

is acting;

8. *image and sound recording*: continuous recording of image and sound simultaneously;

9. "*representative*" means the legal representative, the legal representative and any other authorized representative;

10. *address for service*: an address for communication by post, other than his address, address for service and place of actual residence, indicated by the person involved in the criminal proceedings;

Address 11 : address in accordance with the Act on the Registration of Personal Data and Addresses of Citizens;

12. *media content provider*: a media content provider pursuant to the Act on Freedom of the Press and the Basic Rules of Media Content;

13. *non-natural person*: a non-natural person as defined in the Code of Civil Procedure;

14th *rank*: in the case of a full-time member of the Hungarian Armed Forces, according to the rank and grade of the police, the Parliament, the Parliamentary Guard, the penitentiary organization, the professional disaster management body and the professional staff of the civilian national security services specified rank;

15. *actual residence*: the property where the person involved in the criminal proceedings actually resides, including the place of detention and the accommodation of the non-Hungarian citizen.

(2) Where this Act attaches legal consequences to the punishment specified in the Act, this Btk. The upper limit of the penalty item set out in its Special Part shall be construed.

(3) A decision, penalty, measure or motion which establishes an additional obligation, restricts a right or is directed at them shall be deemed to be a less favorable decision, penalty, measure or motion to that effect.

(4) A district court shall also mean a district court.

(5) For the purposes of this Act, an organizational representative pursuant to the Civil Code Act shall also be deemed to be a legal representative.

SECOND PART

THE COURT, THE HEALTH AND THE INVESTIGATIVE AUTHORITY

III. CHAPTER

THE COURT

It is the duty of the court

§ 11 The task of the court is to administer justice. The court shall adjudicate and perform the tasks specified in this Act in connection with criminal proceedings.

The courts acting

§ 12. (1) Act at first instance

(a) the district court; and

(b) the General Court.

(2) Act in the second instance

a) the tribunal in matters falling within the jurisdiction of the district court,

b) the panel in cases falling within the jurisdiction of the General Court,

c) the Curia in matters falling within the jurisdiction of the panel.

(3) Act in the third instance

(a) the panel in cases where the district court has acted at first instance,

b) the Mansion in cases in which the tribunal has acted at first instance.

Composition of the court

§ 13. (1) The court of first instance shall act as a single judge, unless otherwise provided by this Act.

(2) The court of first instance shall act in a panel of three professional judges if the single judge has referred the case to the panel of the court. A single judge may not act later in a case referred to the court council.

(3) ⁵ The court of first instance shall sit in a panel of three professional judges for a major criminal offense related to management, one of the members of the panel being a judge of the economic case of the court or, failing that, a judge of the civil case of the court.

(4) The court of second instance and the court of third instance shall sit in a panel of three professional judges.

(5) A court of second or third instance may refer a case to a panel of five professional judges for a special offense related to management if it deems it necessary in view of the complexity of the case, the size of the case file, the number of persons involved in the criminal proceedings or other reasons. .

(6) ⁶ In matters falling within the competence of the court of first instance, a court clerk may act with an independent signature right instead of the single judge or the chairman of the council in the cases specified in this Act. In such a case, the provisions laid down for the procedure of the court shall apply to the procedure of the court clerk.

(7) In cases specified by law, in addition to a hearing, a court clerk may also act under the direction and supervision of a judge. The provisions laid down for court proceedings shall apply in such cases to the proceedings of the court clerk.

Reasons for excluding a judge

§ 14. (1) He may not act as a judge,

(a) who acted as a prosecutor or member of the investigating authority in the case and a relative of the prosecutor or member of the investigating authority who acted or is acting in the case,

b) ⁷ who is or has been involved in the case as a defendant, a defense counsel, a victim, a whistleblower or an assistant to such persons, and a relative of such persons,

(c) who is or has been involved as a witness, expert or adviser in the case,

(d) who has decided to allow the collection of confidential information in connection with the case, regardless of whether the data thus obtained have been used in criminal proceedings,

(e) from whom an impartial judgment of the case cannot be expected for other reasons.

2. The ground for exclusion provided for in paragraph 1 may be invoked only against the judge hearing the case.

3. Except as provided in paragraph 1

(a) after the indictment, he is excluded from further proceedings if he acted as an investigating judge in the case before the indictment or on appeal against the investigating judge's decision,

(b) the judge hearing the case at first instance shall be excluded from the proceedings at second instance and the judge who took part in the proceedings at first instance or second instance shall be excluded from the proceedings at third instance,

(c) a judge who took part in the annulment decision or the decision annulled on the ground that it is unfounded shall also be excluded from the repeated proceedings for annulment;

(d) a judge who took part in the decision ordering the appeal or the decision challenged by the appeal shall also be excluded from the reopening proceedings;

(e) with the exception of the simplified review procedure, the judge who took part in the decision challenging the extraordinary appeal shall be excluded from the extraordinary appeal procedure.

(4) In the case of subsection (3), the judge whose relative participated in the adoption of the contested decision shall also be excluded from the adjudication of the case.

5. In the case of paragraph 3 (c), the judge who took part in the decision to set aside shall not be precluded from reviewing the decision taken under the repeated procedure.

(6) In the case of subsection (3) (d), for the reason specified in section 637 (1) (g), a judge who is a party to the retrial at first instance or on second instance pursuant to section 637 (5) participated in the decision ordering the renewal.

(7) In the case of subsection (1) (e), it shall not in itself constitute a ground for exclusion if the judge has reported the damage to him or her as a criminal offense committed by the person participating in the criminal proceedings during the proceedings or for that reason.

(8) In the case of subsection (3) (e), there is no ground for exclusion if the judge in the main proceedings took part in the adoption of a decision which is not affected by the extraordinary appeal.

Notification of exclusion

§ 15. (1) A judge shall immediately notify the president of the court of the reason for expulsion raised against him or her, and the chairman of the council shall immediately notify the president of the court of the reason for expulsion raised against him or her.

(2) The reason for exclusion may be stated by the prosecutor, the accused, the defense counsel, the victim and the property interested party.

(3) The notification of exclusion shall be substantiated and the existence of the reason for exclusion shall be probable.

(4) The person indicated in subsection (2) may enforce the ground for exclusion regulated in Section 14 (1) (e) after the commencement of the trial only if he or she is likely to have become aware of the fact on which the report is based after the commencement of the trial and if it shall notify it within three days.

5. A notification which is unlikely in accordance with paragraph 4 and which is not substantiated may be rejected without substantiated reasons.

(6) A judge shall not be bound by the obligation of secrecy specified in law in respect of his or her head of case distribution in the event of the existence of a ground for exclusion specified in Section 14 (1) (d).

Settlement of exclusion in administrative matters

§ 16. (1) The president of the court shall initiate the expulsion of a judge ex officio due to the reason for expulsion which has come to his or her notice.

(2) If a judge has himself stated the reason for exclusion or has agreed to the exclusion in the case of a reason for exclusion notified by another, the President of the court shall arrange for the appointment of another judge. In this case, there is no need for a separate exclusion decision.

Settlement of the exclusion by the court

§ 17. (1) If the exclusion cannot be arranged in an administrative matter, the other single judge of the court shall decide on the subject of the exclusion of the judge on the basis of the case files.

(2) If the court does not have a judge to whom the ground for exclusion does not apply, the court of second instance shall decide on the exclusion, and if the notice of exclusion applies to all judges of the court of second instance or to them, the court of third instance shall decide. If the ground for exclusion applies to all judges of the panel as a court of third instance or to them, the Curia will decide on the exclusion.

(3) If the application was not made by the judge, his statement shall be obtained before the decision.

(4) There shall be no appeal against a decision declaring or refusing an exclusion.

Other rules of exclusion

§ 18. (1) A judge who has announced the reason for exclusion relating to his or her person or who has consented to the exclusion notified by another person may not act in the matter until the notification has been settled. In all other cases, the judge concerned may continue to act and give a final decision.

(2) A manifestly unfounded application for exclusion may be rejected without substantial justification and the applicant may be fined.

(3) The provisions on the exclusion of a judge shall apply *mutatis mutandis* to the exclusion of the Registrar, the Registrar and the Clerk of the Court.

(4) The court shall decide on the issue of exclusion out of turn.

Jurisdiction of the Court of First Instance

Section 19 At first instance, the district court shall have jurisdiction to adjudicate a criminal offense which is not referred to the jurisdiction of the tribunal by this Act.

§ 20. (1) The following criminal offenses fall within the jurisdiction of the court of first instance:

1. offenses for which the law also allows for the imposition of a custodial sentence of up to fifteen years or more,
2. crimes against humanity,
3. war crimes,
4. preparation for homicide, homicide committed through negligence, homicide committed in strong agitation, Btk. Bodily harm pursuant to Section 164 (8) and (9) (c) ,
5. crimes against the order of health intervention and research,
6. kidnapping, failure to report kidnapping, trafficking in human beings,
7. violation of the right to health self-determination,
8. crimes against the state,
9. crimes against classified information and national data assets,
10. the crime of imprisonment, the crime committed before the International Court of Justice,
11. corruption offenses,
12. violence against an internationally protected person,

13. ⁸ the act of terrorism, failure to report the act of terrorism, financing of terrorism, incitement to war, taking power of the vehicle, participation in a criminal organization, the Criminal Code. Causing a public danger pursuant to Section 322 (2) *b*) , Btk. Disruption of the operation of a public interest plant pursuant to Section 323 (2) (*c*) and (3) (*c*) ,

14. violation of the international economic ban, failure to report a violation of the international economic ban, misuse of a military technical product or service, misuse of a dual-use item,

15. a crime against elections, referendums and the European Citizens' Initiative,

16. a Btk. Looting pursuant to Section 366 (3) *a*) ,

17. a Btk. Theft pursuant to Section 370 (6) *a*) , Btk. Damage pursuant to Section 371 (6) of the Criminal Code. Embezzlement pursuant to Section 372 (6) *a*) , Btk. Fraud pursuant to Section 373 (6) *a*) , Btk. Fraud committed by using an information system causing particularly significant damage pursuant to Section 375 (4) (*a*) and (5), Btk. Negligent treatment pursuant to Section 377 (2) of the Criminal Code. Organ farm pursuant to Section 379 (6) *a*) ,

18. a Btk. Violation of copyright or copyright-related rights pursuant to Section 385 (4) *c*) , Btk. Infringement of industrial property rights pursuant to Section 388 (3) (*c*) ,

19. priority crimes related to farming,

20. money laundering,

21. offenses covered by military criminal proceedings,

22. Communist crimes as defined in the Law on the Criminalization and Exclusion of Offenses against Humanity and the Prosecution of Certain Crimes Committed in the Communist Dictatorship, as well as crimes not time-barred under international law.

(2) If the accused has committed criminal offenses within the jurisdiction of different courts, the tribunal shall act.

Jurisdiction of the court of first instance

§ 21. (1) Unless otherwise provided by this Act, the court in whose jurisdiction the criminal offense was committed shall have jurisdiction. The jurisdiction of the courts is determined by the Act on the Name, Seat and Determination of the Jurisdiction of the Courts.

(2) If the criminal offense has been committed in the jurisdiction of several courts or the place of commission cannot be determined, the court with the same jurisdiction which has previously taken action in the matter before the other (hereinafter: prevention) shall act. If the place of the offense becomes known before the trial begins, the proceedings are pursued at the request of the prosecution, the accused or the defense counsel by the court in whose jurisdiction the offense was committed.

3. The court having jurisdiction shall also have jurisdiction over the proceedings

(*a*) the defendant or

(*b*) the victim

address or actual residence if prosecuted there.

(4) In the case of several defendants, the court having jurisdiction over one of the defendants may also bring proceedings against the other defendants, provided that this does not exceed its jurisdiction. If there are several such courts, the precaution must be followed.

(5) In the territory of the district court of the seat of the court, the Central District Court of Pest shall act with jurisdiction over the territory of the county or the capital.

1. causing public danger - except for the provisions of the Criminal Code. Causing a public danger pursuant to Section 322 (2) (*b*) -,

2. disruption of the operation of the public interest plant - except for the provisions of the Criminal Code. Disruption of the operation of a public interest plant pursuant to Section 323 (2) (*c*) and (3) (*c*) -,

3. misuse of radioactive material,
 4. misuse of the operation of a nuclear installation,
 5. misuse of nuclear energy,
 6. economic fraud, fraud committed using the information system - except for the Criminal Code. 374 § (6) *a*) of the Criminal Code, as well as the Criminal Code. Fraud committed using an information system causing particularly significant damage pursuant to Section 375 (4) (*a*) and (5) -,
 7. counterfeiting,
 8. promoting counterfeiting,
 9. counterfeiting of stamps,
 10. crimes damaging the budget - except for the Criminal Code. Budget fraud pursuant to Section 396 (4) (*a*) and (5) and failure to carry out supervisory or control obligations related to budget fraud committed in connection therewith -,
 11. failure to report money laundering,
 12. criminal offenses violating the order of farming,
 13. offenses against the interests of consumers and the fairness of economic competition,
 14. offenses against illicit data mining and the information system
- in case of.

(6) The Metropolitan Court shall act in proceedings instituted for the criminal offenses specified in Section 20 (1) (22).

(7) If the accused has committed offenses within the jurisdiction of different courts, the court which has jurisdiction to adjudicate on one of the offenses in accordance with paragraph 5 or 6 shall act.

(8) The jurisdiction of the court competent for the offender shall extend to the accomplice and the organist.

§ 22. (1) The court in whose area of jurisdiction the address or actual place of residence of the accused is located shall have jurisdiction to adjudicate a criminal offense committed outside the borders of Hungary.

(2) If the accused committed the criminal offense outside the borders of Hungary and the proceedings are continued in his absence, the court in whose jurisdiction the defendant has his last known address or actual residence shall have jurisdiction.

(3) If the court competent for the proceedings cannot be established on the basis of the provisions of subsections (1) and (2), the Central District Court of Pest shall act in the matter within the jurisdiction of the district court and the Metropolitan Court in the matter within the jurisdiction of the tribunal.

Examination of competence and competence

§ 23 The court shall examine its jurisdiction and jurisdiction of its own motion.

Designation of the court seised

§ 24. (1) The court seised shall be appointed in the event of a conflict of jurisdiction or jurisdiction between the courts and if the court is unable to act due to exclusion.

(2) About the designation

(*a*) the Second Chamber of the General Court shall decide if there is a conflict of jurisdiction between the district courts in its territory,

(*b*) the panel decides if

(*ba*) a conflict of jurisdiction between a court or district court in its territory, or

(bb) a conflict of jurisdiction between the courts of its territory or the district courts of the various courts in its territory;
arose.

(3) In cases other than paragraph 2, the appointment shall be decided by the Curia.

(4) If the appointment is necessary due to exclusion, the court deciding on the exclusion shall decide on it at the same time as the exclusion.

ARC. CHAPTER

HEALTHCARE

It is the job of the prosecutor's office

§ 25. (1) The public prosecutor's office is the public prosecutor.

(2) The prosecutor's office shall investigate, supervise the legality of the reconnaissance and direct the investigation.

(3) The public prosecutor's office shall carry out preparatory proceedings and perform the tasks specified in this Act in preparatory proceedings conducted by other bodies.

Rights of the prosecution

§ 26. (1) The prosecutor's office may make motions and remarks in all matters in which the court decides.

(2) In the supervisory powers of the Prosecutor's Office

(a) *refer* the investigation or supplement to the report to an independent procedure of the investigating authority,

(b) verify the legality of the investigating authority's proceedings,

(c) annul the unlawful decision of the investigating authority,

(d) find that the investigating authority has committed the procedural act unlawfully or has taken an unlawful measure,

(e) calls on the investigating authority to remedy the violation found,

(f) *in* the cases specified in this Act, may authorize the performance of a procedural act or the adoption of a decision,

(g) examine the decision of the investigating authority and the complaint against the suspicion;

(h) examine an objection lodged with the investigating authority on account of the length of the proceedings;

(i) may be present at the proceedings, request the production of investigation files.

(3) In the management powers of the Prosecutor's Office

(a) take the measures provided for in paragraph 2,

(b) instruct the investigating authority to take a procedural step,

(c) prohibit the performance of a procedural act,

(d) vary or revoke the decision of the investigating authority,

(e) instruct the investigating authority to take a decision,

(f) instruct the investigating authority to prepare the decisions of the prosecution,

(g) *may make the performance of a* procedural act or the adoption of a decision subject to prior approval;

(h) require the investigating authority to report.

(4) The management and supervisory powers of the public prosecutor's office and the independence of the proceedings of the investigating authority shall not be affected if certain procedural acts are performed by the public prosecutor's office itself during the investigation.

(5) The public prosecutor's office may involve the investigation in any case.

(6) The prosecutor shall exercise the rights which belong to the prosecutor's office where the prosecutor operates. The performance of a procedural act may be prohibited only by the superior prosecutor of the acting prosecutor.

Exclusion of the prosecutor

§ 27. (1) He may not act as a prosecutor,

(a) who acted as a judge in the case and a relative of the judge who acted or is to be seised of the case,

b) ² who is or has been involved in the case as a defendant, a defense counsel, a victim, a whistleblower or an assistant to such persons, and a relative of such persons,

(c) who is or has been involved as a witness, expert or adviser in the case,

(d) from whom an impartial judgment of the case cannot be expected for other reasons.

(2) The ground for exclusion specified in subsection (1) may be reported only to the prosecutor acting in the case.

(3) The public prosecutor who has carried out the investigation in the main proceedings, performed certain procedural acts, instituted charges or represented the charges shall be excluded from the reopening proceedings.

(4) It is not a ground for exclusion if the prosecutor has made a report on a criminal offense of which he or she has become aware within the scope of his or her official competence.

(5) In the case of subsection (1) (d) , it shall not in itself constitute a ground for exclusion if the public prosecutor has filed a report of the criminal offense committed against him or her by a person participating in the criminal proceedings during or in connection with the proceedings.

(6) With the exception of the Prosecutor General's Office, a prosecutor's office whose head or deputy chief has a reason for exclusion provided for in paragraph (1) (a) or (b) may not act in the case .

(7) If the ground for exclusion provided for in subsection (1) (a) or (b) has arisen against the Attorney General or the Deputy Attorney General, the district prosecutor's office in the territory of the Attorney General's Office may not act in the matter.

Notification and settlement of exclusion

§ 28. (1) The prosecutor is obliged to immediately notify the head of the prosecutor's office of the reason for exclusion. From the announcement of the reason for exclusion, the prosecutor may not act in the case.

(2) The reason for exclusion may be stated by the accused, the defense counsel, the victim and the property interested party. In this case, the prosecutor may proceed with the case without restriction until the notification is processed.

(3) The notification of exclusion shall be substantiated and the existence of the reason for exclusion shall be probable.

(4) An unjustified notification may be rejected without substantiated reasons.

(5) An application for exclusion which is manifestly unfounded may be rejected without substantial reasons and the applicant may be fined.

(6) The prosecutor, head of the district prosecutor's office in the territory of the county prosecutor's office, or the prosecutor general shall decide on the exclusion of the prosecutor general. The exclusion of the Attorney General and the Attorney General is decided by the Attorney General. If the notification of the exclusion of the prosecutor, head of the district prosecutor's office or the prosecutor general's office also concerns the prosecutor general, the chief prosecutor shall decide on the exclusion.

(7) The head of the prosecutor's office shall initiate the expulsion of the prosecutor ex officio due to the reason for expulsion which has come to his or her notice.

(8) There shall be no appeal against the decision granting the exclusion or against the decision refusing the exclusion after the indictment.

(9) The provisions on the exclusion of a prosecutor shall also apply to the exclusion of a deputy prosecutor, a prosecutor, a prosecutor and a clerk.

Powers and competence of the prosecution

§ 29. (1) The competence and competence of the prosecutor's office shall be determined by the jurisdiction and competence of the court under which it operates, except in cases specified by law or in the normative instruction of the Attorney General. The organization of the prosecutor's office is determined by law by the Attorney General.

(2) In the case of criminal offenses within the competence of different prosecutor's offices, the prosecutor's office which has previously acted in accordance with the prevention shall act.

(3) Upon the order of the Attorney General or the superior prosecutor's office, the prosecutor's office may also act in a case which does not otherwise fall within its competence or competence.

(4) In the event of a conflict of competence or jurisdiction between the prosecutor's offices, the prosecuting prosecutor's office shall be appointed by the superior prosecutor's office.

The exclusive prosecution investigation

§ 30. Only the prosecutor's office shall investigate the following offenses:

a) a non-military criminal offense committed by the police, the Parliamentary Guard, the penitentiary organization, the professional disaster management body and a professional member of the civilian national security services,

b) a criminal offense committed by a professional member of the National Tax and Customs Administration and a financial investigator employed in the government service,

c) a judge, a prosecutor, a court clerk, a deputy prosecutor, a court and prosecutor's draftsman, a court clerk and a prosecutor's agent, a member of the police, the Parliamentary Guard, a professional member of the National Tax and Customs Administration, in the service of the government committed against a financial investigator and a foreign official, the Criminal Code. Homicide pursuant to Section 160 (2) *e*), Btk. Kidnapping of a person pursuant to Section 190 (2) *e*), violence against an official person, Art. Robbery pursuant to Section 365 (3) *f*) and (4) *c*),

d) an offense committed by a judge, a prosecutor, a court clerk, a deputy prosecutor, a court and prosecutor's draftsman, a court clerk and a prosecutor's attorney, and an offense committed by the judge in connection with the administration of justice,

e) a person enjoying immunity and enjoying immunity under international law

ea) the offense committed by him,

eb) violence against an official or an internationally protected person, and

ec) any other criminal offense committed in connection with its operation,

f) bribery of officials, acceptance of bribery of officials, bribery in court or official proceedings, Btk. Acquisition of influence in relation to an official or a foreign official pursuant to Section 298 (1), (1a) and (3) of the Criminal Code. Trading in influence with respect to an official or a foreign official pursuant to Section 299 (1), (2) and (5) and failure to report a criminal offense of corruption,

g) a crime against justice before an international court,

(h) Communist crimes as defined in the Law on the Criminalization and Exclusion of Offenses against Humanity and the Prosecution of Certain Crimes Committed in the Communist Dictatorship, as well as crimes not time-barred under international law.

CHAPTER V.

THE INVESTIGATIVE AUTHORITY

The task of the investigating authority

§ 31. (1) The investigating authority shall carry out preparatory proceedings and investigations in order to detect criminal offenses.

(2) The investigating authority shall act independently during the preparatory procedure and the investigation, under the direction of the prosecutor's office during the investigation.

(3) The investigating authority shall have the right to perform all procedural acts and to make a decision which is not referred to the competence of the court or the prosecutor's office by law.

(4) If the investigating authority finds that it is necessary to perform a procedural act or a decision, the decision of which falls within the competence of the court or the prosecutor's office, it shall immediately inform the prosecutor's office thereof.

(5) The investigating authority shall comply with the instructions of the prosecutor's office within the time limit.

(6) The head of the investigating authority shall be responsible for the execution of the prosecution instructions.

(7) If the head of the investigative authority is found to be illegally instructed by the prosecutor's office, he or she shall immediately draw the attention of the head of the prosecutor's office to it. If the head of the prosecutor's office nevertheless upholds the instruction, he shall write it in writing at the written request of the head of the investigating authority, stating his reasoned opinion regarding the illegality of the prosecutor's order.

(8) The head of the investigative authority may submit a proposal to the superior prosecutor's office through his / her superior body against the instruction of the prosecutor's office. The superior body shall forward the submission to the superior prosecutor's office, stating its factual and professional position on it. The proposal has no suspensive effect.

(9) On the basis of the submission, the superior prosecutor's office shall examine the files and inform the petitioner in writing of the result of the investigation and its legal position within fifteen days from the receipt of the submission.

Exclusion of a member of the investigating authority

§ 32. (1) The investigating authority may not act as a member,

(a) who acted as a judge in the case and a relative of the judge who acted or is to be seised of the case,

b) ¹⁰ who is or has been involved in the case as a defendant, a defense counsel, a victim, a whistleblower or an assistant to such persons, and a relative of such persons,

(c) who is or has been a witness or expert in the case,

(d) from whom an impartial judgment of the case cannot be expected for other reasons.

2. The ground for exclusion provided for in paragraph 1 may be raised only against the member of the investigating authority acting on the case.

3. A member of the investigating authority acting in the main proceedings shall also be excluded

a) from an investigation ordered during the retrial,

(b) the investigation of criminal offenses.

(4) It is not a ground for exclusion if a member of the investigating authority has reported a criminal offense which has come to his or her knowledge in the course of his or her official duties.

(5) In the case of subsection (1) (d) , it shall not in itself constitute a ground for exclusion if the acting member of the investigating authority has reported the harm to him or her as a criminal offense committed by the person involved in the criminal proceedings during or during the proceedings.

6. The investigating authority against whose head the ground for exclusion provided for in paragraph 1 arises shall not act in the case. If the reason for exclusion arises against the head of the national investigating authority, the investigation is carried out by the prosecutor's office.

§ 33. (1) If a member of the investigating authority has not announced the reason for exclusion himself or herself, he or she may act in the matter without restriction until the notification is settled.

(2) The head of the investigative authority shall decide on the expulsion of a member of the investigative authority, and the head of the superior investigative authority shall decide on the expulsion of the latter. The exclusion of the head of the national investigative authority is decided by the prosecutor's office.

(3) Paragraphs (1) - (5) and (7) - (8) of Section 28 shall otherwise apply to the expulsion of a member of the investigating authority.

4. The provisions on the exclusion of a member of the investigating authority shall also apply to the exclusion of the Registrar.

The investigating authorities

§ 34. (1) The bodies of the body of the police established for the performance of general police tasks shall act as general investigative authorities.

(2) The National Tax and Customs Board shall investigate the following criminal offenses:

(a) breach of an international economic ban, failure to report a breach of an international economic ban, misuse of a military product or service, misuse of a dual-use item,

(b) the holding of non-Community goods or products exempted from customs control,

(c) infringement, infringement of copyright or related rights, circumvention of a technical measure providing protection, falsification of rights management data and infringement of industrial property rights,

(d) misuse of social security, social or other welfare benefits, budget fraud, failure to carry out supervisory or control duties related to budget fraud, facilitation of misuse of excise duties,

e) breaches of accounting rules, bankruptcy offenses, unauthorized international trade,

f) imitation of a competitor,

(g) forgery of public documents, use of false private documents, misuse of a unique identifier, counterfeiting of stamps, money laundering and failure to report money laundering in connection with the offenses referred to in points (a) to (f) .

(3) Due to a criminal offense under Hungarian criminal jurisdiction on a commercial floating facility or civil aircraft of Hungarian sovereignty abroad, the master of the floating facility or aircraft is entitled to apply the provisions concerning the investigating authority.

Powers and responsibilities of the investigating authority

§ 35. (1) The competence and competence of the investigating authorities shall be determined by law.

(2) In the event of a conflict of jurisdiction between the general investigative authority and the National Tax and Customs Administration, and if a criminal offense within the competence

of the general investigative authority or the National Tax and Customs Administration has been committed which does not fall within the competence of that investigative authority and it is not practical to separate the proceedings, the investigating authority will be designated by the prosecuting authority. The Public Prosecutor's Office may designate the National Tax and Customs Board as the investigating authority even if its competence does not otherwise extend to the investigation of a criminal offense.

3. The investigating authorities may, with the agreement of their heads, carry out investigations jointly in a case or in a specific group of cases with the approval of the public prosecutor's office.

VI. CHAPTER

OTHER BODIES IN CRIMINAL PROCEEDINGS

§ 36. (1) The bodies specified in this Act authorized to use concealed devices may also act in the preparatory proceedings.

(2) ¹¹ A body or electronic data seized for the purpose of confiscation and confiscation of property, or seized property (hereinafter: criminal property) or confiscated evidence shall participate in the handling of the criminal signal and the property responsible for the management of criminal property as defined by law. .

3. The provisions on the exclusion of a member of the investigating authority shall also apply to the exclusion of a member of other bodies involved in criminal proceedings.

THIRD PART

PERSONS PARTICIPATING IN CRIMINAL PROCEEDINGS

§ 37. The accused, the defense counsel, the victim, the private prosecutor, the substitute private prosecutor, the private party, the property interested party, the other interested party and the legal person subject to the proceedings shall participate in the criminal proceedings.

VII. CHAPTER

THE LOADED

The concept of the accused

§ 38. (1) The accused is the person against whom criminal proceedings are instituted.

(2) The accused shall be convicted during the investigation, accused after the indictment, sentenced or punished after the imposition or application of the punishment, reprimand, probation, reparation work or correctional institution education by a final court decision.

Defendant 's rights and obligations

§ 39. (1) The accused is entitled to

(a) become acquainted with the subject matter of the suspicion and charge and their evolution,

(b) the court, the public prosecutor's office and the investigating authority provide him with adequate time and conditions to prepare his defense,

(c) to obtain information on his or her criminal procedural rights and obligations from the court, the public prosecutor's office and the investigating authority,

d) authorize or propose the appointment of a lawyer to carry out his or her defense,

e) consult his lawyer without supervision,

f) to testify or refuse to testify,

- g) present evidence, make a motion and make a statement, speak with the last word,
- h) *to be present at the hearing and at the hearing to be held on the coercive measure of the judicial licensee concerning personal liberty and to ask questions as specified in this Act,*
- i) *to seek legal redress,*
- j) *to get acquainted in full with the files of the proceedings, with the exceptions specified in this Act,*
- (k) *initiate the conclusion of a settlement or the prospect of a prosecution measure or decision.*
- (2) A detained accused person shall be entitled to:
 - (a) *find out the reason for his detention and how it changes,*
 - (b) *his detention is communicated to a person of his choice by the court, the public prosecutor's office and the investigating authority,*
 - (c) *to contact his lawyer and, if he is a foreign national, the consular representative of his State, in person, by post or by electronic means without control,*
 - (d) *the person of his or her choice is contacted before the prosecution by the public prosecutor's office and then, in accordance with the court's order, in person under supervision and by postal or electronic control.*
- (3) The accused is obliged
 - a) *to be present at procedural acts in accordance with the provisions of the court, the prosecutor's office and the investigating authority, as specified in this Act,*
 - (b) *communicate the address, notification address, actual place of residence, address for service and any change thereof to the trial court, the public prosecutor's office or the investigating authority within three working days of the change.*
- (4) The court, the public prosecutor's office or the investigating authority shall inform the accused of his / her rights and warn him / her of his / her obligations at the beginning of his / her participation in the criminal proceedings. The information shall also include the right to claim a cost reduction and its conditions, as well as the right to use the mother tongue.
- (5) If the accused is detained, the trial court, prosecutor's office or investigating authority shall also inform the accused in writing of his or her rights. The information shall also cover the possible final period of detention pursuant to the decision ordering detention or as provided by law, the rules for extending, maintaining and reviewing detention, as well as the right to appeal against such decisions and to submit a motion to terminate detention.
- 6. In order to exercise the right provided for in paragraph 1 (b) and (e) , the court, public prosecutor's office or investigating authority shall postpone the commencement or performance of the procedural act for at least one hour if the accused is prepared to defend himself or he did not have the opportunity to be heard before the commencement of the procedural act, for reasons beyond the control of the accused and the defense counsel.
- (7) In securing the right pursuant to subsection (2) (d) , the court or the prosecutor's office may restrict or prohibit contact with a relative only for the purpose of the effectiveness of criminal proceedings or the protection of the life and physical integrity of another person. The defendant and the defense counsel may appeal against this decision.

Encumbrance succession

§ 40. If this Act grants the right to petition the relative or heir of the accused, the rights of the accused or heir shall be governed by the rights of the accused.

VIII. CHAPTER

THE PROTECTOR

The range of persons entitled to act as a defense counsel

§ 41. (1) A lawyer may act as a defense counsel on the basis of a power of attorney or secondment.

(2) A candidate lawyer may act as a defense counsel in addition to a lawyer or as a deputy lawyer

a) before the indictment,

b) after being prosecuted, in the district court and in the tribunal, by not being able to hold a hearing before the tribunal.

(3) Several defenders may act on behalf of the accused, the same defender may act on behalf of several defendants.

Rights and obligations of the defense counsel

§ 42. (1) The defense counsel may, unless otherwise provided by this Act, fully exercise all the rights of the accused, which by their nature do not belong only to the person of the accused. The defense counsel may exercise these rights independently, as defense rights.

In addition to the provisions of paragraph 1, the lawyer shall be entitled to:

a) be present at any procedural act in which the accused may be present or is required to be present,

b) in cases specified by law, also be present at procedural acts where the accused cannot be present or the presence of the accused can be restricted,

c) to obtain and collect data for the purpose of protection, within the limits of the possibilities and conditions provided by law, and to use a private investigator for this purpose in accordance with the Act on the Protection of Persons and Property and the Rules of Private Investigation.

(3) The decision communicated to the accused shall in all cases also be communicated to his lawyer.

(4) The defense counsel is obliged

a) contact the accused without delay,

b) to use all lawful means and methods of defense in a timely manner for the benefit of the accused,

c) to inform the accused about the legal means of defense, to inform him / her of his / her rights, to warn him / her of his / her obligations,

d) to encourage the investigation of facts which save the accused or mitigate his or her responsibility,

e) in the event of an impediment, except in the case of an unforeseen unavoidable obstacle, to arrange for its replacement, at the same time informing the court, prosecutor's office or investigating authority of the fact of the impediment,

f) to exercise his rights and fulfill his obligations in such a way as not to impede the timely conduct of criminal proceedings.

5. If the accused is detained, the trial court, public prosecutor's office or investigating authority shall inform the detention facility immediately and no later than forty-eight hours after becoming aware of the identity and contact details of the defense counsel.

(6) If several defendants act in the interests of the accused, the defendant shall be the first to submit a power of attorney, unless the defendant submits a power of attorney at the same time; Files, including subpoenas and notices, must be served on the lead counsel. The lead defender or his / her designated defender is entitled to hold a dialogue. The lead counsel or the counsel appointed by him or her, in the absence of these, the counsel present at the procedural act is entitled to appeal.

Exclusion of defender

§ 43. (1) You cannot be a defender

- a)* the victim, the victim's assistant and their relatives,
 - b)* who is or has been a judge, prosecutor or member of the investigating authority in the case, and a relative thereof,
 - c)* who has acted contrary to the interests of the accused or whose interests are contrary to those of the accused,
 - d)* who is or has been involved in the case as an expert or consultant,
 - e)* ¹² who is or has been a witness in the case, unless he or she could not be heard under section 170 (1) (*a*) or if he or she refused to testify under section 173,
 - f)* who is or has been a witness in the case or is assisting a person other than the accused,
 - g)* who acts or has acted as a mediator in the matter,
 - h)* who is or has been involved in the case or in any other matter related to the case.
- (2) In the interests of several defendants, the same counsel may act if the interests of the defendants are not in conflict. A lawyer acting in the interests of several defendants shall be excluded from the proceedings if there is a conflict of interest between the defendants.
- (3) The court shall decide on the exclusion of the defense counsel - before the prosecution, on the motion of the prosecutor's office.
- (4) If the defense counsel announces the reason for exclusion himself or herself, he or she may not act in the matter as of the notification of the reason for exclusion.
- (5) Except as provided in paragraph (4), counsel may act in the matter until the exclusion is adjudicated.

Mandatory defense participation in the proceedings

§ 44. The participation of a defense counsel in criminal proceedings is obligatory if

- a)* the offense is punishable by a term of imprisonment of up to five years or more for the offense,
- b)* is subject to a coercive measure affecting the defendant's personal liberty, is otherwise subject to arrest, pre-trial detention and is serving a custodial sentence, detention order or correctional facility,
- c)* the accused is hearing-impaired, deaf-blind, blind, speech-impaired, otherwise unable to communicate or severely restricted, and, regardless of his or her ability to count, has a pathological state of mind,
- d)* the accused does not know the Hungarian language,
- e)* the accused is unable to defend himself in person for other reasons,
- f)* the court, the public prosecutor's office or the investigating authority has appointed a lawyer at the request of the accused or because he considered it necessary for other reasons,
- g)* this law provides for this separately.

Authorized counsel

45. § ¹³ (1) Authorization to provide protection may also be given by the accused, the legal representative or adult relative of the accused, or in the case of an accused foreign citizen, the consular officer of his or her country.

2. An authorized lawyer may act as a defense counsel if, with the exception provided for in paragraph 3, his original power of attorney or a certified copy thereof has been submitted to the court, prosecutor's office or investigating authority.

(3) Act CCXXII of 2015 on the general rules of electronic administration and trust services. (hereinafter: the E-Administration Act) (hereinafter: the register of dispositions), the declaration of defense power of attorney is valid only by accepting the power of attorney and

recording the declaration of acceptance in the disposition register. The power of attorney registered in the disposition is effective from the time of notification to the acting court, prosecutor's office or investigative authority.

(4) The accused may at any time revoke the authority of the lawyer authorized by him or by the assistant referred to in paragraph 1.

5. The power of attorney shall, unless otherwise specified in the power of attorney, last until the final conclusion of the criminal proceedings and shall cover reopening, review, simplified review, confiscation of criminal assets or property, and access to data. procedures.

Seconded defender

§ 46. (1) The court, the prosecutor's office and the investigating authority shall decide on the secondment of a defense counsel if the participation of a defense counsel in criminal proceedings is mandatory and the accused does not have an authorized counsel. The appointment of a lawyer to act as a defense counsel on the basis of secondment is the responsibility of the regional bar association competent according to the seat of the court, prosecutor's office or investigating authority.

2. The decision to appoint a lawyer for the purpose of appointment shall also be communicated to the regional bar association competent in accordance with paragraph 1.

(3) The territorial bar association shall appoint the defense counsel by operating an information system that ensures, as far as possible, the promptness of the appointment and the effective availability of the appointed defense counsel.

(4) If the participation of a defense counsel in criminal proceedings is mandatory and the accused does not have a defense counsel, the court, the prosecutor's office or the investigating authority

(a) at the same time as summoning, producing or notifying the accused person and summoning or producing a person reasonably suspected of having committed the offense for questioning the suspect,

b) in *a)* in addition to those points instantly during the procedural step assigns a defender.

(5) The court, the prosecutor's office or the investigating authority shall appoint a defense counsel if the participation of a defense counsel in criminal proceedings is not mandatory, but he or she deems it necessary in order to ensure the effective protection of the accused.

(6) The public prosecutor's office and the investigating authority shall appoint a lawyer if, due to the income and property conditions of the accused, he or she is unable to provide for his or her protection and requests the appointment of a lawyer. After the indictment, the court appoints a defense counsel for the accused.

(7) There shall be no legal remedy against the appointment or appointment of a lawyer. The accused may, as appropriate, request the appointment of another counsel. The motion is decided by the court, prosecutor's office or investigating authority before which the proceedings are pending.

(8) The seconded defense counsel may, in justified cases, request his release from the secondment. The motion is decided by the court, prosecutor's office or investigating authority before which the proceedings are pending.

(9) A seconded lawyer shall also be entitled to a fee and reimbursement of his or her expenses.

§ 47. (1) Prior to the indictment, the investigating authority or the public prosecutor's office shall ensure the presence of a defense counsel in the procedural act by the appropriate application of the provisions concerning the deputy counsel, if

(a) the regional bar does not appoint a lawyer within one hour of receiving the decision to second,

b) with regard to the defense counsel appointed by the territorial bar association, the reason for exclusion specified in Section 43 (1) *a) –b)* or *d) –h)* may be established upon the appointment, or

(c) at the time of appointment, it is not possible to summon or notify the designated counsel properly due to the unavailability of the defense counsel and the conduct of the procedural act cannot be dispensed with.

(1a) ¹⁴ For the purposes of subsection (1) *(c)*, in the case of an urgent summons or notification under section 113 (3) or under section 113 (4), the appointed counsel shall be deemed inaccessible if the authority or the public prosecutor's office cannot contact the appointed lawyer within one hour by means of the contact possibilities provided for by law.

1b. ¹⁵ The presence of an alternate lawyer seconded in accordance with paragraph 1 shall be mandatory in the proceedings.

(2) After the indictment, the court shall be responsible for appointing a lawyer to act as a seconded lawyer if:

(a) the regional bar does not appoint a lawyer within one hour of receiving the decision to second,

(b) in the case of a lawyer appointed by a regional bar association, a ground for refusal can be established at the time of appointment, or

(c) at the time of appointment, it is not possible to summon or notify the designated counsel properly due to the unavailability of the defense counsel and the conduct of the procedural act cannot be dispensed with.

(3) In the case of subsection (2) *(b)* and *(c)*, the designation of the territorial bar shall be revoked by a designation decision of the court.

(4) In the case of subsections (1) and (2), the decision appointing the defense counsel shall also be communicated to the territorial bar association and, if necessary, to the lawyer appointed by the territorial bar association.

Scope of secondment

§ 48. (1) The scope of the secondment lasts until the final termination of the criminal proceedings and covers the procedure for renewal, review, simplified review, seizure of property or things related to the criminal offense, making data inaccessible, and special procedures.

(2) The secondment shall cease to be valid when the lawyer authorized on behalf of the accused has submitted his or her power of attorney in accordance with this Act or the registration of the power of attorney has been announced.

(3) When submitting the power of attorney or announcing the registration of the power of attorney, the court, the prosecutor's office and the investigating authority shall inform the authorized lawyer of the person and contact details of the previously appointed lawyer.

(4) The authorized counsel shall immediately inform the previously assigned seconded counsel that he or she is acting as an authorized counsel in criminal proceedings.

(5) Upon receipt of the information, the previously assigned seconded defense counsel shall immediately communicate to the authorized defense counsel all information and hand over to him or her all documents that may be used for the provision of defense.

(6) The court and the prosecutor's office shall order the authorized or previously assigned seconded counsel to reimburse the criminal costs incurred in the event of failure to comply with the obligation specified in subsections (4) and (5) and may impose a fine.

7. With the exception of paragraphs 1 and 2, the secondment of a lawyer shall lapse if the trial court, public prosecutor's office or investigating authority releases the lawyer from the secondment.

(8) If the court, the public prosecutor's office or the investigating authority dismisses the seconded defense counsel pursuant to Section 46 (7) - (8) and at the same time appoints a new defense counsel, the provisions of subsections (3) - (6) shall apply accordingly. shall apply.

Secondment of a defense counsel

§ 49. (1) The court, the prosecutor's office or the investigating authority shall appoint a substitute counsel to replace the counsel if

- a)* the defense counsel does not appear in the procedural act despite a proper summons,
- b)* fails to be absconded in advance or to be replaced in good faith,
- c)* the other conditions for the performance of the procedural act are met, and
- d)* the performance of the procedural act cannot be dispensed with.

2. Where *the* conditions set out in points (*a*) and (*c*) of paragraph 1 are met, the court, the public prosecutor's office or the investigating authority shall appoint a substitute defense counsel even if:

(a) the defense counsel excused his absence in advance but did not provide for his replacement, and

(b) postponing the procedural act would jeopardize the effective conduct of the procedural act or significantly delay the conduct of the criminal proceedings.

(3) ¹⁶ In the event of the appointment of a substitute defense counsel, the evidentiary proceedings may not be completed in court proceedings in the absence of the defendant's defense counsel, and the deputy defense counsel may not hold a dialogue unless the defendant consents thereto.

(4) ¹⁷ The provisions on the secondment of a defense counsel shall apply to the secondment of a defense counsel, provided that the acting counsel is appointed by the seconding court, prosecutor's office or investigating authority. A person who is reasonably suspected of having committed another criminal offense or a lawyer acting as a defendant's lawyer may also be appointed as a deputy defense counsel, provided that the interests of persons or persons reasonably suspected of having committed a criminal offense are not in conflict.

(5) ¹⁸ The secondment of a substitute defense counsel shall remain in force until the completion of the procedural act conducted in the absence of the defense counsel. In the case of Section 47 (1), the deputy defense counsel may act in successive procedural acts until the assigned defense counsel appears or contacts the prosecuting prosecutor's office or investigating authority.

6. The provisions relating to seconded counsel shall apply to the fees and expenses of the substitute counsel.

IX. CHAPTER

THE INJURED

The concept of the victim

§ 50 A victim is a natural or non-natural person whose right or legitimate interest has been directly violated or endangered by a criminal offense.

Rights and obligations of the victim

Section 51 (1) The victim is entitled to

- (a)* produce evidence, make submissions and observations,
- b)* speak during the dialogues,

c) be present at the hearing and at the procedural acts specified by law and ask questions as specified in this law,

d) to get acquainted with the files of the criminal offense concerning him or her, with the exceptions specified in this Act,

e) receive information about his or her criminal procedural rights and obligations from the court, the prosecutor's office and the investigating authority,

f) to seek legal redress as provided in this Act,

g) use the help of an assistant,

h) to assert a civil claim as a private party in court proceedings, to declare his intention to do so during the investigation,

i) act as a private prosecutor, as a substitute private prosecutor.

(2) The victim has the right at any time to declare what kind of physical and mental harm he or she has suffered as a result of the crime, what property disadvantage he or she has suffered, and whether he or she wishes to establish and punish the accused.

(3) The victim has the right to declare at any time that he or she no longer wishes to exercise his or her rights in the proceedings. The statement shall not preclude the court, prosecutor's office or investigating authority from questioning the victim as a witness and shall not release him or her from the obligations set out in paragraph 6 (*a*). The victim may withdraw the statement at any time. If the victim has withdrawn the statement, the victim may continue to exercise his or her rights in criminal proceedings from the time of the withdrawal.

4. If the victim has made a declaration in accordance with paragraph 3, the civil claim or declaration of intent of the notified person shall be deemed to be withdrawn.

5. The victim shall have the right to be informed, at his or her request, in connection with the offense against him or her.

(a) the release or escape of the arrested person;

(b) the conditional or permanent release or escape of the sentenced person to be executed or the suspension of the execution of the custodial sentence,

(c) the release or escape of the accused person sentenced to detention or the suspension of the execution of the detention,

d) dismissal or escape of the former involuntary treatment,

(e) the dismissal, unauthorized departure or release of the involuntary medical practitioner;
and

(f) in the case of correctional education, the temporary or permanent dismissal of the juvenile, leaving the correctional facility without permission, or the interruption of correctional education.

(6) The victim is obliged

a) to participate in procedural acts, including expert examination, in accordance with the provisions of the court, the prosecutor's office and the investigating authority, as specified in this Act,

(b) communicate his address, address for service, actual place of residence, address for service and, within three working days of the change, to the trial court, the public prosecutor's office or the investigating authority.

Victim succession

§ 52. (1) If the victim dies either before or after the commencement of criminal proceedings, he or she may be replaced within one month by his or her relative, legal representative or a person dependent on the victim by law or contract, and

(a) exercise the rights of the victim, including acting as a private prosecutor or as a substitute private prosecutor, except in the case of a civil action, and

b) is subject to the obligation specified in Section 51 (6) (b) .

(2) In the case of several persons entitled to act, the persons concerned may designate a person from among themselves to exercise the rights of the victim. In the absence of an agreement, the rights of the victim may be exercised by the person who first acted in the proceedings.

(3) In the event of the termination of the victim of a non-natural person, his or her legal successor may replace him or her within one month.

The private prosecutor

§ 53. (1) The private prosecutor is the victim

(a) making false sound or image recordings which are likely to cause light bodily harm, breach of privacy, breach of professional secrecy, defamation, libel, insult or degrading treatment, or

(b) the production of false audio or video recordings in breach of privacy, breach of correspondence, defamation, libel or defamation

provided that the perpetrator is punishable on a private motion.

(2) In proceedings instituted against one of the victims for minor bodily harm, defamation and defamation, in the case of a personal and close material connection of the acts, he or she shall act as a prosecutor of the other victim submitting a private motion in accordance with the provisions of this Act. Where this Act provides for a private prosecutor, this shall also be understood as a defendant.

(3) Defamation and libel shall be prosecuted if they are committed to the detriment of a judge, prosecutor or member of a law enforcement body, during its official proceedings or for that reason.

The deputy private prosecutor

§ 54. The deputy private prosecutor is the victim who represents the prosecution for a criminal offense to be prosecuted for public prosecution in the cases specified in this Act.

The private party

§ 55. (1) A private party is a victim who or which asserts a civil law claim in court proceedings, even if he or she has announced his or her intention to do so before the indictment.

(2) The legal successor of the victim may act as a private party if the legal succession has occurred due to the death or termination of the victim or on the basis of a legal provision.

(3) The provisions of the Code of Civil Procedure specified in this Act shall also apply to the enforcement and settlement of civil law claims, with the exceptions arising from the nature of criminal proceedings.

Section 56 (1) ¹⁹ In criminal proceedings, as a civil claim, a

(a) compensation, or

(b) to issue things or pay money

claim arising out of the direct result of the act complained of.

(2) ²⁰ The provisions of the Code of Civil Procedure concerning the types of claim shall also apply to civil law claims. If the victim alternatively enforces the claims set out in paragraph (1), the provisions of the Code of Civil Procedure relating to the set of claims shall also apply.

(3) A claim that cannot be enforced in court shall not be enforceable in criminal proceedings as a civil law claim.

(4) ²¹ In the case of criminal offenses damaging the budget and other criminal offenses committed against the State, a claim for the enforcement of which proceedings other than civil litigation, in particular administrative, tax and customs administrative proceedings, are available shall not be enforceable. .

(5) The public prosecutor's office may enforce a civil law claim if the conditions specified in the Civil Procedure Act are met.

(6) The fact that the victim has not acted as a private party shall not preclude the enforcement of a civil claim by other lawful means.

CHAPTER X.

THE INTEREST OF PROPERTY AND OTHER INTERESTED PARTIES

The property is interested

§ 57. (1) A natural or non-natural person who or which is a property interest

- (a) is the owner of a thing to be confiscated or seized, or has a title to it,
- (b) is entitled to possess property to which confiscation of property may be ordered, or
- (c) is entitled to have access to electronic data which can be ordered to be permanently inaccessible.

2. The interested party shall be entitled to:

(a) to supply evidence, make submissions and make observations in the matter which concerns him,

(b) be present at a procedural act directly affecting the thing, property or electronic data to which he has the right of disposal,

(c) *find out* the reason for the coercive measure affecting the thing, property or electronic data referred to in paragraph 1 and any changes thereto,

(d) to obtain information on his or her criminal rights and obligations from the court, the public prosecutor's office and the investigating authority,

(e) to seek redress in the area affecting him,

(f) to get acquainted with the files of the proceedings, with the exceptions specified in this Act, in the circle concerning him,

(g) *use the* help of an assistant.

(3) An interested party may be present at a procedural act pursuant to subsection (2) (b) if he or she has requested to be notified of a procedural act directly affecting the thing, property or electronic data affected by his or her right of disposal. Notification of the property interested party may be omitted or removed from the scene of the procedural act

(a) where the nature or urgency of the procedural act so justifies,

(b) to ensure the protection of another person involved in the criminal proceedings.

(4) If the court orders confiscation, confiscation of property or making the electronic data inaccessible, the interested party may enforce his or her claim by other legal means after the final decision has become final.

(5) A property interested party is obliged to participate in procedural acts in accordance with the provisions of the court, the prosecutor's office and the investigating authority as specified in this Act.

The other interested

§ 58. (1) Other interested parties in criminal proceedings are natural or non-natural persons

(a) whose rights or legitimate interests are directly affected by the decision in the criminal proceedings, or

(b) who has a right or obligation under this Act in connection with a procedural act affecting him.

(2) Other interested parties in particular

a) the notifier,

b) the witness,

c) the person involved in the research or undergoing the search,

d) the person involved in the data acquisition activity,

e) the person involved in the expert examination, inspection, presentation for recognition,

f) the helper,

(g) the expert and the consultant.

(3) The rules specified in Section 57 (2) and (5) shall apply *mutatis mutandis* to the rights and obligations of other interested parties.

(4) In the case of criminal offenses damaging the budget, as well as other criminal offenses committed to the detriment of the state, a body specified by law may participate in criminal proceedings as another interested party.

(5) If the body specified in subsection (4) acts as another interested party in the proceedings, it shall also be entitled to

(a) *report information* on the damage, property damage or the value of the offense caused by the offense,

(b) *produce* evidence, make submissions and make observations,

(c) communicate to him the decision which must also be communicated to the victim under this Act,

(d) lodge a complaint against the termination of the proceedings during the investigation.

XI. CHAPTER

THE HELPERS

Definition of helpers

§ 59. (1) In order to represent or protect the rights and legitimate interests of the accused, the victim, the property interest and other interested parties under this Act, and to facilitate the exercise of rights or fulfillment of obligations under this Act, the following may participate as assistants in criminal proceedings:

a) the legal representative,

b) the adult relative of the accused,

c) *in* the case of a foreign national who is charged, injured and a witness, the consular officer,

d) the accused spouse or partner of the involuntary medical treatment,

e) an adult caring for a minor or a minor,

f) the authorized representative,

g) the sponsor,

h) the adult and the adult indicated by the whistleblower,

(i) a lawyer acting on behalf of a witness,

j) an adult person commissioned by the research subject or present at the research, who is not interested in the case,

k) an adult indicated by the subject of the search,

l) the delivery agent,

m) a person providing protection for a person participating in the Protection Program.

(2) You cannot be an assistant,

(a) who has not yet reached the age of eighteen,

- (b) *has* been the subject of a final injunction issued by a court during that period, or
- (c) who has been placed in final custody by a court.

§ 60 The assistant has the right to receive information from the court, the prosecutor's office and the investigating authority about his or her criminal rights and obligations as well as the person he or she is assisting.

The authorized representative

§ 61. (1) A representative authorized by him or his or her legal representative may also act on behalf of the victim, the property interested party and other interested parties, unless this Act prescribes a personal procedural obligation.

(2) An authorized representative may exercise the rights of the represented person under this Act.

(3) As an authorized representative in criminal proceedings

a) the lawyer and the law firm,

b) relatives of the victim, the property owner and other interested persons,

(c) an employee of a public administration, other budgetary body or economic entity or other non-natural person in matters related to the activities of his employer,

d) an employee of a local government body in matters related to the activities of her employer, as well as an official specified in the organizational and operational regulations of the local government body, if the procedure falls within the scope of matters specified in the regulations in which the official is entitled to act,

(e) a non-profit organization set up to represent the interests of victims or groups of victims,

f) a person authorized to do so by law
can act.

(4) An authorized lawyer or law firm may also authorize another lawyer or law firm by replacing it.

(5) The provisions of the Civil Procedure Act concerning proxies shall apply to the representation of a private party by a power of attorney.

§ 62. ²² (1) The power of attorney shall be recorded in writing or recorded in the minutes. The authorized representative shall, with the exception of paragraph 3, attach his original power of attorney or a certified copy thereof to his first application or, if earlier, hand it over to the court, prosecutor or investigating authority at the time of his first application.

2. The power of attorney, with the exception of paragraphs 3 and 4, shall be recorded in an authentic instrument or in a private instrument of full probative value.

(3) The declaration concerning the power of attorney in the register of dispositions shall be valid only upon acceptance of the power of attorney and entry of the declaration of acceptance in the register of disposition. The power of attorney registered in the disposition is valid from the notification to the acting court, prosecutor's office or investigating authority.

(4) The certification of a power of attorney granted to a lawyer may be provided for by law.

(5) A restriction of a power of attorney shall be effective only to the extent that it is apparent from the power of attorney itself.

§ 63. (1) Pursuant to the Legal Aid Act, the victim, the property interested party and other interested parties may apply for the representation of a probation lawyer.

(2) If the court, the public prosecutor's office or the investigating authority finds that the conditions for the authorization of a probationary lawyer are met in the case of a victim, property interest and other interested person, it shall inform that person that the legal aid law on the basis of.

§ 64. (1) A representative authorized by him or his legal representative may act on behalf of the accused in the following cases:

- a)* receipt of an extract or a copy of the file,
 - b)* receipt of the defendant's file by the sender,
 - c)* deposit of bail,
 - d)* the lodging of a security.
- (2) As an authorized representative of the accused
- a)* the lawyer and the law firm,
 - b)* the adult relative of the accused
- can act.

3. The defendant's authorized representative shall, inter alia, comply with Articles 61 to 62. § shall be applied accordingly.

The supporter

§ 65. A sponsor appointed by the guardianship authority for the victim, the property interested party and the other interested party (hereinafter together: the supported person) may participate in the criminal proceedings in order to facilitate supported decision-making that does not affect the legal capacity.

Section 66 (1) The sponsor

a) *be present at* the same time as the assisted person in all procedural acts, including closed hearings, but his absence shall not prevent the conduct of the procedural act or the continuation of criminal proceedings,

b) *may* consult with the supported person in order to facilitate the making of a declaration under this Act in a manner that does not disturb the order of the procedural act,

c) *is not entitled to* make a declaration on behalf of the person supported.

(2) The presence of the sponsor in a procedural act shall be ensured only by the supported person.

(3) The costs incurred in connection with the participation of the sponsor in criminal proceedings shall not be criminal costs, they shall be advanced and borne by the supported person.

(4) The decision or certificate of the guardianship authority certifying the status of a sponsor shall be presented to the court, prosecutor's office or investigative authority at the first procedural act in which the supported person appears together with the sponsor.

§ 67. (1) A supporter may not participate in criminal proceedings if

a) a participant in criminal proceedings and an assistant to him whose interests conflict with those of the person supported,

b) acted or acted as a judge, prosecutor or member of the investigating authority in the case, and a relative thereof,

c) is or has been involved in the case as a defense counsel, witness or expert,

d) it would otherwise be prejudicial to the interests of the proceedings.

2. The exclusion of a sponsor shall be decided by the court, public prosecutor's office or investigating authority before which the proceedings are pending. The sponsor and the supported person may appeal against this decision.

3. If the court, the public prosecutor's office or the investigating authority has excluded the sponsor from criminal proceedings or finds a conflict of interest between the sponsor and the supported person other than those specified in paragraph 1, he shall immediately inform the guardianship authority at the same time as informing the sponsor.

XII. CHAPTER

ABILITY TO PROCEED IN CRIMINAL PROCEEDINGS

The defendant 's capacity to prosecute

§ 68. The accused may act in criminal proceedings in person or, if this Act does not prescribe a personal procedural obligation, through his or her authorized representative in the cases specified in this Act, regardless of his or her capacity to act in accordance with the rules of civil law.

The criminal capacity of the victim, the property stakeholder and other stakeholders

§ 69. (1) The victim, the property interested person and the other interested person may act in person or - if this Act does not prescribe a personal procedural obligation - through an authorized representative, if

(a) has full legal capacity under the rules of civil law, or

(b) an adult who is partially restricted in his or her capacity to act and whose capacity to act under the rules of civil law is not limited by the subject-matter of the proceedings or individual acts.

(2) He may also act in person or, if this Act does not prescribe a personal procedural obligation, through his authorized representative.

(a) the victim in respect of the consent required for compensation, if the subject of the compensation,

b) the property interest, if the thing, property and data specified in Section 57 (1) may validly dispose of it under the rules of civil law.

(3) A minor victim with limited legal capacity may also initiate a detention order in accordance with the rules of civil law.

(4) A minor with limited legal capacity shall act in person in the matter of refusing to testify or consent to confrontation in accordance with the rules of civil law;

(5) If this Act does not prescribe a personal procedural obligation, the legal representative shall act on behalf of the victim, the property interested party and the other interested party if:

a) does not have the capacity to prosecute,

(b) *has* been assigned a legal representative without prejudice to his or her capacity to act, unless he or she acts in person or through a proxy, or

(c) *is* not a natural person.

(6) In the case of criminal offenses committed to the detriment of the State, the Minister responsible for the supervision of state property shall act on behalf of the State.

Procedural capacity of the private party

§ 70. The **provisions** of the Civil Procedure Act concerning the capacity to sue shall apply to a private party.

Examination of the capacity to prosecute

§ 71. (1) The court, the prosecutor's office or the investigating authority shall examine of its own motion the capacity of the persons participating in the criminal proceedings and the capacity of the legal representative and the supporter if there is any doubt about them at any stage of the proceedings. The court, the public prosecutor's office or the investigating authority shall also examine of its own motion, at any stage of the proceedings, whether the special authorization of the legal representative which may be required for the acts is justified.

(2) Proof of legal capacity, legal representation, supportive status or authorization is not required if it is in the public domain or if the court, the prosecutor's office or the investigating authority is officially aware of it.

Legal status of legal representative

§ 72. (1) The legal representative of the accused participates in the criminal proceedings as an assistant;

(2) The legal representative of the accused shall be informed of the summons and notification of the accused, and the decisions communicated to the defense counsel shall also be communicated to him or her.

(3) The legal representative of the injured party, the property interested person and the other interested person may exercise the rights of the represented person pursuant to this Act.

(4) ²³ If the victim, property owner or other interested party has the capacity to prosecute under section 69 but does not have full capacity under the rules of civil law, his or her legal representative shall in order to ensure adequate representation in matters which, under the rules of civil law, are not covered by the capacity of the person represented.

The trustee

§ 73. ²⁴ (1) The court, the prosecutor's office or the investigating authority shall appoint a trustee if

(a) a defendant, a person reasonably suspected of having committed a criminal offense, a victim, a property owner or any other interested person who does not have full legal capacity under the rules of civil law has no legal representative or cannot be identified,

(b) the accused, the person reasonably suspected of having committed the offense, the victim, the property owner or any other interested party do not have a legal representative for whom no ground for exclusion can be established,

(c) the legal representative is prevented from exercising his rights, or

(d) the victim, property interest or other interested party present at an unknown place at the time of the procedural act concerning him or her has neither a legal representative nor an authorized representative.

(2) The court, the prosecutor's office or the investigating authority may appoint a lawyer as a trustee. Section 48 (1) shall apply to the scope of the secondment in the case of points (a) to (c) of paragraph (1) and Article 49 (5) in the case of point (1) (d) shall apply.

(3) There is no right of appeal against the appointment of a trustee. The represented person may - justifiably - propose the secondment of another trustee. The motion is decided by the court, prosecutor's office or investigating authority before which the proceedings are pending.

(4) The appointed trustee may, in justified cases, request his release from the secondment. The motion is decided by the court, prosecutor's office or investigating authority before which the proceedings are pending.

(5) Before the indictment, the prosecutor's office, after the indictment, the court shall exclude the legal representative from the proceedings if

(a) *there are* reasonable grounds for believing that the legal representative has committed the offense together with the accused he or she represents or with a person reasonably suspected of having committed the offense, or

(b) the interests of the legal representative conflict with those of the person he represents.

(6) Prior to the indictment, in the case specified in subsection (5) (a), the legal representative may also be excluded from the proceedings by the investigating authority.

(7) If the circumstance giving rise to the appointment of the trustee ceases during the proceedings, the court, the prosecutor's office or the investigating authority shall release the trustee from the secondment.

(8) The trustee shall have the status of a legal representative in criminal proceedings. The rules on the exclusion of a legal representative shall apply to the exclusion of the trustee. Section 43 (1) shall also apply mutatis mutandis to the exclusion of a trustee representing a defendant or a person reasonably suspected of having committed a criminal offense.

(9) If the court, prosecutor's office or investigative authority dismisses or expels the appointed trustee and at the same time appoints a new trustee, Section 48 (3) - (6) shall apply accordingly.

(10) The trustee is also entitled to a fee and reimbursement of his / her expenses for his / her assistance.

PART FOUR

GENERAL PROVISIONS CONCERNING PROCEDURAL ACTIONS

XIII. CHAPTER

GENERAL RULES ON THE EXERCISE OF THE LAW OF PERSONS PARTICIPATING IN CRIMINAL PROCEEDINGS

Information, warning, contact

§ 74. (1) Unless otherwise provided by this Act, the court, the prosecutor's office and the investigating authority shall inform the person participating in the criminal proceedings of his or her rights and warn him or her of his or her obligations prior to the procedural act affecting him or her.

2. The court, the public prosecutor's office and the investigating authority shall, in their relations with the person involved in the criminal proceedings, endeavor to ensure that the person involved in the criminal proceedings understands and understands what has been communicated to him or her.

3. In order to achieve the objective set out in paragraph 2, the court, the public prosecutor's office and the investigating authority shall

a) is simple and comprehensible,

(b) take into account the condition and personal characteristics of the person involved in the criminal proceedings; and

(c) satisfy himself or herself that the person involved in the criminal proceedings has understood what was communicated to him or her or, failing that, explain the communication.

The cost reduction

§ 75. (1) In order to facilitate the enforcement of the rights of the accused and the natural person victim, property interest and other interested parties, a cost reduction may be granted if he or she is unable to bear the criminal cost or a part thereof due to his or her income and property conditions.

2. In particularly justified cases, a non-natural person may also benefit from an injured party, a financial interest and other interested parties if, in particular in view of their corporate form, profit-orientation, financial performance of their members and their ability to provide the necessary funds. his position precludes the exercise of his rights under this Act.

(3) Legislation may specify a case in which the cost reduction is due to the accused, the victim, the property interested person or the other interested person regardless of his / her income and property situation.

§ 76. The cost reduction

a) in the case of the accused, the advance payment and payment by the State of the fees and expenses of the seconded counsel,

b) in the case of the victim, the property interest and other interested persons, to advance the fees and expenses of the probation lawyer by the state and to bear them in the cases specified in the Law on Legal Aid,

c) in the case of a private prosecutor, to advance the fees and expenses of the probation lawyer by the state and to bear them in the cases specified in the Act on Legal Aid,

d) in the case of a substitute private prosecutor, a record of the fee for issuing a one-time copy of the requested files, as well as the advance payment and costs of the probation lawyer by the state and in cases specified in the Legal Aid Act spread out.

§ 77. (1) At the request of a person participating in criminal proceedings, the legal aid service shall authorize the cost reduction in accordance with the provisions of law.

2. If it is possible to amend or withdraw the allowance, the court, the public prosecutor's office and the investigating authority shall inform the legal aid service of any change in the conditions on which the allowance is based.

Ensuring the use of language

§ 78. (1) If a person participating in criminal proceedings wishes to use his or her non-Hungarian mother tongue, national mother tongue or other mother tongue specified in an international treaty promulgated by law, an interpreter with appropriate knowledge of legal language shall be used.

(2) If the use of the mother tongue would encounter a disproportionate difficulty, the use of another language indicated as known by a person who does not know the Hungarian language shall be ensured through an interpreter.

(3) If the person to be questioned is hearing impaired, he or she shall be heard with the assistance of a sign language interpreter at his or her request, or he or she may make a written statement instead of being questioned.

(4) If the person to be questioned is deafblind, he or she shall be questioned with the assistance of a sign language interpreter upon request.

(5) If the person to be questioned has a speech impediment, he or she may testify in writing at his or her request instead of being questioned.

(6) If the person to be interrogated is unable to communicate for reasons other than those specified in paragraphs 3 to 5, or is severely restricted, he or she shall be interrogated with the assistance of a sign language interpreter or other appropriate means of communication shall be provided.

(7) The court, prosecutor's office or investigative authority which made the decision or issued the other file shall ensure the translation of the file to be served pursuant to this Act.

(8) Unless otherwise provided by law, the file to be served need not be translated if the addressee expressly waives this.

Extraordinary procedure

§ 79. (1) Criminal proceedings shall be conducted out of turn

(a) if the accused person is subject to a coercive measure affecting his personal liberty,

(b) if it involves a victim or accused person under the age of eighteen,

(c) in a repeated procedure under Part Eighteen; and

d) in criminal proceedings instituted during a crisis caused by mass immigration, for a criminal offense specified in Section 827 committed in its territory.

2. The court, the public prosecutor's office and the investigating authority shall act in accordance with the order referred to in paragraph 1 if they have to conduct several extraordinary criminal proceedings at the same time.

Settlement of motions and statements suitable for delaying the procedure

§ 80. (1) The court, the prosecutor's office and the investigating authority

a) the overdue,

b) excluded by law,

(c) from an unauthorized person, or

d) unfounded with the same content as before

may reject a motion or a statement intended to produce legal effects without giving substantive reasons.

(2) If this Act allows the rejection of a motion or a statement intended to produce legal effect without substantive reasons, the reasons for the decision shall contain only the reason for the rejection, an indication of the applicable legislation and a warning of the consequences specified in paragraph (3).

(3) Unless otherwise provided by this Act, a petition or a statement intended to produce legal effect repeatedly submitted by a person participating in criminal proceedings following a warning pursuant to subsection (2) may be disregarded, and the petitioner - provided that the submission of the petition or statement is suitable for dragging - can be fined.

(4) Paragraph (3) shall also apply to the public prosecutor's office in court proceedings, provided that instead of imposing a fine, the head of the public prosecutor's office may be informed.

XIV. CHAPTER

ENSURING SPECIAL TREATMENT IN CRIMINAL PROCEEDINGS

Establishment and general rules of special treatment

§ 81. (1) A natural person shall be deemed to be an injured person and a witness shall require special treatment if, on the basis of his or her personal characteristics or the nature and circumstances of the criminal offense which is the subject of the proceedings

a) in understanding, in understanding,

(b) in the exercise of the rights or the performance of obligations under this Act, or

(c) its effective participation in criminal proceedings impeded.

(2) Circumstances justifying special treatment in particular

(a) the age of the person concerned,

b) the mental, physical or health condition of the person concerned,

(c) the grossly violent nature of the act which is the subject of the proceedings; or

(d) the relationship of the person concerned with another person involved in the criminal proceedings.

(3) The court, the prosecutor's office and the investigating authority

(a) examine, of his own motion or at the request of the person concerned, whether he qualifies for special treatment from the time he comes into contact with the person concerned,

b) decides on the establishment of special treatment on the basis of an individual assessment as defined by law,

(c) may take such measures as may be necessary to facilitate the exercise of the rights of the person concerned and the performance of his or her duties, as well as measures which he or she decides on his or her own motion or ex officio;

(d) order that files relating to the initiation and examination of a special treatment be treated in camera.

4. The court, the public prosecutor's office and the investigating authority shall take measures proportionate to the circumstances justifying the special treatment in order to facilitate and protect and protect the rights of the person in need of special treatment and to fulfill his or her obligations. Unless otherwise provided by this Act, the application of a measure falling within the scope of special treatment shall not infringe the procedural rights of another person involved in criminal proceedings.

(5) The court, the prosecutor's office and the investigating authority

(a) establishing special treatment,

(b) unless otherwise provided by this Act, the application of a measure falling within the scope of the special treatment, and

(c) the rejection of the witness's request for special treatment without taking a decision.

6. In the case of subsection (5) (c) , the investigating authority shall immediately inform the public prosecutor's office of the rejection of the motion.

7. The court, the public prosecutor's office and the investigating authority shall decide on the rejection of the petition submitted for the establishment of special treatment of the victim.

§ 82. It is considered a person requiring special treatment without a separate decision

a) a person under the age of eighteen,

(b) A person with a disability, as defined in the Act on the Rights and Equal Opportunities of Persons with Disabilities, and who may qualify as such; and

(c) a victim of a crime against freedom of sexual life and sexual morality.

Refusal of special treatment

§ 83. (1) A person requesting special treatment may, after appropriate information, refuse to establish special treatment or certain measures falling within the scope of special treatment.

2. A person in need of special treatment may not refuse mandatory provisions concerning the performance of certain procedural acts or the application of a measure falling within the scope of special treatment.

Review of special treatment

§ 84. (1) The court, the prosecutor's office and the investigating authority may terminate the special treatment if the conditions for the special treatment do not exist due to a change in the circumstances justifying the special treatment.

(2) The court, the prosecutor's office and the investigating authority on the termination of the special treatment

(a) take a decision on the victim,

(b) in the case of a witness, decide without taking a decision.

(3) ²⁵ In the case of paragraph 2 (b) , the investigating authority shall immediately inform the public prosecutor's office.

Measures covered by the special treatment

§ 85. (1) The court, the prosecutor's office and the investigating authority shall promote the exercise and leniency of the exercise of the rights and fulfillment of the obligations of a person

requiring special treatment, taking into account the interests of the proceedings, if possible by the following measures:

(a) ensure that the person concerned can properly exercise his or her rights and fulfill his or her obligations under this Act, notwithstanding any obstacles arising from the circumstances giving rise to the special treatment,

b) exercise extreme caution in communication,

(c) exercise due diligence in the conduct of criminal proceedings in order to protect the privacy of the person concerned,

(d) afford enhanced protection to the personal data of the person concerned in connection with the circumstances giving rise to the special treatment, in particular his or her health data,

(e) facilitate the assistance of the person concerned,

(f) take into account the personal needs of the person concerned in the planning and execution of the procedural acts and carry out without delay certain procedural acts requiring the participation of the person concerned,

(g) prepares the procedural act requiring the participation of the person concerned in such a way that it can be carried out without repetition;

(h) ensure that the person concerned does not encounter unnecessarily any other person involved in the criminal proceedings during the proceedings and at the scene of the proceedings, in particular where the special treatment is justified by his or her relationship with that person;

(i) the procedural act is carried out in a room intended or adapted for that purpose, provided that the exercise of the rights, the performance of his duties and the protection of his obligations cannot be ensured in any other way or by other means,

j) make video and audio recordings of a procedural act requiring the participation of the person concerned,

(k) ensure, by telecommunication, the presence of the person concerned in the proceedings.

(2) The court may exclude the public from the hearing or a specific part thereof in order to facilitate the exercise of the rights, fulfillment of obligations and the fulfillment of the obligations of the person requiring special treatment.

(3) The court, the prosecutor's office and the investigating authority may also take other measures pursuant to this Act to ensure the exercise of the rights and fulfillment of the obligations of a person requiring special treatment.

§ 86. (1) The court, the public prosecutor's office and the investigating authority shall protect the person requiring special treatment,

(a) if, in connection with his participation in the criminal proceedings, his life, physical integrity or personal liberty are endangered, or

b) to exercise or fulfill his rights and obligations under this Act without intimidation or influence.

(2) In addition to the measures specified in Section 85, in order to protect a person in need of special treatment, the court, the prosecutor's office and the investigating authority shall:

(a) in the case of the use of a telecommunications device, order the distortion by technical means of the individual characteristics capable of establishing the identity of the person concerned,

(b) in the case of the making of a sound or of an image or sound recording of a procedural act, order the production of a copy which technically distorts the unique characteristics of the person concerned in order to establish his identity,

c) may restrict the right of the accused or the defense counsel to be present at the procedural act in accordance with the provisions of this Act,

(d) restrict the right to ask questions of persons present at a procedural act in which the person concerned is involved by allowing a question to be raised,
e) refrain from confronting a witness in need of special treatment,
f) order ex officio the closed processing of the personal data of the data subject,
g) initiate the ordering of personal protection for the person concerned,
h) declare the person concerned a specially protected witness or initiate it;
i) initiate the conclusion of an agreement for the participation of the person concerned in the Conservation Program.

(3) In case of application of a measure ensuring the protection of a person in need of special treatment, the files related to the initiation and investigation of the establishment of special treatment shall be kept closed.

Special rules for special treatment measures

§ 87. (1) In the case of a procedural act requiring the participation of a person under the age of eighteen, the court, the prosecutor's office and the investigating authority

a) *make* video and audio recordings if possible,
b) order that a forensic psychologist be present at the proceedings,
c) in connection with criminal proceedings, provides in the Basic Law, Act LXIV of 1991. the effective exercise of the rights of the child as enshrined in the Convention on the Rights of the Child, the Law on the Protection of Children and the Administration of Custody and other laws.

(2) The testimony of a witness who has not reached the age of eighteen may not be examined by instrumental testimony.

(3) The confrontation of a witness who has not reached the age of eighteen may be ordered only with his consent.

§ 88. (1) In the case of a procedural act requiring the participation of a person under the age of fourteen

(a) the act may be performed only if the evidence to which it is intended cannot be replaced,
(b) the procedural act must be carried out in a room intended or adapted for that purpose, provided that the exercise of the rights, the performance of his duties and the protection of his obligations cannot be ensured in any other way or by other means,

(c) provided that this does not jeopardize the effectiveness of the procedural act, the investigating authority shall ensure during the investigation that the procedural act is carried out by the same person at all times,

(d) the court, the public prosecutor's office and the investigating authority shall take video and audio recordings of the procedural act.

(2) The confrontation of a witness who has not reached the age of fourteen may not be ordered.

(3) The accused and the defense counsel may not be present in person at the place of the procedural act requiring the participation of a person under the age of fourteen.

(4) If the hearing of a witness who has not attained the age of fourteen has been requested by the accused or the defense counsel, the court, prosecutor's office or investigating authority may ensure the personal presence of the accused and his defense counsel in the procedural act requiring the witness's participation.

Section 89 (1) In the case of a victim requesting special treatment pursuant to Section 82 c) during the investigation

(a) the victim may be questioned only by a person of the same sex as him or her, or by a person of the same sex as the victim on behalf of the investigating authority in any other procedural act in the presence of the victim, and

(b) the investigating authority shall ensure that the procedural act requiring the participation of the victim is carried out by the same person at all times.

2. The investigating authority may derogate from the provisions of paragraph 1

(a) at the request or with the consent of the victim,

(b) where ensuring the effectiveness of the procedure makes this unavoidable.

(3) Pursuant to Section 82 c) , the confrontation of a victim requiring special treatment may be ordered only with the consent of the victim.

(4) If the victim requesting special treatment pursuant to Section 82 c) *has* not reached the age of eighteen,

(a) the procedural act must be carried out in a room intended or adapted for that purpose, unless the procedural act cannot be performed there or the facilitation and protection of the victim's rights, obligations and other means can be ensured in any other way,

b) the court, the prosecutor's office and the investigating authority take a video and audio recording of the procedural act,

c) the accused and the defense counsel may not be present in person at the scene of the procedural act requiring the participation of the victim,

(d) *when* using a means of telecommunication, it must be ensured that the victim can see only the acting judge, prosecutor or member of the investigating authority,

e) after the indictment, the court may carry out the procedural act requiring the participation of the victim through a seconded judge or a requested court,

f) the right of persons present in a procedural act requiring the participation of the victim to ask questions is limited, they may only propose to ask a question,

(g) the public shall be excluded from the part of the trial where the victim's participation in the procedural act is mandatory.

(5) If a victim requesting special treatment pursuant to Section 82 (c) *has* not reached the age of fourteen, the court may, of its own motion or motion, waive the examination of the victim as a witness if the victim is questioned during the investigation. *has* already taken place in accordance with paragraph 1 (b) . In this case, the testimony of the victim during the investigation may be used as evidence.

He is a particularly protected witness

§ 90. (1) At the motion of the prosecutor's office, the court may declare a witness requiring special treatment to be a particularly protected witness if

(a) his testimony relates to the relevant circumstances of the case,

(b) the evidence expected from his testimony cannot be replaced, and

(c) the life, physical integrity or personal liberty of the witness or his or her relative would be seriously endangered if his or her person or his or her examination as a witness is revealed.

(2) There shall be no appeal against the decision of the court ordering the declaration of a specially protected witness; the prosecutor's office and the witness may file an appeal against the rejection of the motion.

(3) The files related to the application for the declaration of a specially protected witness shall be kept closed in the files of the proceedings until the examination of the application. If the court orders the declaration of a specially protected witness, unless otherwise provided in this Chapter, the documents relating to the motion for a special protection witness, the procedural acts with the participation of the witness before the special protection witness and the acts with the special protected witness should be handled in a closed manner.

§ 91. (1) The court shall terminate the declaration of a specially protected witness

(a) *at the request of the specially protected witness,*

(b) *of its own motion or at the request of the public prosecutor's office, if the conditions for being admitted as a specially protected witness are not fulfilled, or*

(c) *ex officio or at the request of the accused, the defense counsel or the public prosecutor's office, if the specially protected witness engages in conduct which is manifestly incompatible with the institution of the specially protected witness.*

2. There shall be no appeal against the rejection of the application and the decision to terminate *the* declaration of special protection under paragraph 1 (a) .

(3) Along with the termination of the declaration of a specially protected witness, the court shall also terminate the closed handling of the files related to the declaration of a specially protected witness.

§ 92. (1) Prior to the indictment, a procedural act requiring the participation of a specially protected witness shall be conducted only:

a) the prosecutor, a member of the investigating authority,

(b) the Registrar, and, where appropriate, the expert and consultant,

(c) an assistant to the specially protected witness, and

(d) any other person necessarily involved in the act

may be present.

(2) After the indictment, the court shall conduct the procedural act requiring the participation of the specially protected witness primarily through the requested court or a sentenced judge, in which the accused and the defense counsel may not be present.

(3) If it does not involve the risk of the disclosure of his or her person, the court may also ensure the presence of the specially protected witness in the procedural act by means of telecommunications. In this case, the court orders the distortion by technical means of the individual characteristics used to establish the identity of the witness, and the right of the persons present to ask questions is limited, they can only propose to ask a question.

(4) During the performance of a procedural act requiring the participation of a specially protected witness, it shall also be ensured that the identity of the specially protected witness does not become known.

(5) The examination of a specially protected witness shall reveal and verify the credibility of the witness, the reliability of his or her knowledge and the circumstances in which his or her testimony may affect the creditworthiness. The information thus obtained shall be recorded in the minutes of the hearing.

(6) If the presence of a specially protected witness is ensured by means of telecommunication pursuant to subsection (3), the witness may refuse to testify regarding data from which his or her identity, address, address of notification and actual whereabouts can be inferred.

(7) A written record of a procedural act requiring the participation of a specially protected witness shall be drawn up and kept closed. An extract from the minutes shall be drawn up.

(8) An extract from the minutes shall contain only the names of the members of the court, the prosecutor's office or the investigating authority present at the procedural act, the fact that the witness has been declared particularly protected and a description of the procedural act. If the presence of the specially protected witness is ensured by the court by means of a telecommunication device pursuant to subsection (3), the extract from the minutes shall contain only the name of a member of the authority specified in Section 123 (1) c) or d) , the fact that the witness has been declared particularly protected and a description of the procedural act.

9. The acting judge, prosecutor or member of the investigating authority shall ensure that the person, address, address of notification, actual place of residence of the specially protected

witness cannot be inferred from the performance of the procedural act or an extract from the minutes of the procedural act.

§ 93 If the public prosecutor's office wishes to use the testimony of a specially protected witness or the result of another procedural act with his participation as a means of evidence, the court shall warn the accused and his defense counsel that

a) the termination of the declaration of a specially protected witness may be proposed only in the case of Section 91 (1) (*c*) ,

b) ask questions to the specially protected witness, but such questions shall not seek to disclose the identity and actual whereabouts of the specially protected witness.

Personal protection

§ 94. (1) The acting court, prosecutor's office and investigative authority may, of its own motion or on the motion of a person requesting special treatment, initiate that the person requiring special treatment or another person with regard to it receive personal protection specified by law.

(2) The court, the prosecutor's office or the investigating authority shall decide on the initiative within eight days from the submission of the petition. There is no appeal against initiating personal protection. The petitioner may appeal against the rejection of the motion.

(3) Personal protection files shall be kept closed, except for the petition, the decision rejecting it and the decision on the ordering and termination of personal protection.

Participation in the Conservation Program

§ 95. (1) With the consent of the trial court, the prosecutor's office and the prosecutor's office, the investigating authority may initiate the conclusion of an agreement for participation in the Protection Program specified by law, ex officio or on the motion of the person requiring special treatment.

(2) The court, the public prosecutor's office or the investigating authority shall decide on the initiative within three days from the submission of the petition. There is no appeal against the decision.

(3) The criminal procedural rights and obligations of the persons participating in the Protection Program shall not be affected by their participation in the Protection Program. In the case of a person participating in the Protection Program, the provisions of this Act shall apply with the following exceptions:

a) all files related to the participation in the Protection Program shall be kept closed,

b) the person participating in the Protection Program must be summoned or notified through the security body, the file to be served on such person may be served only through the security body,

c) the person participating in the Protection Program communicates the data of the original natural identity in the criminal proceedings, indicating the address of the body providing protection instead of disclosing his / her address, notification address or actual place of residence,

d) the personal data of the person participating in the Protection Program must be treated confidentially,

e) the personal data of the person participating in the Protection Program and the files containing such data may be disclosed or disclosed only to the person to whom the security authority has authorized it,

f) the costs incurred with the appearance or participation of the person participating in the Protection Program are not criminal costs,

g) the person providing protection for the person participating in the Protection Program may be present at all procedural acts where the protected person is present,

h) a person participating in the Protection Program may refuse to testify with regard to data in the knowledge of which his or her new identity, new address, notification address or actual location can be inferred.

Other persons affected by certain measures

Section 96 (1) In order to facilitate the exercise of the rights and fulfillment of the obligations of the accused, the court, the prosecutor's office or the investigating authority may apply the measures specified in Section 85 (1) if the accused

a) has not reached the age of eighteen,

(b) a person with a disability, as defined in the Act on the Rights and Equal Opportunities of Persons with Disabilities, or as such, or

(c) justified by his relationship with another person involved in the criminal proceedings.

(2) In order to facilitate the exercise of the rights and the fulfillment of the obligations of the accused who has not reached the age of eighteen, the court, the prosecutor's office or the investigating authority shall apply Section 87 (1) and (2) accordingly.

(3) If the accused has not reached the age of fourteen, the court, the prosecutor's office and the investigating authority shall, in order to facilitate the exercise of the accused's rights and the performance of his or her duties,

a) applies the provision of Section 88 (1) (d) ,

(b) order the accused to be confronted only with his consent.

(4) If the conditions for the application of personal protection

(a) the victim's or witness's assistant,

b) the defendant, the defense counsel, the expert, the expert adviser, the property stakeholder, their assistant,

or with respect to any other of the foregoing, the provisions of Section 94 shall apply *mutatis mutandis*.

(5) If the conditions for participation in the Protection Program apply to the accused, the provisions of Section 95 shall apply accordingly.

(6) In the case of subsections (4) and (5), the court, the prosecutor's office or the investigating authority may apply the measures specified in Section 85 in order to protect the data subject.

XV. CHAPTER

PROTECTION OF DATA PROCESSED IN CRIMINAL PROCEEDINGS

Legal basis for data management and data protection

§ 97. (1) The court, the prosecutor's office and the investigating authority may get acquainted with and process all personal data necessary for the performance of their duties specified in this Act for the purpose of conducting criminal proceedings.

(2) For the purpose of conducting criminal proceedings, the court, the prosecutor's office and the investigating authority may, in the manner and to the extent prescribed by law, become acquainted with and manage a secret protected by law and a secret related to the exercise of a profession necessary for the performance of its tasks specified by law.

§ 98. (1) The court, the prosecutor's office and the investigating authority shall ensure that protected data processed in criminal proceedings are not unnecessarily disclosed, that they do not become known to an unauthorized person, and that the protection of personal data is ensured.

(2) The court, the prosecutor's office and the investigating authority may allow access to personal data and protected data processed in criminal proceedings only in accordance with the provisions of law.

(3) Unless otherwise provided by the legislation concerning the relevant field of data, persons participating in criminal proceedings may process personal data and protected data obtained pursuant to the provisions of this Act to the extent and for the time necessary for exercising their rights or fulfilling their obligations under this Act.

(4) Personal data and protected data processed in criminal proceedings may be deleted only in accordance with the provisions of this Act until the end of the proceedings.

(5) Personal data obtained in criminal proceedings may be used for statistical purposes in a manner unsuitable for individual identification.

Closed handling of personal data

§ 99. (1) The court, the prosecutor's office and the investigating authority shall order, upon motion, that the name, birth name, place and time of birth, mother's name, citizenship, identity document of the victim, property interest and other interested party or their assistant number, address, notification address, actual location, delivery address and electronic contact details shall be treated in a closed manner (hereinafter: closed data processing).

(2) The motion may be submitted by the victim, the property owner and other interested parties or their assistants.

(3) In order to protect a person requiring special treatment, the court, the prosecutor's office and the investigating authority may order closed data processing ex officio.

(4) The court, the prosecutor's office and the investigating authority may, with the consent of the victim, the property interest and other interested parties, waive the order for the closed processing of certain personal data.

5. Personal data processed in private shall be processed only by the court, prosecutor's office and investigating authority acting in the case and shall be

(a) the court, prosecutor's office and investigating authority dealing with the case,

(b) for the victim support service to perform victim support tasks and for the probation service to carry out the mediation process, to the extent strictly necessary for the performance of those tasks;

can be transmitted.

(6) The court, the prosecutor's office and the investigating authority shall ensure that the personal data processed in secret cannot be disclosed from other data of the proceedings.

(7) Following the order of closed data processing, the acting court, prosecutor's office and investigative authority

a) handles the file or means of proof containing the personal data of the victim, the property owner and the other interested person in private, in private,

(b) establishes the identity of the victim, the property owner and other interested parties by consulting the identifiable documents; or

(c) terminate the closed processing of data, including certain personal data, only with the consent of the victim, the data subject and other data subjects.

8. Access to the part of a file which is kept closed pursuant to paragraph 7 (a) and which is not subject to closed data processing shall be ensured in accordance with the general rules, in particular with an extract from the file which does not contain personal data kept in closed.

9. Confidential processing shall not prevent the court, the public prosecutor's office and the investigating authority, where it is essential for the performance of its criminal proceedings, from including certain personal data processed in a closed file directly without the consent of the data subject. forward.

10. Where paragraph 9 applies, with the exception of the indictment, the decision suspending or terminating the proceedings and the final decision, such a file shall be treated in camera pursuant to paragraph 7 (a) after the performance of the criminal proceedings .

XVI. CHAPTER

ACCESS TO AND CLOSED HANDLING OF THE PROCEDURE

Access to the file

§ 100. (1) The files of the proceedings

- (a) the accused and his lawyer after questioning the accused suspect,
- (b) *in connection with* the offense against him or her; and
- (c) other stakeholders and property stakeholders in the field that affects him for a motion to that effect.

2. The right of access under paragraph 1 shall extend to all documents in the proceedings, including documents obtained by the court, the public prosecutor's office and the investigating authority or submitted by persons involved in criminal proceedings, as well as attached supporting evidence.

(3) The file created between the prosecutor's office and the investigating authority in connection with the exercise of supervision and management, in particular the prosecutor's order, the investigation plan, the draft decision and the submission, shall not form part of the proceedings.

(4) The court, the prosecutor's office and the investigating authority shall have access to the proceedings

- (a) allowing the examination,
- b) *in the case of a special motion or consent to this effect*, by providing information and information on the content of the file,
- (c) by allowing a copy or recording to be made on its own part,
- (d) *by service of* the file and of an extract or copy of the file prepared by the court, the public prosecutor's office and the investigating authority, or
- e) by other means specified by law ensure.

5. The right of access shall be without prejudice to any special provisions relating to the confidential files of proceedings and to the obligation to keep data confidential.

(6) The court, the prosecutor's office and the investigating authority may restrict the right of access or one of the methods of access listed in subsection (4) in respect of the files specified by it until the investigation is completed, taking into account the interests of the proceedings, unless otherwise provided by this Act. .

7. The right of access or the method of access specified in paragraph 4 (d) shall not be restricted

(a) in respect of a file relating to a procedural act in which the petitioner was present or may have been present in accordance with the provisions of this Act, and

(b) *in respect of* the opinion.

(8) There shall be no legal remedy against the provision of information in accordance with the motion.

(9) Unless otherwise provided by this Act, the court, the prosecutor's office and the investigating authority shall, within fifteen days from the submission of the petition, ensure the inspection of the files of the proceedings determined in accordance with subsection (2) for which access has not been restricted.

§ 101. (1) ²⁶ Court, prosecutor's office, notary public, bailiff, state tax and customs authority, probation officer, preventive probation officer, investigative authority, administrative authority, government control body, National Data Protection and Freedom of Information Authority, National Protection Service, the charged commander of the soldier may become acquainted with the case files to the extent and for the period necessary for the performance of his or her duties specified by law. The right of access may be restricted pending the outcome of the investigation, taking into account the interests of the proceedings. There is no appeal against the restriction of knowledge.

2. A body set up by an international treaty or an act of the European Union promulgated by law may, to the extent and for the duration necessary for the body to carry out its tasks under that source, have access to the file in accordance with paragraph 1.

3. The right of access provided for in paragraphs 1 and 2 shall be without prejudice to the specific provisions relating to the confidentiality of proceedings, the provisions relating to the handling of classified information and the obligation of confidentiality.

Closed file management

§ 102. (1) The court, the prosecutor's office or the investigating authority shall handle the case file specified in this Act separately and separately between the case files.

(2) Unless otherwise provided by this Act and the acting court or prosecutor's office, only a court, a prosecutor's office or an investigative authority may become acquainted with a case handled in private.

(3) In the case of closed handling of the file, the court, the prosecutor's office or the investigating authority

(a) ensure that the closed file and its contents are not disclosed in the other files and particulars in the proceedings;

(b) ensure access to the file in such a way that it does not result in access to the file being closed.

XVII. CHAPTER

USE OF CLASSIFIED DATA

Condition for the use of classified information

§ 103. The rules for the handling of classified data shall not constitute an obstacle to the exercise of procedural rights and the fulfillment of obligations by persons participating in criminal proceedings.

Use of classified information by the court and the prosecution

§ 104. (1) ²⁷ In criminal proceedings, the acting judge and prosecutor may use classified information generated in criminal proceedings or in connection with criminal proceedings and made available to him or her without a personal security certificate and a confidentiality statement and user license.

(2) During the use of classified information, the right of disposal of the acting judge and prosecutor for the purpose of performing the task specified in this Act shall extend to the extent strictly necessary for that purpose.

a) for the administration of classified information, processing of classified information,

(b) all activities related to the registration of classified information,

c) ²⁸ to repeat the classification marking,

d) to keep classified information,

e) copying and reproducing classified information,

- f) to prepare an extract,*
- g) translation of classified information,*
- h) the transmission of classified information within the body,*
- i) the transmission of classified information outside the body.*

(3) The person entitled to issue a user license may also grant the acting judge and prosecutor additional rights of disposal specified in the Classified Data Protection Act.

Use of classified information by persons involved in criminal proceedings

§ 105. (1) A person participating in criminal proceedings may use the classified information contained in a file which may become known to him or her on the basis of this Act without a personal security certificate, a confidentiality statement and a user license.

(2) The acting court, prosecutor's office and investigative authority shall warn the person entitled to use the classified data pursuant to paragraph (1) that he is obliged to keep the classified data and that the misuse of the classified data is prohibited by the Criminal Code. to punish. The warning shall be recorded.

(3) During the use of classified information, the right of disposal of a person participating in criminal proceedings shall extend to the use of classified information.

a) possession,

(b) for processing in order to exercise his rights, fulfill his obligation or perform his duties.

(4) A person entitled to dispose of classified information may also grant the person participating in the criminal proceedings an additional right of disposal specified in the Classified Data Protection Act.

Ensuring access to classified information

§ 106. (1) In the course of the service of a file containing classified data and ensuring that it is known pursuant to § 105, the court, the prosecutor's office or the investigating authority shall check whether the data subject complies with the personal and physical data protection legislation. , administrative and electronic security conditions.

2. The court, the public prosecutor's office or the investigating authority shall grant access to the file containing classified information in a room reserved for the confidentiality of the case and for the duration of the hearing, public hearing or meeting in the official room of the court if:

(a) the data subject declares that he or she does not meet the conditions relating to personal, physical, administrative and electronic security,

(b) the data subject does not make a statement, or

(c) the court, public prosecutor's office or investigating authority finds that the person concerned does not meet the conditions relating to personal, physical, administrative and electronic security.

3. The court, the public prosecutor's office or the investigating authority shall grant access in accordance with paragraph 2 upon service of a file containing classified information. If access pursuant to points (a) to (c) of paragraph 2 can only be granted to the court, prosecutor's office or investigating authority handling the classified information, a non-classified extract of the file shall be served on the recipient.

(4) In the case of a body handling classified information specified in the legislation on the protection of classified information, the control of personal, physical, administrative and electronic security conditions specified in subsection (1) may be dispensed with.

XVIII. CHAPTER

INFORMATION ON CRIMINAL PROCEEDINGS

General rules for informing the public

§ 107. (1) The court, the prosecutor's office and the investigating authority may inform the public about the criminal proceedings.

(2) Until the investigation is completed, the information shall be provided by the authorized member of the investigating authority and the prosecutor's office, during the court proceedings, including the court's pre-trial proceedings, by a person authorized by the Judicial Status and Remuneration Act and the prosecutor's office.

(3) A person who, for the purpose of informing the public, requests information from a court, prosecutor's office or investigative authority, including permission to take a picture, sound or image and sound recording, shall state his or her name in the case of a non-natural person, and how to contact the public and how to inform the public, in particular through which media content provider or other information society service.

Informing the public about the court hearing

§ 108. (1) Everyone has the right to be informed about the trial of the court through the media system.

2. For the purposes specified in subsection (1), video, audio or video and audio recordings of the court hearing with the permission of the single judge or the chairman of the council shall be made of the person present at the court hearing - members of the court, registrar, prosecutor and outside the lawyer - only with the consent of the data subject.

(3) Limiting the number of audiences shall not result in an infringement of the public's right to information.

Limitations of public information

§ 109. (1) The court, the public prosecutor's office and the investigating authority shall refuse to provide information or to grant permission for the making of images, sound or images and sound recordings if

(a) as a result, the life, physical integrity, health and right to privacy of the person involved in the criminal proceedings, in particular those requiring special treatment, would be directly endangered,

(b) necessary for the protection of the personal data of a person involved in criminal proceedings, in particular a person in need of special treatment,

(c) is strictly necessary for the person involved in the criminal proceedings, in particular the person in need of special treatment, to exercise his or her rights and fulfill his or her obligations under this Act without influence or intimidation,

(d) is strictly necessary to protect the classified information and, in the event of a restricted hearing, the interests which may lead to the exclusion of the public,

(e) granting it would prejudice the effectiveness of the criminal proceedings or of each procedural act and the continuity or uninterrupted nature of the procedural act.

2. The court, the public prosecutor's office and the investigating authority shall be required to provide information or to authorize the making of images, sound or images and sound recordings only for the reasons set out in paragraph 1, until the objectives set out therein are achieved or secured. to the extent and for the duration.

(3) The court may revoke the permit pursuant to Section 108 (2) by applying paragraphs (1) and (2) accordingly.

(4) The court, the prosecutor's office and the investigating authority may, without reply, refrain from examining the application for information or the authorization of images, sound

or images and sound recordings if the submitter fails to comply with the obligation specified in Section 107 (3). did enough.

Other information

§ 110. (1) In addition to the persons specified in the provisions concerning access to the file and information to the public, information on the proceedings may be given to a person who has a legal interest in the conduct of the proceedings or the outcome thereof.

(2) Prior to the indictment, the head of the prosecutor's office and then the president of the trial court shall, after proving the legal interest therein, grant access to the file or the provision of the requested information.

Alarm system

§ 111. If, in the course of its proceedings, a court, public prosecutor's office or investigating authority establishes a fact or circumstance due to which it is necessary to initiate or conduct further judicial or administrative proceedings or other proceedings of its own motion, to initiate proceedings or inform the body empowered to carry it out. The soldier must be informed of the suspect's suspicion.

XIX. CHAPTER

ENSURING PRESENCE IN THE PROCEDURAL ACT

Summons and notice

§ 112. (1) The court, the prosecutor's office and the investigating authority shall summon the person whose presence is obligatory in the procedural act and notify the person whose presence is not obligatory, but it is permitted by law.

(2) A person who is summoned shall be required to appear before the court, prosecutor's office or investigating authority summoning him or her.

Method of summons and notification

§ 113. (1) Summons and notification shall be effected by delivery, exclusively by electronic means providing voice communication, or orally upon appearance before a court, the public prosecutor's office or the investigating authority.

(2) The paper summons or notice shall be served in a closed document. The names of those notified may not be published in the notice.

3. The summons and notification shall be served in such a way that it is received by the addressee not later than five days before the date of the procedural act. During the investigation, if the urgency of the procedural act so warrants, the summons and the notice may also be issued in such a way that the addressee receives it twenty-four hours before the date of the procedural act.

(4) If justified by the urgency of the procedural act, in the case of a procedural act concerning the accused, the summons or notification of the defense counsel may be issued in such a way that the defense counsel receives it two hours before the date of the procedural act.

(5) In the case of the consent of the person cited, a summons may be issued for a period within the period specified in subsections (3) and (4), or, with the consent of the notified person, a procedural act may be initiated within the period specified in paragraphs (3) and (4).

Content of the summons and notification

§ 114. (1) Included in the summons or notification

(a) the designation of the court, public prosecutor's office or investigating authority issuing the summons or notification, the case number,

(b) where, when and in what capacity the person cited must appear,

(c) where, when and in what capacity the notified body may appear,

(d) warning of the consequences of absence.

(2) The cited person may be invited to bring with him, in addition to the documents relating to the case, his notes or other objects which may be used in the taking of evidence.

§ 115. (1) If the addressee is detained, the court, the prosecutor's office and the investigating authority shall, at the same time as the summons and the notification, take measures to escort the addressee.

(2) The summoning of a minor shall be notified to the adult taking care of him or her by an invitation to arrange for the appearance of the minor. If the minor has not reached the age of fourteen, he or she must be summoned or notified through the adult caring for him or her. The summons and notification of the minor must also be communicated to his or her legal representative.

(3) ²⁹ With the exception of a minor, the person specified in Section 69 (5) (a) and (b) shall be summoned or notified through his or her legal representative. The summons and notification of a person who does not have full legal capacity under the rules of civil law must also be communicated to the legal representative.

Consequences of failure to summon and notify

§ 116. (1) If the summoned person does not appear in spite of the summons and does not save it immediately, as soon as he becomes aware of the obstacle, or if this is no longer possible, he does not prove it immediately, after good reason,

(a) the defendant may be ordered to be brought forward or to be produced during the investigation,

b) the witness may be ordered to be brought forward or fined,

(c) the expert and any other person involved in the criminal proceedings may be fined, and those listed shall be ordered to reimburse the criminal costs incurred.

(2) If a minor summoned pursuant to Section 115 (2) does not appear and the adult providing his or her care does not prove that the minor is innocent in his or her absence, the adult providing his or her care may be fined and the person caused by the failure to appear be ordered to reimburse criminal costs.

(3) If the defense counsel does not appear despite the summons and fails to arrange for his or her replacement, he or she shall be liable to a fine and shall be obliged to reimburse the criminal costs incurred.

(4) The legal consequences pursuant to paragraph (3) shall not apply if the defense counsel acquits himself or herself as soon as he or she becomes aware of the obstacle or, if this is not possible, justifies his or her failure immediately after the obstacle has ceased.

(5) If the summoned person appears through his or her own fault in a state in which he or she cannot be interrogated or is unable to fulfill his or her procedural obligations, and leaves the procedural act without permission, in order to fulfill his or her procedural obligation.

(a) the indictment of the accused or the production of the accused during the investigation may be ordered,

b) the witness may be fined or ordered to be extradited,

c) the defense counsel, the expert and any other person involved in the criminal proceedings may be fined,

and those listed shall be ordered to reimburse the criminal costs incurred.

(6) In the case of a subpoena made only by electronic means providing a voice connection, the provisions of paragraphs 1 to 4 may be applied if the subpoena has been recorded by the court, the prosecutor's office or the investigating authority in a form that can be subsequently proved.

(7) If the prosecutor does not appear to notify the court or appears in a condition in which he or she is unable to fulfill his or her procedural obligations or leaves the procedural act without permission, the court shall inform the head of the prosecutor's office thereof.

Production

§ 117. (1) Production is the temporary deprivation of the personal liberty of a person accused or suspected of having committed a criminal offense in order to accompany and ensure his presence at the prosecutor's office or the investigating authority for the purpose of performing a procedural act.

(2) The prosecutor's office and the investigating authority may order the production of an accused person or a person reasonably suspected of having committed a criminal offense in order to carry out a procedural act, if the conditions for summoning are met, but it is not expedient in the interests of the proceedings. In the case of production, Section 116 (5) shall apply accordingly.

(3) Production shall be carried out by a body of the police established for the performance of general police tasks and, in the course of an investigation conducted by it, by the National Tax and Customs Board as specified in law. In order to produce, the body carrying out the production may apply a measure and coercive measure specified by law.

(4) The production of a soldier may also be carried out by his superior.

(5) The cost of production is not a criminal cost, it is borne by the state.

Leading

§ 118. (1) Pre-trial supervision is a temporary deprivation of the personal liberty of a person who fails to summon in order to accompany the person concerned to a court, prosecutor's office or investigative authority or to ensure his or her presence at the procedural act.

(2) The court, the public prosecutor's office and the investigating authority may, following the omission against the summons, order preliminary supervision by a decision in the cases specified in this Act. The pre-trial order shall be served on the person named therein by the court, the public prosecutor's office and the investigating authority through the pre-trial enforcement body.

(3) Pre-command shall be carried out by a body of the police established for the performance of general police tasks. Pre-enforcement may also be carried out by the National Tax and Customs Administration in the course of its investigation. The police officer and the acting member of the National Tax and Customs Administration may apply a measure and coercive measure specified by law for the purpose of pre-trialation.

(4) The pre-driving shall preferably take place between the sixth and twenty-second hours of the day.

(5) The court, the public prosecutor's office and the investigating authority may order that the pre-trial detention be carried out by the person concerned, if there are reasonable grounds for believing that the purpose of the pre-trial detention can still be achieved.

(6) If it is presumed that the pre-trial proceedings will lead to a result within a reasonable time within the set deadline, the court, the prosecutor's office and the investigating authority may also order that the defendant who has not appeared despite the proper subpoena be brought forward immediately. In this case, the court, the prosecutor's office and the investigating authority may subsequently put the pre-trial order in writing afterwards on the set deadline.

(7) If the preliminary ruling has not led to a result, the decision ordering the preliminary ruling shall not be served. In the event of an unsuccessful pre-lead, the pre-lead order may be challenged in an appeal against a decision ordering reimbursement of the pre-lead cost.

(8) The command of a soldier may also be carried out through his superior.

(9) The cost of pre-trial is not a criminal cost. Reimbursement of the cost of the pre-lead shall be ordered to the person indicated in the decision ordering the pre-lead. An appeal against this decision shall have suspensory effect.

(10) In the event of an effective pre-lead, only the cost of the pre-lead may be challenged in an appeal against a decision ordering reimbursement of the pre-lead cost.

(11) In the event of an unsuccessful pre-trial, the court, prosecutor's office and investigating authority may, at the request of the debtor, exempt the debtor from the reimbursement of the pre-trial costs, in which case the pre-trial costs shall be borne by the state.

Arrest warrant

§ 119. (1) In the case of a criminal offense punishable by imprisonment, the court, the prosecutor's office and the investigating authority may issue an arrest warrant with a decision to order the custody of the accused or person reasonably suspected of committing the offense.

(a) *his* actual whereabouts are unknown and his arrest and detention are justified in order to ensure the objectives pursued by the judicial licensee in respect of personal liberty,

(b) *his or her* actual whereabouts are known, but his or her arrest and detention are justified in order to ensure the objectives pursued by the judicial licensee in respect of personal liberty,

c) he or she is detained abroad, the conditions for the issuance of an international arrest warrant or a European arrest warrant are met, and the transfer or extradition to Hungary of a person accused or suspected of having committed a criminal offense is justified.

(2) In the event of the arrest or extradition or surrender to Hungary of an arrest warrant, his detention shall be ordered, and

(a) within 24 hours, the other public prosecutor's office or investigating authority issuing the arrest warrant or designated therein,

(b) within seventy-two hours be brought before the court which issued the arrest warrant or another court designated by it.

(3) If an authority or official becomes aware of the contact details of a person against whom an arrest warrant has been issued, he or she shall inform the issuing court, prosecutor's office or investigating authority thereof.

(4) There is no appeal against the issuance of an arrest warrant. If an accused person who is the subject of an arrest warrant or is reasonably suspected of having committed a criminal offense voluntarily appears before the court, prosecutor's office or investigating authority issuing the arrest warrant, the arrest warrant shall be revoked and his detention ordered in accordance with paragraph 1 (b) or may take place in cases where another reason for ordering a coercive measure affecting the personal liberty of a judicial licensee may be established.

(5) If the accused person is apprehended on the basis of an arrest warrant, the costs incurred in bringing him before a court, the public prosecutor's office or the investigating authority after his arrest shall be a criminal offense.

The arrest warrant shall be immediately revoked if:

(a) the reason for the order has ceased to exist, or

(b) the proceedings have been terminated or terminated.

7. The revocation or amendment of the arrest warrant shall be decided by the court, public prosecutor's office or investigating authority before which the proceedings are pending. An arrest warrant issued by an investigating authority prior to prosecution may also be revoked or amended by the prosecution.

8. If the proceedings are not pending before the court, prosecutor's office or investigating authority issuing the arrest warrant, or the trial court, prosecutor's office or investigating authority changes during the proceedings and the conditions of the arrest warrant continue to apply, the revoking court shall, the public prosecutor's office or the investigating authority shall take steps to record this circumstance in a circular registration system.

(9) There is no appeal against the revocation or amendment of the arrest warrant.

(10) In the event of or after the issuance of an arrest warrant, the court may issue an international arrest warrant or a European arrest warrant in accordance with the conditions and procedures specified by law.

XX. CHAPTER

USE OF TELECOMMUNICATIONS

The concept of the use of a telecommunications device

§ 120. (1) The presence of a person obliged or entitled to attend a procedural act on the basis of this Act may also be ensured by means of a telecommunication device (hereinafter together: use of a telecommunication device).

(2) In the case of the use of a telecommunication device, the directness and reciprocity of the connection between the intended place of the procedural act or the place indicated by the prosecutor's office or investigating authority and a different place (hereinafter: separate place)

(a) image and sound recording, or

b) continuous sound recording transmission.

Paragraph 2 (b) shall apply only to:

a) the examination of a witness,

(b) ensuring the presence of an interpreter; or

(c) hearing the expert and the accused during the investigation may be used for this purpose.

Ordering the use of a telecommunications device

§ 121. (1) A court, the public prosecutor's office or an investigative authority may order the use of a telecommunications device ex officio or on the motion of a person obliged or entitled to be present at a procedural act.

(2) There shall be no legal remedy against the rejection of a motion for the use of a telecommunications device or, unless this Act makes an exception, against the order to use it.

(3) In the event of an order for a motion, the court, the public prosecutor's office and the investigating authority shall immediately, otherwise at the same time as the summons, communicate their decision ordering the use of the telecommunications device.

§ 122. (1) If the technical conditions for the use of a telecommunications device exist, the public prosecutor's office and the investigating authority may not dispense with the use of the telecommunications device with the exception specified in subsection (2).

(a) in the case of a procedural act requiring the presence of a victim in need of special treatment,

(b) in the case of a procedural act requiring the presence of a witness or defendant in custody, under personal protection or participating in the Protection Program.

(2) An order to use a means of telecommunication may be waived if

a) the purpose to be achieved by the use of the means of telecommunication can be achieved in another way,

(b) the personal appearance of the victim, witness or accused is essential to the nature of the procedural act or to its effective performance.

(3) If the technical conditions for the use of a telecommunications device are met, the court may refrain from the use of the telecommunications device only in particularly justified cases.

(a) in the case of a procedural act requiring the presence of a victim in need of special treatment,

(b) in the case of a procedural act that requires the presence of a witness or defendant in custody, under personal protection or participating in the Protection Program; and

(c) at a meeting to extend or maintain the arrest.

(4) In the case of the protection of a victim or witness requiring special treatment, the court may refrain from using the means of telecommunication if it otherwise ensures the protection of the victim or witness.

(5) The use of a telecommunications device may be ordered only with the consent of the debtor

(a) at a meeting on the imposition of a coercive measure on judicial freedom affecting personal liberty,

(b) at the preparatory meeting
to ensure a burdened presence.

(6) The accused may, within three days from the notification of the decision, request that the court ensure the personal presence of the accused at the scheduled place of the trial. The court may reject the accused's motion if

a) the provision of the personal presence of the accused is excluded by this Act,

(b) the protection of the accused or other person can only be ensured by the use of a telecommunications device.

Persons present during the use of a telecommunications device

Section 123 (1) In the case of the use of a telecommunications device, only the following persons may be present at the segregated site:

(a) the person whose presence is ensured by the means of telecommunications,

b) in a) protector or helper person specified in subparagraph

c) a member of the investigating authority, a prosecutor, a prosecutor, a prosecutor, a judge, a court clerk, a court draftsman,

(d) in the case of a detainee, an employee of the detention facility authorized to establish the identity of the detainee,

e) in the case of ³⁰ detainees, the person in charge of their custody,

f) the expert,

(g) staff ensuring the operation of the telecommunications equipment.

2. At least one of the persons specified in paragraph 1 (c) or (d) must be present at the segregated site .

Procedural rules when using a telecommunications device

§ 124. (1) In the case of the use of a telecommunications device, the acting court, prosecutor's office or investigative authority

a) with the assistance of the person specified in Section 123 (2), establish the address of the segregated site, the identity and personal data of the persons present there,

b) in the case of Section 120 (2) (a) , verifies that no unauthorized person is present at the segregated site by appropriate application of the technical device, otherwise by the person specified in Section 123 (2).

(2) The use of a telecommunication device shall not affect the exercise of the rights of questioning, remarks, submission of motions and other procedural rights of persons participating in criminal proceedings pursuant to this Act.

(3) If the presence of the accused is ensured by telecommunication means and the accused is not present in the same place as his or her counsel, the consultation between the accused and his or her counsel shall be possible at least by electronic means.

If you are using (4) Telecommunication means to ensure that people in an act of Procedure § 120 paragraph (2) *a*) see and hear, the § 120 paragraph (2) In the case of *b*) hear the case of the separate spot report persons. Persons in a segregated place must be able to follow the progress of the procedural act.

5. When using a means of telecommunication, the acting court, prosecutor's office or investigating authority may, in order to ensure the enforcement of the rights or fulfillment of the obligations of a person in need of special treatment, or to spare or protect him, not to see or hear the accused in a different place.

Protocol when using a telecommunications device

§ 125. (1) The minutes of a procedural act shall set out, with the appropriate application of the provisions concerning the content of the minutes:

- a*) the fact and manner of use of the telecommunication device,
- b*) an indication of the person whose presence is ensured by telecommunications,
- c*) the address of the segregated site,
- d*) the names of any other persons present in the segregated premises and their capacity in the proceedings.

(2) If a telecommunication device is used, the recording shall be recorded.

Protection of identity when using a telecommunications device

§ 126. In order to protect a person in need of special treatment, the court, the prosecutor's office and the investigating authority may order the distortion of individual characteristics suitable for establishing identity by technical means in order to protect the person requiring special treatment.

XXI. CHAPTER

MEASURES TO ENSURE THE ORDER OF THE PROCEDURE

The fine

§ 127. (1) In order to maintain the order of the procedure and due to the violation of the procedural obligations, a fine may be imposed in the cases specified in this Act.

(2) The amount of the fine

- a*) in the case of a fine imposed on a non-natural person from twenty thousand forints to one million to five hundred thousand forints,
 - b*) in the case of a fine imposed on a lawyer, legal representative, interpreter or expert, expert body or body, from twenty thousand forints to one million forints,
 - c*) in other cases from five thousand forints to one million forints
- can spread.

3. In fixing the amount of the fine, regard shall be had to the gravity and consequences of the conduct giving rise to it, and in particular to its contribution to the length of the criminal proceedings and to their recurrent nature.

(4) If the conduct giving rise to the imposition of a fine has resulted in a prolongation of the criminal proceedings lasting more than one month, the fine shall be imposed.

(5) A fine may be imposed by a court, prosecutor's office or investigative authority.

(6) The enforceability of a fine shall lapse if one year has elapsed from the date on which the decision imposing the fine,

(a) *the non - decision has become final; or*

(b) *the time-limit for lodging a complaint against a decision of the public prosecutor's office or the investigating authority has expired, without the lodging of a complaint, or the time-limit for lodging a complaint has been examined by the public prosecutor's office without repealing the order imposing a fine.*

(7) The limitation period shall not include the period of deferral or installment payment for the payment of the fine.

(8) The limitation period shall be interrupted by any measure taken to enforce an unpaid fine. On the day of the interruption, the limitation period shall begin again.

(9) There shall be no place for the enforcement of a fine if two years have elapsed from the date specified in subsection (6).

§ 128. (1) An appeal lodged against the imposition of a fine shall have suspensory effect.

(2) With the exception of a fine imposed pursuant to Section 18 (2) and Section 28 (5), the court shall change the penalty imposed on a natural person to imprisonment if it is not paid.

(3) In the event of a change of the fine to foreclosure, a daily foreclosure shall be calculated instead of five thousand forints. Detention in lieu of a fine may not exceed one hundred days. The person concerned must be warned of this in the decision imposing the fine.

(4) There is no appeal against a decision to convert a fine into a confinement.

(5) The investigating judge and then the court shall decide on the change of the fine imposed by the prosecutor's office and the investigating authority before the indictment.

(6) In order to enforce a fine and a block substitute in lieu of a fine, the court in whose proceedings it becomes final shall take action. In order to enforce a fine imposed by the public prosecutor's office or the investigating authority, the public prosecutor's office or the investigating authority which imposed the fine shall take action.

Application of physical coercion

§ 129. (1) If it can be reasonably assumed that the use of physical coercion is necessary for the purpose of securing or performing a procedural act, the court, prosecutor's office or investigative authority ordering the procedural act may provide for this. The use of coercion may also be ordered by the court, prosecutor's office or investigative authority that carried out the procedural act or the evidentiary act. If the person against whom corporal punishment has been applied makes a request within three days from the date of the use of corporal punishment, the provision shall be subsequently included in a decision and communicated to the person submitting the request.

(2) Physical coercion may be applied against the accused, the victim, a witness and a person obstructing a procedural act.

(3) For the application of physical coercion, a professional member of the court and the prosecutor's office, the police or the National Tax and Customs Board shall be used.

(4) Exceptionally, a professional member of the penitentiary person present in a procedural act may also be used for the use of physical coercion, but this shall not include physical coercion used for the purpose of proof.

XXII. CHAPTER

DELIVERY

Methods of delivery

§ 130. (1) The case file of the court, the prosecutor's office and the investigating authority

a) by post,

b) ³¹ electronic means for official contact according to the E-Administration Act and for contact for secure electronic communication,

c) in person,

(d) by notice, or

(e) by service by a court, public prosecutor or investigating authority delivered to the consignee.

(2) The addressee may receive the file addressed to him, in addition to proving his identity, at the sender.

§ 131. (1) If the victim, the property interested party and the other interested party have an authorized representative, the court, the prosecutor's office and the investigating authority shall serve the file through the authorized representative, unless otherwise provided in the power of attorney.

(2) ³² In the case specified in Section 69 (5), if the victim, the property interested party or the other interested party does not have an authorized representative, the court, the prosecutor's office and the investigating authority shall serve the case file on the legal representative. If the victim, property interest or other interested party has the capacity to prosecute under section 69 but does not have full capacity under the rules of civil law, the court, the prosecutor's office and the investigating authority shall also serve the file on the legal representative.

3. Paragraphs 1 and 2 shall not apply to summonses.

(4) If a person involved in criminal proceedings has a service agent, the court, the public prosecutor's office and the investigating authority shall serve his or her file on him or her through a service agent.

(5) ³³ If the non-natural person does not have an authorized representative of the victim, property interested party and other interested party, the court, prosecutor's office and investigating authority shall serve the file at the registered office of the victim, property interested party and other interested party or, in the absence of registered office. If service to the registered office of the injured party, property interest and other interested party is unsuccessful, service to the legal representative should also be attempted.

(6) If the addressee is detained, the file shall be served on him by the commander of the detention facility.

(7) If the addressee is a soldier, the file may also be served on him by his superior.

Delivery by post, delivery fiction

§ 132. (1) Service is lawful if the document to be served has been received by the addressee or another person entitled to receive it in accordance with law.

(2) The file to be served shall be deemed to have been duly served

(a) on the day on which service is attempted, if the addressee or the person legally authorized to receive the postal items refuses to accept the file,

(b) on the fifth working day following the date of the second attempt at service, if service was unsuccessful because the addressee or another person entitled to take delivery by law did not receive the file and therefore returned "not sought".

3. The court, the public prosecutor's office and the investigating authority shall not establish the existence of a service fiction pursuant to paragraph 2 if the service was effected on behalf of the addressee by another person entitled to receive it whose interests conflict with the addressee.

4. If the court, the public prosecutor's office or the investigating authority has established that the service fiction has been established pursuant to paragraph 2 in the case of service of the final decision, indictment or decision terminating the proceedings, it shall inform the addressee, together with the provisions on the objection to service and the file in respect of which it has been established that the service is fictitious.

(5) If the addressee has notified the electronic mail address of the court, the prosecutor's office or the investigating authority, the information on the establishment of the service fiction shall also be sent to this addressee of the addressee.

The objection to service

§ 133. (1) The addressee and the addressee's representative or defense counsel may file an objection for the reason specified in subsection (3) with the court, prosecutor's office or investigative authority during the proceedings of which the service took place.

a) in the case of a document deemed to have been served on the basis of a service fiction, on the establishment of the service fiction,

b) in the case of a document deemed to have been served without the use of a fiction for service

within fifteen days of becoming aware of it.

(2) There is no place to file an objection after the date of service of the fiction or three months from the date of service. Failure to meet this deadline will not result in a certificate.

3. The court, the public prosecutor's office or the investigating authority shall grant the objection if the addressee was unable to receive the file because:

a) the service was effected in breach of the law on the delivery of postal items or was otherwise irregular, or

b) other in the file *of* reasons beyond the control of, other than those referred was no way to take over.

(4) An objection to the service in connection with service on the legal representative and the defense counsel shall be justified pursuant to paragraph 3 (*a*) .

5. For the reasons set out in paragraph 3 (*b*), only a natural person may object to the service.

Section 134 (1) The statement of objections shall set out the facts or circumstances which justify the irregularity of the service or, in the case specified in Section 133 (3) (*b*) , the addressee is likely to have the reason given. The objection shall be accompanied, if possible, by an act previously considered to have been omitted.

(2) The court, prosecutor's office or investigating authority in whose proceedings the service was effected shall decide on the objection. If the objection is submitted out of time, it must be rejected without a substantive examination.

(3) An objection based on Section 133 (3) (*b*) shall be dealt with fairly.

4. The objection shall not have suspensory effect on the continuation of the proceedings or on the execution or enforcement of the decision. However, if the facts set out in the objection prove probable, the court, the public prosecutor's office and the investigating authority may order an ex officio suspension of the proceedings or the execution of the decision.

(5) There shall be no appeal against the decision granting the objection and the decision on the procedure or the suspension of the execution or enforcement of the decision.

(6) If the objection is upheld by the court, the public prosecutor's office or the investigating authority, the legal consequences of the service shall be null and void and the service, the measures taken and the procedural acts shall be repeated to the extent necessary.

Delivery by announcement

§ 135. (1) The court, the prosecutor's office and the investigating authority shall serve it by means of a notice

- (a)* his file to the defendant in the unknown place,
- b)* to an unknown proprietor interested in the right to dispose of the electronic data,
- (c)* notification, if justified by the significant number of interested parties.

(2) In the case of service of a notice, the notice shall specify to which court, public prosecutor's office or investigative authority the addressee may receive the file.

(3) The notice shall be published for fifteen days

(a) ^{34 on} the electronic information website or notice board of the court, prosecutor's office or investigating authority ordering the service, and

b) on the publication surface specified by the Government in a decree.

4. The file shall be deemed to have been served on the fifteenth day following the publication of the notice in accordance with paragraph 3 (*a*) .

(5) In *the* case of paragraph (1) (*a*) , the notice shall also be posted on the notice board of the local government of the last known Hungarian address or actual residence of the accused for fifteen days.

The delivery agent

§ 136 (1) A delivery agent may act

a) in the cases specified in this Act, in the interests of the accused,

b) for the benefit of a victim, property interest and other interested party who does not have a Hungarian address, notification address, delivery address, if he or she does not have a representative with a Hungarian address, notification address, delivery address or registered office.

(2) As a delivery agent

a) the defendant's lawyer,

b) a lawyer or law firm with a Hungarian address, notification address or registered office for the benefit of the victim, the property interest and other interested persons, as well as other natural or legal persons of legal age

can act.

(3) The accused, the victim, the property interest and other interested parties may report to the acting court, prosecutor's office or investigating authority together with the attachment contract concluded with the service agent if he uses the assistance of the service agent. The contract of assignment shall be set out in a private or authentic instrument of full probative value.

(4) The accused may orally entrust his or her lawyer with the duties of a service agent before the court;

(5) It is the duty of the delivery agent to take over the documents generated in the proceedings to be served on the principal and to forward them to the principal; is liable to the principal for this activity in accordance with the rules of civil law.

(6) In the event of a breach of the obligation specified in subsection (5), the defendant's service agent may be fined.

(7) A file addressed to the accused, the victim, the property interested and other interested parties, duly served on the delivery agent, shall be deemed to have been served on the accused, the victim, the property interested party or the other interested party on the fifteenth day after service.

8. The provisions relating to the service agent shall not apply to service on an accused, injured, proprietary and other interested party domiciled, resident or domiciled in a State in

respect of which an international treaty or a binding act of the European Union derogates from those provisions. only allows delivery methods.

XXIII. CHAPTER

DEADLINE AND DEADLINE

Setting the deadline and deadline

§ 137. (1) The term shall be established by the court, the prosecutor's office or the investigating authority within the framework specified by law.

2. The time limit shall be expressed in hours, days, working days, months or years.

3. A time limit set in hours shall be calculated in whole hours and shall end in the minute corresponding to the starting minute. The time limit set in days or working days shall not include the day on which the circumstance giving rise to the time limit begins (hereinafter referred to as the starting day). The period laid down in months or years shall end on the day corresponding to the starting day, or, if there is no such day in the month, on the last day of that month.

(4) If the last day of the period is a day on which the work of the court, prosecutor's office or investigating authority is suspended, the period shall expire on the following working day.

5. The time limit for filing an application with a court, public prosecutor's office or investigating authority and for any procedural act that may be performed before them shall expire at the end of the working hours.

(6) The deadline shall be set by the court, the prosecutor's office or the investigating authority.

Failure to do so and its consequences

§ 138. (1) A person participating in criminal proceedings and the prosecutor's office in court proceedings may no longer perform the missed procedural act in force, unless otherwise provided by this Act, the delayed procedural act shall be invalid. The court, the prosecutor's office and the investigating authority shall inform the data subject of the fact that the procedural act of late execution is invalid, unless this Act provides for the rejection or non-disclosure of the late procedural act.

(2) The consequences of failure to act - except in the cases specified in this Act - shall occur automatically without prior warning. If the consequences of the omission occur only in the case of prior notice, the omitted procedural act may be remedied within the time specified in the notice.

(3) It shall not be deemed an omission if the person participating in the criminal proceedings or the prosecutor's office in the court proceedings has been hindered by an unavoidable obstacle in the performance of the procedural act.

(4) The consequences of failure to meet the time limit set in days, working days, months or years shall not apply if the application addressed to the court, prosecutor's office or investigating authority is sent by registered mail to the addressing court, prosecutor's office or investigating authority no later than the last day of the time limit. was given.

Submission of the application for a certificate

§ 139. (1) If the accused, the defense counsel, the victim, the property interest and other interested parties, as well as the prosecution or the prosecutor in court proceedings have missed the deadline or deadline without their own fault, unless otherwise provided by this Act place.

(2) The application for a certificate may be submitted within eight days of the last day of the missed deadline or of the missed deadline. If the default became known to the defaulter later, or the obstacle was later removed, the time limit for requesting a certificate shall begin to

become known or the obstacle shall cease to exist. An application for a certificate may not be submitted beyond three months.

3. The application for a certificate shall state the reason for the failure and the circumstances which make it impossible for the failure to act. In the event of failure to meet the deadline, the omitted act shall be compensated together with the submission of the request for certification.

Examination of the application for a certificate

§ 140. (1) The court, prosecutor's office or investigative authority which establishes the term or the deadline shall decide on the application for certification. In the event of failure to meet the deadline for appeal, the court or prosecutor's office competent to adjudicate the appeal shall decide on the application for certification.

(2) The request for certification shall be fairly assessed by the court, the public prosecutor's office and the investigating authority.

(3) The request for a certificate shall be rejected by the court, the public prosecutor's office and the investigating authority without substantive reasons,

a) in the cases specified in Section 80 (1) a) –d) , and

(b) if, in the event of failure to comply with the time limit, the person requesting the certificate has not made good the missed act, together with the application, even though it was possible.

(4) An application for a certificate shall not have suspensory effect on the continuation of the proceedings or the execution or enforcement of the decision. If the request for certification makes it probable that the defaulter is not at fault or that the omission has been or will be remedied, the court, prosecutor's office and investigating authority examining the request for certification may suspend the proceedings or the execution of the decision.

(5) There is no appeal against the decision granting the request for certification.

Legal effects of the certificate

§ 141. (1) If the court, the public prosecutor's office or the investigating authority grants the request for certification,

(a) the act replaced by the person requesting the certificate shall be deemed to have been performed within the time-limit missed,

(b) the procedural act performed on the missed deadline shall be repeated as necessary.

(2) Compared to the result of the repetition, the court, the public prosecutor's office or the investigating authority shall also decide on the maintenance of the previous procedural act or decision or on its total or partial annulment.

General deadline for action

§ 142. The court, the prosecutor's office and the investigating authority - unless otherwise provided by law -

(a) the receipt of an application addressed to a court, a public prosecutor's office or an investigating authority,

(b) the expiry of the time limit for the submission of such a request; or

(c) the occurrence of any other circumstance giving rise to the measure
take the necessary measures within one month at the latest.

XXIV. CHAPTER

OBJECTION DURING THE DELAY OF THE PROCEDURE

§ 143. (1) In prosecution, the defendant, the defense counsel, the victim, the property interest and other interested parties, as well as in court proceedings, the prosecutor's office may file an objection due to the length of the proceedings if

(a) the law has set a time limit for the court, the public prosecutor's office or the investigating authority to conduct the proceedings, to carry out the procedural act or to take a decision, but that time limit has elapsed, or

(b) the court, public prosecutor's office or investigating authority has set a time limit for the performance of a procedural act which has failed, and the court, public prosecutor's office or investigating authority has not taken the measures permitted by law against the defaulter.

(2) An objection may be submitted in writing to the court, prosecutor's office or investigating authority dealing with the case, requesting the establishment of the fact of the omission, and to the defaulting court, prosecutor's office or investigating authority.

(a) in the case referred to in paragraph 1 (a) , to take the procedural omission or to take a decision,

(b) in the case referred to in paragraph 1 (b) , to take the most effective action in the case instructions.

3. The objection may be withdrawn by its author until it has been considered on the merits. The withdrawn objection cannot be resubmitted.

§ 144. (1) The court, prosecutor's office or investigating authority acting in the case shall examine the objection within eight days after its receipt and, if it deems it thorough, within eight days before the indictment, within one month after the indictment, terminate the situation complained of. shall inform the objector at the same time of the handling of the objection.

2. If the court, public prosecutor's office or investigating authority dealing with the case does not consider the objection to be well-founded, it shall submit the file together with its statement of objection to the court or public prosecutor's office examining the objection within the time limit specified in paragraph 1.

(3) The objection against the failure of the district court shall be raised by the Chamber of three professional judges of the General Court, the objection against the failure of the Tribunal shall consist of the three professional judges of the panel, the objection against the failure of the trial panel the objection shall be considered by the other council of the Curia in a council meeting within fifteen days from the submission of the case file.

(4) An objection filed against the failure of the Prosecutor's Office shall be adjudicated by the Prosecutor General's Office, an objection filed against the failure of the Attorney General's Office shall be adjudicated by the Prosecutor's Office within fifteen days from the submission of files.

(5) If the court or prosecutor's office adjudicating the objection upholds the contents of the objection, the defaulting court, prosecutor's office or investigating authority shall, by setting a deadline , take the measure necessary to take the case forward in the case specified in Section 143 (1) a). In the case provided for in Section (1) (b) , it calls for the most effective measure to be taken in the given case. Except in the case provided for in Section 143 (1) (a) , the court hearing the objection may not instruct the trial court to perform a specific procedural act.

(6) The court or prosecutor's office examining the objection shall reject the objection or, if it is unfounded, by a decision. There is no appeal against the decision.

(7) If the objector repeatedly raises an unfounded objection at the same stage of the criminal proceedings, he may be fined in the rejection decision of the court or prosecutor's office hearing the objection.

(8) For the remainder of the opposition

(a) in the case of an objection to the omission of a court, to an appeal against the order,

(b) in the case of an objection raised against the failure of the public prosecutor's office and the investigating authority, the provisions shall apply mutatis mutandis.

XXV. CHAPTER

THE CRIMINAL COST

Section 145 (1) Criminal costs as defined by law

(a) a fee or expense which has been advanced by the State in criminal proceedings or in connection with criminal proceedings,

(b) the costs of the accused, the injured party, the financial interest and other interested parties, even if not paid in advance by the State,

(c) the fees and expenses of the seconded lawyer, the legal representative and the authorized representative, even if not paid in advance by the State.

2. The criminal costs referred to in paragraph 1 (a) shall *include* , in particular, the costs of the witness, the fees and expenses of the expert and the consultant, and the costs of transporting and preserving the seized item.

XXVI. CHAPTER

MERGER AND SEPARATION

§ 146 (1) After the indictment, the court and the prosecutor's office and the investigating authority may join the cases pending at the same stage of the proceedings if it is expedient to adjudicate them together, especially with regard to the subject matter of the proceedings or the persons involved in the criminal proceedings.

(2) After the indictment, the prosecutor's office and the investigating authority shall separate the cases pending before them during the investigation if the large number of defendants or other reasons would significantly complicate the assessment of criminal liability in the same proceedings.

§ 147. (1) The court, the prosecutor's office and the investigating authority shall decide ex officio or on a motion to join or separate cases.

(2) In the case of merging or not joining cases pending before different courts, the court with jurisdiction and jurisdiction to decide jointly shall decide, if there are several such courts, the prevention shall prevail.

(3) In the case of merging or not joining cases pending before different prosecutor's offices or investigating authorities, the prosecutor's office or investigating authority with jurisdiction and competence to decide jointly, if there are several such prosecuting or investigating authorities, prevention shall prevail.

4. The court, public prosecutor's office or investigative authority specified in paragraphs 2 to 3 shall decide on the merger or not to join the case within one month after the receipt of the case sent for the purpose of merging.

XXVII. CHAPTER

ELECTRONIC COMMUNICATION

§ 148. (1) The provisions of this Act shall be applied in the course of electronic communication with the exceptions provided for in this Chapter.

(2) In criminal proceedings, only a statement in accordance with Section 17 (1) of the E-Administration Act may be made during electronic communication.

Optional electronic contact

§ 149. (1) A person participating in criminal proceedings who is not obliged to communicate electronically or his or her representative who does not qualify as a legal representative - provided that his / her right to electronic administration is not suspended - may undertake electronic communication at any stage of the proceedings.

(2) A statement concerning electronic communication may be made by a person participating in criminal proceedings or his or her representative before a court, prosecutor's office or investigating authority pursuant to Section 148 (2).

(3) ³⁵ In the case of undertaking electronic communication, the person participating in the criminal proceedings or his or her representative who is not a legal representative shall keep in touch with the court, the prosecutor's office and the investigating authority by electronic means in accordance with Section 148 (2). the court, the prosecutor's office and the investigating authority also serve all the files electronically.

(4) ³⁶ If a person who is not a party to electronic communications who is not obliged to communicate electronically or whose representative who is not a legal representative has not yet undertaken electronic communications in the proceedings, the court, prosecutor's office and investigating authority shall inform him at the same time as the first service on paper that: henceforth it may undertake electronic communication in accordance with the provisions of this Act.

(5) ³⁷ If a person participating in criminal proceedings who is not obliged to communicate electronically or his or her representative who does not qualify as a legal representative has submitted his or her submission pursuant to Section 148 (2), but in the absence of a statement on electronic communication, the court, prosecutor's office or the investigating authority shall warn him electronically that he may continue to communicate electronically by making a statement to that effect in accordance with Section 148 (2).

Mandatory electronic contact

§ 150. (1) ³⁸ A person participating in criminal proceedings obliged to keep in touch electronically - with the exception specified in paragraph (2) - may submit all submissions to the court, the prosecutor's office and the investigating authority electronically only in accordance with § 148 (2) and is served electronically by the court, the prosecutor's office or the investigating authority.

(2) ^{39 A} person participating in criminal proceedings shall be exempted from the obligation to communicate electronically if his or her right to electronic administration is suspended.

Electronic contact with the expert

151. § 40 (1) An expert who is not obliged to communicate electronically may enter into electronic communication by submitting it to the list of forensic experts, an expert not included in the list of forensic experts authorized by law to act as an expert may undertake electronic communication.

2. Where an expert is required to undertake or undertake to communicate electronically in accordance with paragraph 1, he shall submit his expert opinion and other submissions electronically to the court, the public prosecutor's office and the investigating authority and the court, the public prosecutor's office and the investigating authority. delivered to him electronically.

(3) The court, the public prosecutor's office and the investigating authority may invite the non-electronic contact expert to submit the expert opinion on a data carrier if he or she has to serve or transmit it by electronic means. The expert is responsible for ensuring that the content of the paper-based opinion is the same as that of the opinion submitted on the medium.

Bodies providing electronic shop with each other and maintaining electronic contact with other bodies ⁴¹

152. § ⁴² In the course of criminal proceedings, the bodies providing electronic administration and the bodies performing public tasks designated by the Government shall communicate with each other electronically.

Provisions for authorized legal successor and protector of electronic communication during ⁴³

§ 153. ⁴⁴ (1) The defense counsel and legal representative acting on the basis of the power of attorney shall attach the power of attorney available as an electronic document or digitized by him or her as an annex to the first submission to the court, prosecutor's office or investigative authority, if the power of attorney has not yet been registered. . If the court, the prosecutor's office or the investigating authority has serious doubts in this regard, in the case of a digitized power of attorney, it shall invite the defense counsel and the legal representative to present the original power of attorney in order to establish the agreement.

(2) A person acting with an authorized counsel or legal representative, but not personally involved in criminal proceedings who is not required to use electronic means, may also submit a statement on the basis of which the authorization has been revoked on paper. Simultaneously with the revocation of the power of attorney, the person participating in the criminal proceedings shall declare whether he or she intends to act with or without a legal representative or an authorized counsel after the submission of the power of attorney.

(3) If a person participating in criminal proceedings acts with an authorized counsel or legal representative after the revocation of the power of attorney, he or she shall attach the power of attorney of the new defense counsel or legal representative acting simultaneously with the revocation of the power of attorney.

Provisions concerning time limits for electronic communication

§ 154. (1) If communication in electronic proceedings takes place electronically, the consequences of failure to comply with the time limit in days, working days, months or years shall not apply if the application to the court, prosecutor's office or investigative authority is submitted no later than the last time limit. duly submitted by electronic means on

(2) In the case of electronic communication, the time limit specified by law or established by the court, the prosecutor's office and the investigating authority shall not include the day, months and years, or, in the case of time limits, the expiry date during which at least four hours there was a malfunction or downtime as defined by law.

Paper documents for electronic communication

§ 155. ⁴⁵ (1) If the annex to the petition is not available as an electronic document, the person undertaking electronic communication and participating in criminal proceedings obliged to maintain electronic communication (hereinafter: electronic contact) shall ensure the digitization of the paper-based annex and the paper-based document. conservation.

2. If the court, the public prosecutor's office or the investigating authority originally has to serve or transmit a paper file electronically, it shall have ten working days to digitize it. The time needed to digitize the file, up to a maximum of five working days, shall be disregarded for the purpose of calculating the time limit.

(3) An exception to electronic communication shall be made if it is necessary to present or view the submission, file or means of proof to be served or transmitted on paper or on another data carrier, in particular if due to its large quantity, specific shape or nature. as a result, digitization would be disproportionately difficult or impossible, and if its authenticity is in

dispute. Submission or transmission on paper or on data carriers may be ordered by the court, the prosecutor's office and the investigating authority ex officio and on a motion.

4. The rules on electronic communication shall not apply to a submission or means of proof submitted in the course of a procedural act involving personal presence, including the immediate submission of a power of attorney to the defense counsel and the legal representative at the scene of the procedural act.

Delivery by electronic contact

§ 156. ⁴⁶ (1) The paper-based application of a person participating in non-electronic criminal proceedings, provided that it must be served electronically, shall be digitized by the court, the public prosecutor's office and the investigating authority in accordance with Section 155 (2) and submitted electronically. to another person involved in the criminal proceedings who has a right of access to the file.

2. The court, the public prosecutor's office and the investigating authority shall serve the file on paper on a person involved in non-electronic criminal proceedings if he is acting in the proceedings through his legal representative or other representative who communicates electronically, but the representative is not, but must be served on the person involved in the criminal proceedings or cannot be served on the representative.

Data handling

157. § ⁴⁷ In the course of criminal proceedings, the National Court Registry and other bodies providing electronic administration are entitled to process the data of electronic contact persons in order to ensure electronic communication.

Electronic file

§ 158. ⁴⁸ (1) The court, the prosecutor's office and the investigating authority shall provide the file served electronically with an enhanced security electronic signature or electronic stamp based on a qualified or qualified certificate.

(2) A file with an enhanced electronic signature or electronic stamp based on a qualified or qualified certificate prepared by a court, the prosecutor's office and the investigating authority shall be a public document.

(3) For the purposes of this Act, a signature shall also mean an enhanced security electronic signature or electronic stamp of a court, prosecutor or investigative authority based on a qualified or qualified certificate.

Transmission of the file available in electronic format

§ 159. ⁴⁹ (1) A person participating in criminal proceedings and the prosecutor's office in court proceedings may request that the court, the prosecutor's office or the investigating authority forward a copy of the file available to him or her in electronic form on a data carrier or to an e-mail address designated by him or her. the file

a) in electronic form,

(b) as an electronic document, or

(c) as an electronic copy of the paper document

available to the court, prosecutor's office or investigating authority.

(2) The file shall be available in electronic form if the court, the prosecutor's office or the investigating authority has compiled the paper-based file using an information system. A file transmitted in electronic form which has been transmitted in accordance with paragraph 1 shall not be a certified copy.

(3) If the transmission of a copy of the file pursuant to subsection (1) cannot be performed, the court, the prosecutor's office or the investigating authority shall issue the copy on a data carrier or inform the petitioner that he or she may inspect the file pursuant to Section 100.

Access to files by providing electronic access

160. § 50 In order to exercise the rights to inspect the files, the court, the prosecutor's office and the investigating authority shall provide the persons entitled to inspect the file with the possibility of electronic access to the files as specified by law.

Consequences of a breach of the rules on electronic communication

Section 161 (1) A declaration made by electronic means is invalid if it does not comply with the provisions of Section 148 (2).

(2) If you are electronically contacting your submission

a) not by electronic means, or

b) electronically, but not in the manner specified in this Act or the E-Administration Act and its implementing regulations

unless otherwise provided by this Act, the court, the public prosecutor's office or the investigating authority and the declaration is invalid.

(3) The court, the prosecutor's office and the investigating authority may refrain from settling a petition submitted electronically pursuant to Section 148 (2) if it is not submitted by a person participating in criminal proceedings or a representative who is not a legal representative.

a) after a warning pursuant to Section 149 (5), and

b) in the absence of a statement concerning electronic communication pursuant to Section 149 (2) submitted.

(4) If the file cannot be served because the electronic contact person does not have the services necessary for electronic communication, the court, the prosecutor's office and the investigating authority shall serve the file on paper.

(5) In the case specified in subsection (4), a fine may be imposed by electronic means.

Switch to paper-based communication

§ 162. (1) § 51 If a person participating in criminal proceedings who is not obliged to maintain electronic contact or his or her representative who does not qualify as a legal representative has undertaken to keep the contact electronically, he or she may allow the transition to contact. In the motion, it must be probable that there has been a change in the petitioner's circumstances which would result in electronic communication being disproportionately burdened for him in the future.

(2) The court, the prosecutor's office and the investigating authority may authorize the transition to paper-based communication without taking a decision, and the decision rejecting the request for conversion shall be served on the petitioner on paper. An appeal against this decision may also be lodged on paper. A paper-based application pursuant to paragraph 1 shall be deemed to have been duly submitted even if the request for conversion is rejected, and shall not be submitted by electronic means, except in the case of a repeated submission of a request for conversion to be unfounded.

(3) The court, the prosecutor's office and the investigating authority shall maintain contact with the person participating in the criminal proceedings on paper, or shall switch to paper-based contact if the right of the person participating in the criminal proceedings to electronic administration is suspended.

PART FIVE
THE EVIDENCE
XXVIII. CHAPTER
GENERAL RULES OF PROOF

Subject of proof

§ 163. (1) Evidence shall cover facts which are significant for the application of criminal and criminal procedure legislation. Evidence may include significant facts in the adjudication of ancillary issues in criminal proceedings.

(2) In criminal proceedings, the court, the public prosecutor's office and the investigating authority shall base their decision on factual facts.

(3) During the judgment, the court shall clarify the facts within the framework of the accusation.

(4) It is not necessary to prove the facts

(a) which are in the public domain,

(b) of which the trial court, public prosecutor 's office or investigating authority is officially aware, or

(c) the reality of which is jointly accepted by the prosecutor, the accused and the defense counsel in the case.

§ 164. (1) The accusation shall be incumbent on the accuser to disclose the facts necessary for proving the accusation, to provide the means of proof to support them, or to propose their acquisition.

(2) In clarifying the facts, the court shall obtain evidence on the basis of a motion.

(3) In the absence of a motion, the court shall not be obliged to obtain and examine evidence.

Means of proof

§ 165 Means of proof:

a) the testimony,

b) the testimony of the accused,

c) the expert opinion,

d) the opinion of the probation officer,

(e) the physical means of proof, including the document and the deed; and

(f) electronic data.

Legality of proof

§ 166. (1) During the discovery, collection, provision and use of means of proof, the provisions of this Act shall be followed.

(2) Legislation may prescribe a specific manner of performance and conduct of evidentiary acts, examination and recording of means of proof.

Evaluation of the evidence

§ 167. (1) All means of proof specified by law may be used freely in criminal proceedings, and all acts of proof may be freely applied. However, the law may order the use of certain means of proof.

(2) In criminal proceedings, material means of evidence which an authority has prepared or acquired before or at the same time as the commencement of criminal proceedings in the performance of its duties specified by law may be used.

(3) Evidence shall not have a probative value determined in advance by law.

(4) The court, the prosecutor's office and the investigating authority shall freely evaluate the evidence individually and as a whole, and shall determine the result of the evidence in accordance with the conviction thus formed.

5. Evidence derived from evidence obtained by a court, the public prosecutor's office, the investigating authority or the authority referred to in paragraph 2 through a criminal offense, other prohibited means or a material infringement of the participants' criminal procedural rights shall not be considered as evidence.

XXIX. CHAPTER

THE TESTIMONY

§ 168. (1) A person who may be aware of the fact to be proved may be heard as a witness.

(2) Unless otherwise provided by this Act, a witness shall be required to testify.

(3) The costs incurred by a witness upon his or her appearance shall be determined and reimbursed by the acting court, prosecutor's office or investigative authority to the extent specified by law. The witness must be informed of this in the summons and at the end of his questioning.

(4) A lawyer authorized to act on behalf of a witness may act if the witness deems it necessary for the purpose of informing about his or her rights. The witness must be informed of this in his summons.

Obstacle to testifying

Section 169 (1) Obstacle to the testimony of a witness

(a) a prohibition on giving evidence; and

(b) refusal to testify.

(2) An obstacle to the testimony of a witness shall be taken into account even if it exists at the time of the commission of the criminal offense or even if it is examined.

(3) The testimony of a witness questioned in violation of the provisions concerning obstacles to testimony shall not be taken into account as a means of evidence, with the exception specified in this Act.

Prohibition of confession

Section 170 (1) He may not be heard as a witness

a) the defense counsel about what he became aware of as a defense counsel or what he communicated to the accused in his defense capacity,

b) [§2](#) a church person and a member of a religious association who performs a religious ceremony professionally for what he or she is bound by professional secrecy by virtue of his or her profession,

(c) who, because of his physical or mental condition, is clearly not expected to give a correct statement,

(d) the classified information is not released from the obligation of professional secrecy.

2. The prohibition on the examination of a witness laid down in paragraph 1 (a) and (b) shall continue after the termination of the relationship on which it is based. In this case, the witness may not be questioned on a provable fact falling within the scope of his or her duty of confidentiality.

(3) In the case specified in subsection (1) (*d*) , the qualifier specified in the Classified Data Protection Act shall, at the request of the court, the prosecutor's office or the investigating authority, decide to grant an exemption or maintain the obligation of confidentiality. The request for exemption shall indicate in an identifiable manner the matters for which the exemption is requested.

Refusal to testify

§ 171 The testimony of the accused relative may refuse to testify.

§ 172. (1) Whoever would accuse himself or a relative of committing a criminal offense may, except in the case of subsection (2), refuse to testify in a related matter, even if

- (a) did not refuse to testify as a relative of the accused, or
- (b) because of the offense in question
 - (ba) the proceedings against him have been terminated,
 - (bb) *has been* subject to a conditional suspension, or
 - (bc) *his* criminal liability has already been finally determined.

2. A testimony under paragraph 1 may not be refused by anyone who, in answering the question, would accuse himself of committing an offense for which:

- a) the complaint against him was rejected pursuant to Section 382 (1),
- b) the proceedings against him have been terminated pursuant to Section 398 (2) (*c*) or Section 399 (1),
- c) the Criminal Code. On the basis of its special part, it cannot be punished for cooperating with the authority,
- d) *has* entered into an agreement by undertaking the obligation specified in Section 411 (5) (*a*) , or
- e) the prosecutor's office has taken a decision or taken action against him on the basis of Section 404 (2) *a*) .

(3) ⁵³ The continuation of the terminated proceedings may not be ordered due to an offense reported in a testimony made pursuant to subsection (2), and the testimony shall not be considered as new evidence for the purpose of reopening the proceedings. This provision shall also apply to an offense discovered during a testimony which has not been the subject of previous criminal proceedings against the witness, but would also be appropriate for the rejection of the report or the termination of the proceedings for any offense uncovered during the testimony.

§ 173. (1) A person who is obliged to maintain confidentiality by reason of his or her occupation or public assignment, excluding the case of the obligation of confidentiality concerning classified information, may refuse to testify if he or she violates his or her duty of confidentiality with the testimony, unless specified by law

- (a) exempted by the holder, or
- (b) *at* the request of the court, the public prosecutor's office or the investigating authority, the transmission of data covered by the obligation of professional secrecy shall be obligatory for the requested organization.

(2) The obligation of confidentiality shall last for the period specified by law, if the witness has not been released from it.

§ 174. (1) If the media content provider and the person in an employment relationship or other legal relationship with him or her would disclose the identity of the person providing information to him or her in connection with the media content service activity with his or her testimony, he or she may refuse to testify, the court ordered the disclosure of the identity of the person providing the information.

(2) A court may oblige a media content provider and a person in an employment relationship or other legal relationship with him or her to disclose the identity of the person who provides him or her with information in connection with the activity of a media content provider if:

(a) knowledge of the identity of the person providing the information is essential for the detection of an intentional criminal offense punishable by a term of imprisonment of up to three years or more,

(b) the evidence to be provided is irreplaceable, and

(c) the interest in the detection of the offense is overriding, in particular in view of the material gravity of the offense, which clearly outweighs the interest in keeping the source of the information secret.

(3) The obstacle to the testimony of a witness specified in subsection (1) shall continue even after the termination of the legal relationship on which it is based.

§ 175. (1) The court, prosecutor's office or investigating authority shall decide on the lawfulness of the refusal to testify.

(2) If a witness refuses to testify on the grounds of an obstacle to testifying, an appeal against the decision rejecting it shall have suspensory effect.

(3) If a witness has lawfully refused to testify, no further question may be put to him or her and the witness shall not be confronted unless he or she decides that he or she wishes to testify.

The testimony warning

§ 176. (1) A witness shall be warned during the first interrogation during the investigation and at first instance and second instance court proceedings that:

(a) may refuse to give evidence if the circumstances giving rise to it exist at the time of the questioning or the commission of the offense,

b) if he makes a confession, he shall, to the best of his knowledge and conscience, confess the truth,

c) false testimony and unjustified refusal of testimony before a court in accordance with the provisions of the Criminal Code. punish orders, and

(d) if he or she gives evidence, his or her statement may be used as evidence in a given case or another even if he or she subsequently refuses to give evidence [*points (a) to (d) together: witness warning*].

(2) In the event of the continued examination of a witness, he or she shall be warned in accordance with paragraph 1 (a) if he or she may refuse to testify because of a change in the circumstances of his or her immunity.

§ 177. (1) The witness warning and the witness's response to the warning shall be recorded in the minutes.

2. In the absence of a record of a witness warning or response to a warning, the testimony of a witness shall not be taken into account as evidence as an exception, as provided for in paragraph 3.

(3) In the event of failure to record a witness warning or a response to a warning, the witness's statement may be taken into account as a testimony if the witness maintains his or her communication after the witness warning. A witness may not withdraw this statement.

(4) The testimony of a witness given earlier in the case or in another case may be used as a means of proof even if the witness subsequently refuses to testify. This presupposes that the record of the testimony clearly shows the testimony warning and the response to it.

(5) ⁵⁴ If a witness has been heard as a defendant in a previous case or in another case, the testimony of the accused may be used as evidence if the record of the testimony shows the defendant's warning and the answer to it. In this case, the witness's testimony previously made as incriminating may also be used if the witness subsequently refuses to testify.

Examination of the witness

Section 178 (1) Witnesses shall be examined individually.

(2) At the beginning of the interrogation, the identity of the witness shall be established. In doing so, the witness must declare the following information:

- a)* name, birth name,
- b)* place and date of birth,
- c)* mother's name,
- d)* nationality,
- e)* the number of your identity document,
- f)* address, address of notification, actual place of residence,
- g)* delivery address, telephone contact,
- h)* occupation.

(3) At the same stage of the proceedings, personal data need not be recorded during the continuous examination of a witness, if they have not changed.

§ 179. (1) After establishing the identity of a witness, the possible obstacles to the testimony and the circumstances indicating the witness's bias or interest in the matter shall be clarified. The witness is obliged to answer the questions asked during this process even if there is an obstacle to the testimony or the witness refers to it.

(2) The witness shall be informed of the witness warning and of his rights in connection with the questioning.

(3) A lawyer acting on his or her behalf may be present at the examination of a witness, who may inform the witness of his or her rights, but may not perform any other activity or influence the testimony. After the hearing, you may view the minutes and submit your comments in writing or orally.

§ 180. (1) During the interrogation, the witness shall give his or her testimony in connection with it, and then answer the questions addressed to him or her. During the examination of the witness, it should also be clarified how the witness became aware of what he or she said, taking into account the provisions on witness protection.

(2) If the testimony of a witness differs from his or her previous testimony, the reason shall be clarified.

(3) At the request of a witness, certain parts of his statement shall be recorded verbatim.

(4) A witness shall not be asked any question which:

- a)* include a response or guidance on the response,
- b)* contains a promise incompatible with the law, or
- c)* involves a statement of fact.

Written testimony

§ 181. (1) The court, the prosecutor's office or the investigating authority may allow a witness to testify in writing after or instead of being heard orally.

(2) If written testimony is permitted, the witness shall testify

- a)* write and sign by hand,
- b)* provides an advanced electronic signature based on [55](#) qualified or qualified certificates,
- c)* by electronic means, or
- d)* authenticated by a judge, notary or other person specified by law.

(3) If a witness testifies in writing, it shall be clear from the written testimony that the witness testified in the knowledge of the obstacles to the testimony and the witness warning.

(4) The giving of a written testimony shall not preclude the subsequent summoning of a witness, if necessary, for the purpose of his examination by a court, the public prosecutor's office or the investigating authority.

Action against a witness who fails to fulfill his obligations

§ 182. If a witness unjustifiably refuses to participate in a procedural act or to testify after being warned of the consequences, he or she may be fined and ordered to reimburse the criminal costs incurred.

XXX. CHAPTER

CONFIRMATION OF THE DEBTED

§ 183. (1) The testimony of the accused shall be any oral or written communication of the accused made or addressed to the court, prosecutor's office or investigative authority after the warning of the accused in criminal proceedings, in which he states a fact concerning the subject of the evidence.

(2) If the accused wishes to testify, the opportunity to testify shall be provided.

(3) Defendants shall be questioned individually.

(4) In the case of the admission of the accused, unless otherwise provided by this Act, other evidence shall also be obtained.

Identification of the accused

§ 184. (1) The interrogation of the accused begins with the establishment and verification of his identity and contact details.

2. In establishing identity, the accused shall declare the following details identifying him or her and ensuring that he or she is in contact with him or her:

- a)* name, birth name,
- b)* place and date of birth,
- c)* mother's name,
- d)* nationality,
- e)* the number of your identity document,
- f)* address, address of notification, actual place of residence,
- g)* delivery address, telephone contact.

The debit warning

§ 185. (1) After verifying his / her identity, the accused shall be informed of his / her rights and warned that

(a) is not required to testify, may refuse to testify or answer certain questions at any time during the hearing, but may at any time decide to testify, even if he or she has previously refused to testify,

(b) the refusal to testify does not impede the continuation of the proceedings and does not affect the accused's right to ask questions, comment and make a motion,

(c) if he gives evidence, he may use as evidence what he says or makes available,

d) he may not falsely accuse another person of committing a criminal offense, he may not infringe the right to pity with a false statement of facts (hereinafter together: accused warning).

2. The summons shall be issued at the time of the first questioning of the accused during the investigation and the proceedings at first instance and on appeal.

(3) The warning of the accused and the response of the accused to the warning shall be recorded in the minutes. In the event of failure to record the defendant's warning and the

response to the warning, the defendant's statement shall not be taken into account as evidence as an exception, as provided for in paragraph 4.

(4) In the event of failure to record the defendant's warning or the response to the warning, the defendant's communication may be taken into account as a testimony if the accused

(a) he or she has previously received a warning from the defendant during the proceedings and has a lawyer during his or her subsequent questioning, or

(b) maintain the communication after the debtor has been warned.

Testimony

§ 186. (1) If the accused wishes to testify, the defendant shall be asked after the warning has been given.

a) his occupation,

b) his place of work,

c) education,

d) family circumstances,

e) his state of health,

f) income conditions,

g) financial circumstances,

(h) military rank, honorary rank and honors.

(2) The accused shall be given an opportunity to present his testimony in a coherent manner, after which questions may be put to him. If the defendant's testimony differs from his previous testimony, the reason must be clarified.

(3) The defendant shall not be asked any question which:

(a) include a response or guidance on the response,

(b) contains a promise incompatible with the law, or

(c) involves a statement of fact.

(4) If the accused testifies after the refusal to testify, a question may be addressed to him or her.

§ 187. (1) The testimony of the accused made as a witness earlier in the case or in another case may be used as a means of proof if the record of the testimony of the witness is clearly evident from the record of the testimony.

(2) The testimony of the accused in another matter may be used as a means of proof if the record of the testimony of the accused and the answer given to it are clear from the record of the testimony.

XXXI. CHAPTER

THE OPINION

Use of an expert

§ 188. (1) If special expertise is required to establish or assess the fact to be proved, an expert shall be employed.

(2) In criminal proceedings, an expert opinion pursuant to the Act on Forensic Experts or an ad hoc expert (hereinafter together: expert) may give an expert opinion.

(3) Legislation may specify the technical issues in which a specific expert is entitled to give an opinion.

The expert

§ 189. (1) Unless otherwise provided by law, an expert shall be employed by secondment.

(2) If an urgent partial investigation is necessary for the preparation of the expert opinion, this investigation may be carried out without a decision of secondment, on the basis of an oral order of the prosecutor's office or the investigating authority. The prosecutor's office or the investigating authority shall send this order to the expert in writing within fifteen days.

(3) The head of an expert institution, expert institute or company under the Act on Forensic Experts or the chairman of the panel of experts shall inform the secondee of the identity of the acting expert or the members of the ad hoc committee within eight days of notification of the secondment decision.

4. The secondee shall inform the accused, the defense counsel, the victim, the property and the members of the ad hoc committee of the identity of the acting expert or the members of the ad hoc committee within eight days of the date of the secondment decision or, in the case specified in paragraph 3, other interested parties and, if the expert has been appointed by the court, the public prosecutor's office.

(5) The acting court, prosecutor's office or investigating authority may release the expert from the secondment by a decision for an important reason.

6. The time limit for the submission of an expert opinion, excluding a private expert opinion, shall not exceed two months. This period may be extended once for a further period of not more than one month, at the request of the expert.

§ 190. (1) He may propose the secondment of the accused and the defense expert, and may indicate the identity of the expert in the motion. The motion is decided by the court, the prosecutor's office or the investigating authority.

The accused and the defense expert may be instructed to draw up a private expert opinion if:

(a) their request for the secondment of an expert has been rejected by the court, the public prosecutor's office or the investigating authority, or

(b) the public prosecutor's office or the investigating authority has not decided to second the expert indicated in their request.

3. If the statement of the accused or the defense counsel seeks to establish or assess a fact which has already been examined by a previous expert opinion prepared by the prosecution or the investigating authority, a private expert opinion may be commissioned if the defendant or the defense counsel His motion for proceedings under Section 197 (1) - (2) was rejected. If the previous expert opinion was prepared by an expert appointed by the accused or the defense counsel, a private expert opinion may not be commissioned.

(4) The accused and the defense counsel may commission the preparation of a private expert opinion on the same professional issue.

(5) The accused or the defense counsel shall inform the court, prosecutor's office or investigating authority acting within eight days of the assignment to prepare the private expert opinion, the termination of the assignment, the person of the assigned expert and the deadline for the preparation of the expert opinion. The time limit for providing information shall be calculated from the date of the order or the termination of the order.

Exclusion of the expert

Section 191 (1) He may not act as an expert,

(a) who is or has been involved in the case as a defendant, a lawyer and as a victim, whistleblower or their assistant, and a relative of them,

(b) who has acted or is acting as a judge, prosecutor or member of the investigative staff of the investigating authority in the case, and a relative thereof,

(c) who is or has been a witness or assistant witness in the case,

(d) in the examination of the cause and circumstances of death and in the case of exhumation, the doctor who treated the deceased person immediately before his death or established that death had occurred;

(e) an expert of the expert institution and organization and a member of the panel of experts, if the ground for refusal set out in point (a) applies to *the head of* the expert institution, organization or panel of experts,

(f) a member of a company, if the ground for refusal set out in point (a) is directed against the director, a senior official of the company or a member or employee of a company of which he has previously acted,

(g) who has been called in to advise on the matter,

(h) from whom an impartial opinion is not expected for other reasons.

2. For the purposes of point (b) of paragraph 1, a person who is not in the service of the investigating authority under the legislation applicable to him shall not be considered to be in a professional capacity with the investigating authority.

(3) The expert shall immediately notify the secondee of the reason for his exclusion. In the case of the secondment of a company, expert institution, organization or body of experts, the notification shall be made through the head of the seconded company or body.

(4) The trial court, the prosecutor's office or the investigating authority shall decide on the exclusion of the expert.

(5) The provisions concerning the obstruction of the testimony of a witness shall apply *mutatis mutandis* to the expert.

Expert examination

§ 192. (1) The expert is obliged and entitled to get acquainted with all the data that are necessary for the performance of his / her task, for this purpose

a) to get acquainted with the case files, with the exceptions specified by law,

b) may be present in procedural acts,

(c) request information from the accused, the victim, a witness, an interested party, other interested party and an expert seconded in the proceedings,

d) request additional data, files and information from the delegate,

e) on the basis of the authorization of the outsourcer, he may view, examine and take samples of material evidence and electronic data not handed over to him.

(2) During the examination, the expert may view and examine a person and material evidence, electronic data, and ask questions to the person.

3. If the expert examines physical evidence or electronic data which is altered or destroyed as a result of the examination, he shall, as far as possible, retain part of it in its original state so that its identity or origin can be established.

4. The secondee may specify the examinations to be carried out by the expert in the presence of the secondee.

(5) If several experts conduct an investigation in criminal proceedings, the experts shall notify each other of the expert examination they intend to conduct, the notified expert may be present at the examination performed by the other expert.

§ 193. (1) During the preparation of a private expert opinion, the expert shall give an expert opinion on the basis of the examination of the data, files and objects provided by the client, and may examine a person only with the consent of the person concerned.

2. The procedure of the expert entrusted with preparing the expert opinion shall not result in a delay or disproportionate delay in the examination of the SNE.

Obligation to participate in the expert's procedure

§ 194. (1) An expert examination concerning the inviolability of the body of the person to be examined may be performed only on the basis of a special provision of the seconded.

(2) The accused, the victim and the witness shall be subject to the expert examination or intervention, except for the operation and the examination procedure which qualifies as surgery.

(3) The victim and the witness shall facilitate the conduct of the expert examination in other ways.

(4) Pursuant to a special provision of the seconded, the accused, the victim, the witness and the owner of the object of observation shall tolerate the examination of the thing in their possession by the expert, whether involving damage to the condition or destruction of the thing.

(5) Compensation shall be payable for damage caused by an expert examination, as specified by law.

(6) If it fails to fulfill its obligation to cooperate,

a) the accused can be led forward and subjected to physical coercion,

b) the victim and the witness can be prosecuted and fined,

c) the accused, the victim and the witness shall be ordered to reimburse the criminal costs incurred.

7. The provisions of paragraphs 1 to 6 shall not apply to the procedure of an expert entrusted with the task of preparing an expert opinion.

Observing the state of mind

§ 195. (1) If, according to the expert opinion, a longer expert observation of the state of mind of the accused is necessary, the court may order the observation of the state of mind of the accused before the prosecution is initiated. In case of ordering the monitoring of the state of mind, the detainee in custody shall be referred to a forensic observation and mental health institute, and the detainee on leave shall be referred to a psychiatric inpatient institution specified by law. The observation may last for one month, this period may be extended by the court by one month in the opinion of the institute conducting the observation.

(2) A remedy notified for an order to monitor the state of mind shall not have suspensory effect unless the accused is on leave.

(3) During the observation of the state of mind of an accused person on leave, the personal liberty of the accused may be restricted as specified in the Health Care Act.

(4) If the accused withdraws from the monitoring of the state of mind, the psychiatric institution shall immediately inform the court ordering the monitoring of the state of mind.

Presentation and presentation of the opinion

§ 196. (1) If several experts participated in the examination, the expert opinion shall indicate which expert performed which examination.

2. Before giving an oral opinion on an expert opinion, the identity of the expert shall be established and it shall be clarified whether there are any grounds for exclusion. The expert shall be warned of the consequences of giving a false opinion. The warning and the expert's response to the warning shall be recorded in the minutes. After the expert opinion has been given, questions can be put to the expert.

3. The statement made by the accused, witness and victim before the expert concerning information on the subject matter of the investigation, the investigative procedures and means, or changes in the subject matter of the investigation or the act on which the proceedings are based shall not be used as evidence. .

(4) The accused or the defense counsel shall decide on the submission or presentation of the private expert opinion.

Evaluation of the expert opinion and use of other experts

§ 197. (1) If the expert opinion cannot be accepted without concern due to any of its disabilities, especially if

- a)* does not contain the mandatory content elements of the expert opinion prescribed by law,
- b)* *it is* not clear
- (c)* contradicts itself or the information provided to the expert, or
- d)* there is strong doubt as to its correctness,

at the request of the court, the public prosecutor's office or the investigating authority, the expert shall provide information or supplement the expert opinion.

2. If the information requested from the expert or the supplement to the expert opinion has not been successful, another expert shall be seconded. Concerns about the admissibility of a previous expert opinion should be identified in the request for the secondment of the expert or in the decision on the secondment.

3. In the event of disagreement, the differences may be clarified by hearing the experts in the presence of each other.

4. Following the measures provided for in paragraphs 1 to 3, a further expert may be appointed if there is still an insoluble difference between the opinions drawn up on the basis of the same test material on the same factual evidence as is relevant to the decision. The expert so seconded must take a position on the question of whether the discrepancy between the opinions can be traced, whether it is necessary to supplement any of the opinions or whether it is necessary to obtain a new opinion on the matter.

(5) The expert opinion of an expert seconded in another procedure on the subject matter may be taken into account as an expert opinion in criminal proceedings. The evaluation of the expert opinion shall be governed by paragraphs 1 to 4, *mutatis mutandis*, provided that a request for information, the supplementation of the expert opinion or a parallel hearing of the experts may take place after the expert has been seconded.

Section 198 (1) A submitted or presented private expert opinion shall be deemed to be an expert opinion if the accused or the defense counsel has acted in accordance with Section 190 (2) - (4). In other cases, the opinion of the private expert shall be deemed to be the remark of the accused or the defense counsel, and the expert may not be heard as a witness on the professional matter.

(2) The evaluation of a private expert opinion qualifying as an expert opinion shall be governed by Section 197 (1) - (4), provided that the expert opinion may be supplemented or experts may be heard in parallel on the basis of the expert's assignment or secondment.

(3) In the case of oral presentation of a private expert opinion, as well as if the information, oral supplementation of the expert opinion or the parallel hearing of experts is commissioned, the expert shall also answer the questions of the court, prosecutor's office or investigative authority.

Expert fee

§ 199. (1) The expert

- (a)* fees for expert examination, the preparation of an expert opinion and for appearing before a court, the public prosecutor's office or the investigating authority, and
- (b)* to reimburse the costs incurred and justified by the proceedings entitled.

(2) The fee of the expert shall be determined on the basis of the fee list submitted by the expert, upon receipt of the expert opinion or, in the case of the hearing of the expert, after the hearing, but not later than within one month.

(3) The decision establishing the expert fee shall be communicated to the expert, the accused, the defense counsel and the decision of the court to the prosecutor's office. Those listed may appeal against the decision setting the expert fee.

4. The expert's fee shall be paid in advance by the court, public prosecutor's office or investigating authority which seconded the expert.

(5) The fees and expenses of the expert entrusted with the preparation of the private expert opinion shall be paid in advance by the accused or the defense counsel.

Consequences of breach of the duty of expertise

§ 200. (1) An expert may be fined and ordered to reimburse the criminal costs incurred if
(a) unduly refuses to participate or express an opinion after being warned of the consequences of the refusal,

(b) fails to meet the deadline for submitting the opinion, or

(c) *is in* breach of his other obligations and this results in a lengthy procedure.

2. If the expert appointed by the head of the seconded company or organization fails to submit the expert opinion, the seconded company, institution of experts, organization or body of experts shall be liable to impose a fine or to reimburse the criminal costs incurred.

(3) If an expert refuses to give an opinion on the grounds of an obstacle to the testimony of a witness, he or she shall not be obliged to participate until the appeal against the decision rejecting it is pending.

The interpreter

§ 201. (1) The provisions concerning the expert shall also apply to the interpreter, provided that a person meeting the conditions specified by law may be used as an interpreter. If this is not possible, another person with sufficient language skills may be seconded as an ad hoc interpreter. An interpreter must also mean a professional translator.

2. The interpreter shall be warned of the consequences of any misinterpretation at the same time as the secondment.

XXXII. CHAPTER

OPINION OF THE SUPERVISORY SUPERVISOR

§ 202. (1) The court and the prosecutor's office

(a) *the* imposition of a penalty or measure,

(b) *the* application of a conditional public prosecution suspension; or

(c) before referring to mediation
you may order a probation officer's opinion.

(2) The acquisition of the opinion of a probation officer may be made mandatory by law.

(3) The opinion of the probation officer shall be prepared by the probation officer.

(4) The probation officer shall be obliged and entitled to get acquainted with all the information necessary for the preparation of the probation officer's opinion, for this purpose he / she may get acquainted with the proceedings, request information from the accused, the victim, witnesses and other persons involved in the proceedings. If this is necessary for the performance of his task, he may request additional data, files and information from the prosecutor's office or the court.

(5) The provisions concerning the expert shall also apply to the probation officer who prepares the opinion of the probation officer, provided that §§ 194, 195, § 2 (5) - (5) and 198–200. § does not apply to the probation officer.

§ 203. (1) The probation supervisor's opinion shall state the facts and circumstances characterizing the person's personality and living conditions - in particular his / her family circumstances, state of health, possible harmful passions, housing conditions, education, skills, place of work, data on his / her employment, income , property relations - describes and presents the relationship between the discovered facts, circumstances and the commission of the crime, the risks of recidivism and the needs of the accused.

(2) In the opinion, the probation officer shall provide information on employment opportunities, health care and social institutional care appropriate to the accused's capabilities, may propose the imposition of a specific code of conduct or obligation on the accused and the application of interventions to mitigate the risk of recidivism.

(3) At the request of the court or the public prosecutor's office, the probation officer's opinion shall state whether the accused undertakes and is able to comply with the envisaged rules of conduct or obligations and whether the victim consents to his or her consent. to be awarded.

XXXIII. CHAPTER

PROOF OF PROPERTY, ELECTRONIC DATA

The means of physical evidence

§ 204. (1) The means of material evidence shall be all objects, including documents and deeds, which are suitable for proving the fact to be proved, in particular,

(a) which bears traces of the offender in connection with the commission of the offense or the commission of the offense,

(b) which is the result of an offense,

(c) which has been used as a means of committing an offense, or

(d) for which the offense has been committed.

(2) A document is any physical means of proof which records data by technical, chemical or other means, in particular text, drawings or figures existing as paper-based or electronic data.

(3) A document is a document which is prepared to prove the reality of a fact, data, the occurrence of an event or the making of a statement. The provisions concerning the document shall also apply to the extract from the document.

Electronic data

§ 205. (1) Electronic data is the appearance of facts, information or concepts in any form that is suitable for processing by an information system, including a program that ensures the performance of a function by the information system.

(2) Where this Act mentions a material means of proof, the electronic data shall also be understood, unless otherwise provided in this Act.

XXXIV. CHAPTER

EVIDENCE ACTIONS

§ 206. The act of proof is, in particular, inspection, on-the-spot questioning, attempted proof, presentation for recognition, confrontation and instrumental testimony.

The inspection

§ 207. (1) Inspections shall be ordered and maintained by the court, the prosecutor's office or the investigating authority if it is necessary to inspect a person, object or place or to observe an object or place in order to know or establish the fact to be proved.

2. The inspection shall be accompanied by the search for and collection of material evidence and shall ensure that it is preserved in an appropriate manner. At the time of the inspection, the circumstances relevant to the evidence shall be recorded in detail, in particular the process, manner, location and condition of the search for and collection of the object of inspection. The search for, recording and provision of material evidence must be carried out in such a way that compliance with the procedural rules can be verified afterwards. If possible and necessary, an image, sound or image and sound recording, drawing or sketch of the subject of the inspection shall be made and attached to the minutes.

(3) If the subject of the inspection cannot be inspected on the spot at all or only at the cost of significant difficulty or cost during the investigation, the inspection shall be held in front of the ordering body.

(4) An expert may be used during the inspection.

The on - the - spot interrogation

§ 208. (1) The court, the prosecutor's office or the investigating authority shall examine the accused and the witness on the spot, if necessary, to testify at the place of the crime or another place related to the crime, to show the place of the crime, the crime-related other place, means of physical evidence or the course of the act.

(2) Prior to the on-site questioning, the accused or witness shall be heard about the circumstances in which he or she detected the place, act or material evidence in question and what he or she would recognize.

The attempt to prove

§ 209. (1) A court, prosecutor's office or investigative authority shall order and hold an attempt at proof if it is necessary to establish or verify whether an event or phenomenon may have occurred in a specific place, time, manner or circumstance.

(2) The attempt to prove shall, as far as possible, be conducted under the same conditions as the event or phenomenon under investigation has occurred or may have occurred.

Demonstration for recognition

§ 210. (1) The court, the prosecutor's office or the investigating authority shall order and hold a presentation for recognition if it is necessary for the purpose of identifying the person or object. At least three persons or objects must be presented to the accused or witness for identification. The person or object may be presented to the accused or witness, if no other means are available, by means of a picture, sound or image and sound recording.

(2) Before being presented for recognition, the person from whom recognition is expected shall be heard in detail about the circumstances in which he or she perceived the person or object in question, his or her relationship with him or her, and his or her characteristics.

3. In the case of the presentation of persons, persons independent of the case and not known by the recognizer and having the same characteristics as the person in question in the main characteristics indicated by the recognizer, in particular of the same sex, age, body shape, skin color, care and clothing to be grouped with the person in question. When objects are presented, the object in question must be placed among similar objects. The location of the person or object in question within the group must not differ significantly from the others and must not be conspicuous.

(4) The presentation shall be performed separately in the absence of each other in the case of several recognizable persons.

(5) If the protection of a witness so requires, the presentation for recognition shall be made in such a way that the witness presented for recognition cannot recognize or perceive it. If the

private processing of the witness's personal data has been ordered, this must also be ensured at the time of presentation.

The confrontation

§ 211. (1) If the testimonies of the accused, the witnesses and the testimony of the accused and the witness are contradictory, the court, the prosecutor's office or the investigating authority shall, if necessary, clarify the contradiction by confrontation. Opposed persons communicate their testimony live to each other, after which it is permissible for the opposed persons to ask each other questions.

(2) If the welfare or protection of the witness or the accused so requires, confrontation of the witness or the accused shall be avoided.

Instrumental confession verification

§ 212. (1) During the investigation, the prosecutor's office or the investigating authority may examine the testimony of the witness and the suspect by means of instrumental testimony. The investigation requires the consent of the witness or suspect.

(2) In the course of instrumental confession verification, the use of a consultant shall be obligatory, who may be further heard as a witness concerning his or her procedure and findings.

Common rules

§ 213. (1) The rules of the inspection shall be applied *mutatis mutandis* to the demonstration of evidence and presentation.

(2) The court and the prosecutor's office may also use the investigating authority to conduct the inspection, the attempt to prove it, and the presentation for recognition.

(3) The accused, witness, victim and other person, in particular who possesses or possesses the object of the inspection, shall submit to the inspection, the attempt to prove it and the presentation for recognition, the object in his possession shall be inspected, it must be made available for the purpose of an attempt at proof or presentation for recognition. In order to fulfill these obligations, the accused may be coerced, the victim, witness and other person may be coerced or fined.

(4) As far as possible, video and audio recordings shall be made of the inspection, the test of evidence and the presentation for recognition.

PART SIX

DISCOVERED ASSETS

XXXV. CHAPTER

GENERAL RULES FOR THE USE OF DISCLOSED DEVICES

§ 214. (1) The use of concealed devices is a special activity in criminal proceedings involving the inviolability of a private home and the protection of the fundamental rights to privacy, correspondence and personal data, which is performed by authorized bodies without the knowledge of the person concerned.

(2) Disclosed devices may be used by authorized bodies for the purpose of performing their law enforcement tasks specified in the legislation applicable to them only on the basis of the rules specified in this Act.

(3) Paragraph (2) is without prejudice to the secret collection of information by the national security services and the police counter-terrorism body for the purpose of carrying out their law enforcement tasks under the National Security Services Act.

(4) In criminal proceedings

- a) is not subject to* judicial or prosecutorial authorization,
 - (b) is subject to* authorization by the public prosecutor; and
 - (c) subject to* judicial authorization
- covert devices can be used.

(5) A concealed device may be used if

(a) there are reasonable grounds for believing that the information or evidence sought is essential to the achievement of the purpose of the criminal proceedings and cannot be obtained in any other way;

(b) its application does not involve a disproportionate restriction of the fundamental right of the person concerned or of another person in relation to the law enforcement objective to be achieved, and

(c) its use is likely to make it possible to obtain information or evidence relating to a criminal offense.

XXXVI. CHAPTER

DISCLOSED ASSETS NOT SUBJECT TO JUDICIAL AND LAWYER LICENSES

§ 215. (1) The body authorized to use disguised devices may use a person who cooperates secretly in order to obtain information concerning a criminal offense.

(2) A member of a body authorized to use concealed devices may collect and verify information on a criminal offense while keeping the real purpose of the proceedings secret.

(3) The body authorized to use concealed devices may use a trap that does not cause injury or damage to health in order to interrupt the crime, identify the perpetrator of the crime or prove it.

(4) A member of the body authorized to use concealed devices may replace the victim or another person in order to interrupt the crime, identify the perpetrator of the crime or prove it in order to protect his or her life and physical integrity.

5. The body authorized to use disguised devices may be linked to a criminal offense.

(a) a person, dwelling, other room, fenced space, public or public place, or vehicle, or

(b) a thing which constitutes material evidence

it may observe in secret, collect information about what has happened and record what has been detected by technical means (hereinafter: covert surveillance).

6. The body authorized to use concealed devices may also use a secret cooperator for the purpose of discreet surveillance.

(7) The body authorized to use concealed devices may disclose false or misleading information to a person affected by the use of a concealed device in order to interrupt the crime, identify the perpetrator of the crime or conceal the source of the information. The body authorized to use disguised devices may also use a secretly cooperating person to transmit the information.

(8) A disguised device as defined in paragraph 7

(a) shall not be used in the examination of a defendant or witness or in the taking of evidence,

(b) not contain a promise incompatible with the law, and

(c) not commit a threat or incitement or direct the person concerned to commit a criminal offense more serious than that which he or she originally intended to commit.

XXXVII. CHAPTER

DISCLOSED INSTRUMENTS ATTACHED TO A MEDICINE 'S LICENSE

Monitoring payment transactions

§ 216. (1) The body authorized to use disguised assets may, with the permission of the prosecutor's office, order that an organization providing financial services or ancillary financial services specified in the Act on Credit Institutions and Financial Undertakings (hereinafter: service provider) record and store data related to payment transactions in accordance with the law, or transmit them to the customer.

(2) Monitoring of payment transactions in particular

a) for all payment transactions related to a payment account under the Payment Services Act,
b) payment transactions which comply with specified conditions
may be used to record or transmit relevant data.

(3) The ordering party may order the transmission of the specified data immediately or by prescribing a specified deadline.

4. The application of the monitoring of payment transactions may be ordered for a maximum of three months, which may be extended once for a maximum of three months with the permission of the prosecutor's office.

(5) It shall be indicated in the decision ordering the monitoring of payment transactions

a) data identifying the payment account concerned,
b) the start and end dates of the monitoring of payment transactions in days,
c) the exact scope of the data to be transmitted,
d) the definition of a condition where the originator makes the recording or transmission of data subject to a specific condition; and

e) the manner and deadline for the transmission of the data.

(6) During the monitoring of payment transactions, the service provider shall record or transmit the data indicated in the order decision in the manner and within the time limit specified therein.

§ 217. (1) Within the framework of the monitoring of payment transactions, the customer may prescribe that the service provider suspend the execution of a payment transaction between specified payment accounts or persons or a payment transaction meeting a specified condition.

(2) Suspension of the execution of a payment transaction

a) in the case of a domestic payment transaction, up to two working days after the date on which the payer was informed,

b) in the case of a non-domestic payment transaction, up to four working days after the date on which the payer was informed
can last.

(3) During the suspension of a payment transaction, the ordering party shall examine whether the suspended payment transaction can be related to a criminal offense. If it is not necessary to suspend the payment transaction, it shall inform the service provider that the payment transaction can be executed. If further monitoring of the suspended payment transaction is necessary, the ordering party shall, with the permission of the prosecutor's office, order the monitoring of payment transactions with respect to another service provider and then inform the service provider that the suspended payment transaction can be executed.

(4) If the ordering party establishes that the conditions for ordering the blocking of the account money or electronic money involved in the payment transaction are met, it shall order the blocking.

(5) The service provider may execute the suspended payment transaction if

a) the ordering authority so permits, or

b) the period specified in paragraph 2 has elapsed without a detention order being issued.

§ 218. (1) The service provider may not provide information on the fact of monitoring payment transactions, the contents of the ordering decision, the content of the executed data transmission and the suspension of the execution of the payment transaction and shall ensure that all of them remain confidential. When a person subject to the monitoring of payment transactions requests information on the processing of his or her personal data, information shall be provided which does not reveal that his or her personal data have been transmitted for the purpose of monitoring payment transactions. The service provider must be notified of this when ordering the monitoring of payment transactions.

2. The restriction referred to in paragraph 1 may last until the end of the preparatory proceedings or the investigation, unless the removal of the restriction would jeopardize the effectiveness of other criminal proceedings against the data subject. The removal of the restriction must be notified to the service provider.

Prospecting to avoid criminal prosecution

§ 219. (1) The body authorized to use concealed devices may, with the permission of the prosecutor's office, enter into an agreement with the perpetrator in which he or she has no prospect of being prosecuted or terminating ongoing criminal proceedings if the case or other criminal case is related to provides information and evidence, and the interest in national security or law enforcement achieved by the agreement outweighs the interest in bringing the perpetrator to justice. When considering the avoidance of criminal liability, it may be a condition that the offender, through the State, reimburses in part or in full the damage or damages for which he is obliged to compensate under the rules of civil law.

(2) No agreement may be entered into if the offender is to be prosecuted for an offense with which he or she has deliberately put his or her life to death or with which he or she has intentionally caused permanent disability or serious damage to health. The agreement shall be terminated if the body authorized to use the disguised means becomes aware that the person providing the information has committed such an offense.

3. The agreement on the prospect of avoiding criminal liability shall specify:

- a) data capable of identifying the perpetrator of the crime,
- b) of the criminal offense under the Criminal Code. and a brief description of its facts, in respect of which it is intended to avoid criminal prosecution,
- c) of the criminal offense under the Criminal Code. a brief description of the facts in respect of which the offender undertakes to provide the information and evidence, and
- d) the commitment to provide the information and evidence and how to do so; and
- e) if it forms part of the agreement, information relating to compensation for damage or damage.

(4) If the perpetrator of a criminal offense complies with the provisions of this Agreement, no criminal proceedings may be instituted against him or her or the ongoing criminal proceedings shall be terminated.

(5) If, in view of the performance of the agreement, criminal proceedings are not instituted or terminated against the offender, the state shall reimburse the damage or damages for which the offender is obliged under civil law, if the offender has not reimbursed it. In order to compensate for the damage or to pay the damages, the body authorized to use the concealed devices may initiate the conclusion of a confidentiality agreement with the victim, or may prepare the necessary documents.

(6) If it is necessary to decide on compensation or payment of damages in civil proceedings, the legal basis of the claim for such claims shall be presumed. In civil proceedings, the state is represented by the minister responsible for justice. Before adjudicating the action, the civil court obtains a statement from the body authorized to use concealed devices about the act

committed to the detriment of the plaintiff, the damage caused by the act or the violation of his or her personality. The statement shall not include any fact which may lead to the conclusion that there are grounds for believing in the offender or for avoiding criminal liability.

Consent monitoring

§ 220. (1) The body authorized to use concealed devices may apply surveillance with the permission of the prosecutor's office and with the written consent of the victim.

(a) for a criminal offense of usury, domestic violence or harassment, or

(b) for an offense which is threatened.

(2) The body authorized to use concealed devices may use surveillance with the permission of the prosecutor's office, with the written consent of the addressee of the summons or attempt to persuade.

a) in the case of a summons to commit a criminal offense, if the Criminal Code. order the preparation of a criminal offense to be punished, or an incitement to commit an act constitutes a criminal offense, or

(b) if attempting to incite the act constitutes a criminal offense.

3. The body authorized to use concealed devices in the monitoring used with consent shall, with the consent of the person specified in paragraphs 1 and 2, except in a place open to the public or the public, in a dwelling, other room, fenced area or - with the exception of a means of public transport, you may observe and record the events of the vehicle used by him by means of a technical device, and may place the necessary technical means in those places.

4. In the course of surveillance applied with consent, the body authorized to use concealed devices may learn about the communication within the electronic communications service, electronic communications network or device or information system used by the person specified in paragraphs 1 and 2, and may record the detected devices by technical means. , and the personal data of the communication providers.

5. Monitoring with consent may be authorized for a maximum of forty-five days.

(6) The decision to apply consent monitoring shall specify

a) information identifying a person as defined in paragraph (1) and (2);

(b) starting and ending the date of application in days,

c) the criminal offense which is the subject of the case is covered by the Criminal Code. and a brief description of its facts, and

(d) information enabling the location of the concealed device to be used and the device or service to be monitored to be clearly identified.

(7) For the use of the results of the monitoring applied with consent, Articles 252 to 254 shall apply. § shall be applied accordingly.

Purchase

§ 221. With the permission of the prosecutor's office

(a) the acquisition of a thing or a specimen or a service which is likely to be connected with a criminal offense,

b) in order to strengthen the seller's confidence, to obtain a thing or use a service which results in material evidence of the criminal offense,

c) in order to apprehend the perpetrator of the offense or to provide material evidence in order to obtain a thing or use a service

a sham agreement may be concluded and enforced.

Use of a covered detective

§ 222. (1) A body authorized to use concealed devices may employ a member (hereinafter: undercover detective) who permanently conceals his or her affiliation or identity and is specifically employed for the performance of such a task in criminal proceedings with the permission of the prosecutor's office.

(2) Covered Detective

a) integration into a criminal organization,

b) *integration into a* terrorist group or an organization which provides or collects material to secure the conditions for a terrorist offense and which supports the commission of a terrorist offense or the activities of a terrorist group by providing financial means or otherwise,

c) sham purchase,

d) performing covert surveillance,

e) the transmission of information pursuant to Section 215 (7), or

f) obtaining information and evidence relating to the offense applicable.

3. A covered investigator may be used for the period necessary to achieve the purpose of the use, up to a maximum of six months. If the conditions of the order continue to be met, the employment of a covered investigator may be renewed, with the permission of the prosecutor's office, from time to time for a maximum of six months.

(4) It shall be indicated in the decision on the employment of a covered investigator

a) the purpose of the use of the investigator-in-charge as set out in paragraph 2,

b) starting and ending the date of application in days,

c) the criminal offense which is the subject of the case is covered by the Criminal Code. and a brief description of its facts, and

d) the precise indication of the criminal offense pursuant to Section 224 (2), if it is foreseeable for the effectiveness of the employment of the undercover detective.

§ 223. (1) Under the provisions on the use of a disguised device subject to a judicial or prosecutorial license, a covered investigator is other,

a) together with a disguised device subject to judicial or prosecutorial authorization, or

b) to ensure the use of a disguised device subject to judicial or prosecutorial authorization can also be used.

(2) If, in the course of employing a covert investigator, it arises that in order for his or her employment to be effective, it is necessary to perform an activity that is a disguised device subject to judicial or prosecutorial permission. the investigator-in-charge may begin to use a disguised device subject to judicial or prosecutorial authorization without authorization.

(3) In the case specified in subsection (2), the permission of the court or the public prosecutor's office shall be obtained immediately afterwards. If the court or the public prosecutor's office rejects the request for subsequent authorization, the result of the use of a disguised device subject to authorization shall not be used as evidence and the data thus obtained shall be deleted immediately.

(4) The court or the public prosecutor's office shall reject the motion even if the license could have been obtained before the use of the concealed device attached to the license without jeopardizing the effectiveness of the use of the covered investigator.

Section 224. (1) A covered investigator shall not be punished for a criminal offense, violation of rules or violation of rules to be punished by an administrative fine committed in the course of his or her employment, if the commission thereof

a) the law enforcement interest required for the effectiveness of the use of the undercover detective, the law enforcement purpose to be achieved by the use and the law enforcement

interest to be achieved through the use is greater than the interest in holding the undercover detective accountable,

(b) the interest in ensuring the security of the undercover investigator and in order to prevent his or her disclosure and the interest in the security of the undercover investigator and the prevention of his or her disclosure outweigh the interest in holding the undercover investigator accountable; or

(c) necessary to prevent or interrupt the commission of another criminal offense and the interest in preventing or interrupting the criminal offense outweighs the interest in bringing the covered investigator to justice.

2. If it is foreseeable that the commission of a covered investigator requires the commission of a criminal offense, an offense or an offense punishable by an administrative fine, this shall be indicated in the decision on the use of a covered investigator.

(3) A covered investigator may not commit an offense involving the deliberate extinction of the life of another or intentionally causing permanent disability or serious deterioration of health.

(4) A covered investigator shall not incur any other criminal offense and shall not direct the person concerned to commit a more serious criminal offense than that which he or she originally intended to commit. Fake purchase does not in itself constitute inducement.

(5) If a covered investigator cannot be punished under subsection (1) for a criminal offense, violation or violation of an administrative fine, the state shall reimburse the damage or damages for which the covered investigator is obliged to compensate under civil law. In order to compensate for the damage or to pay the damages, the body authorized to use the concealed devices may initiate the conclusion of a confidentiality agreement with the victim, or may prepare the necessary documents.

(6) If it is necessary to decide on compensation or the payment of damages in a civil lawsuit, the legal basis of the claim for such claims shall be presumed. In civil proceedings, the state is represented by the minister responsible for justice. Before adjudicating the action, the civil court obtains a statement from the body authorized to use concealed devices about the act committed to the detriment of the plaintiff, the damage caused by the act or the violation of his or her personality. The statement shall not cover a fact from which the identity of the undercover detective may be inferred.

§ 225. (1) In the course of employing a covered investigator, the employing body may collect secret information on the basis of the law governing it in order to protect and monitor the person of the covered investigator and to ensure the covert nature of the procedure.

(2) The result of the secret collection of information pursuant to subsection (1) may be used in criminal proceedings in accordance with the provisions on the use of secret information collection pursuant to the Police Act and the National Tax and Customs Administration Act.

Hiring a member of a body authorized to use disguised devices and a secret colleague for the purpose of sham purchase

§ 226. (1) In the interest of sham purchase

(a) a member of a body authorized to use a disguised device may also be employed; or

(b) the body authorized to use the disguised devices may also use a secret colleague.

2. A body authorized to use disguised devices may employ a secret colleague for the purpose of fraudulent purchase if the purpose to be obtained by the disguised purchase cannot be achieved with the assistance of a detective or a member of the body authorized to use disguised equipment or only with a significant delay.

3. Where a member of a body authorized to use a disguised device and a secret colleague are used for the purpose of fraudulent purchase, the provisions relating to the undercover investigator shall apply accordingly.

Use of cover document, cover institution and cover data

§ 227. (1) The body authorized to use concealed devices with the permission of the prosecutor's office during the use of other concealed devices

(a) may draw up or use a document or authentic instrument containing false information, facts or statements (hereinafter referred to as a cover document) *for* the purpose of detecting or proving a criminal offense,

(b) establish and maintain an organization for the purpose of detecting or proving a criminal offense, with due regard for the provisions of the cover institution under the law applicable to it; or

(c) in order to detect or prove the criminal offense and to protect the cover letter and the organization referred to in point (b) , it may enter false data in public records (hereinafter: cover data).

(2) The cover document shall be destroyed or the cover data shall be deleted from the public records if it is no longer necessary for the purpose of criminal proceedings.

Common procedural rules for the use of concealed devices subject to prosecution

§ 228. (1) The prosecutor's office shall decide on the permission to use the concealed device on the basis of the motion of the authorized head of the body authorized to use concealed devices within seventy-two hours from the receipt of the motion by the prosecutor's office.

(2) It must be marked or sent during the motion

a) the name of the body authorized to use concealed devices, the date of the preparatory procedure or the ordering of the investigation, the case number,

b) the criminal offense on which the proceedings are based Btk. a brief description of the facts and the facts on which the suspicion of a criminal offense is based or

c) all information on the existence of legal conditions of use,

(d) the name of the concealed device to be used and the information needed to authorize the application; and

(e) the decision on which the license is based.

§ 229. (1) If the authorization of the use of a disguised device subject to a prosecutor's license would result in a delay that would significantly jeopardize the purpose to be achieved by the use of the disguised device, the authorized head of the body authorized to use the disguised device may start using the disguised device.

(2) In the case of the use of a disguised device initiated pursuant to subsection (1), the authorized head of the body authorized to use the disguised device shall submit a motion to the public prosecutor's office for subsequent authorization of the application within seventy-two hours. The prosecution shall decide on the motion within one hundred and twenty hours of the decision to commence employment.

3. The application for subsequent authorization shall also specify the circumstances justifying the existence of the conditions set out in paragraph 1, as well as the date of the decision to start the application, expressed in hours.

(4) The prosecution shall reject the motion even if

(a) the motion is out of time, or

(b) the authorization could have been obtained before the concealed device subject to the prosecutor's authorization began to be used in accordance with paragraph 1.

5. If the public prosecutor's office rejects the request for subsequent authorization, the result of the use of the disguised device may not be used as evidence and the data thus obtained shall be deleted immediately.

§ 230. During the preparatory proceedings conducted by the prosecutor's office and during the prosecution's investigation, the tasks related to the licensing of concealed devices subject to the prosecutor's license shall be performed by the superior prosecutor's office.

XXXVIII. CHAPTER

DISCLOSED INSTRUMENTS ATTACHED TO A JUDGE 'S LICENSE

§ 231. Concealed devices subject to the following judicial authorization may be used in criminal proceedings:

- a) covert surveillance of *the* information system,
- b) covert research,
- c) covert surveillance of a place,
- d) secret acquaintance of a consignment,
- (e) wiretapping.

§ 232. (1) During the secret monitoring of an information system, the body authorized to use concealed devices may get acquainted with the data processed in the information system with the permission of a judge, and may record the detected data by technical means. To this end, the necessary electronic data in the information system or in the necessary technical means, other than a place open to the public or the public, in a dwelling, other room, fenced place or vehicle other than a public transport vehicle, and the person concerned can be placed in an object in use.

2. In the course of covert research, the body authorized to use concealed devices shall, with the permission of a judge, with the exception of a place open to the public or the public, a dwelling, other premises, fenced space or, with the exception of public transport, a vehicle and you can secretly search for an object, you can record the detected ones with a technical device.

3. In the case of secret surveillance of a place, the body authorized to use concealed devices may, with the permission of a judge, observe, with the exception of a place open to the public or the public, in a dwelling, other room, fenced area and record. To this end, the necessary technical device can be placed on the site of the application.

(4) In the course of secret acquaintance of a consignment, the body authorized to use concealed devices may, with the permission of a judge, secretly open a postal item or other sealed item, examine its contents, inspect it and record it.

(5) During wiretapping, the body authorized to use concealed devices may, with the permission of a judge, secretly learn and record the content of communications carried out via an electronic communications network or device or information system within the framework of an electronic communications service.

§ 233. (1) A technical device or electronic data placed in an information system used in the course of the use of a disguised device subject to judicial authorization shall be removed immediately after the termination of the use of the disguised device. If the removal encounters an obstacle, the technical device or electronic data must be removed immediately after the obstacle has disappeared.

(2) In order to locate and remove a technical device or data used in the use of a disguised device subject to judicial authorization

(a) the body authorized to use the disguised devices may use a disguised device which is not subject to judicial authorization, or

(b) the body implementing the use of disguised devices may collect confidential information in accordance with the law governing it.

§ 234. (1) Concealed devices subject to judicial authorization may be used in the case of an intentional criminal offense punishable by up to five years' imprisonment or more.

2. Covert devices subject to judicial authorization may also be used for the following intentional offenses punishable by a term of imprisonment of up to three years:

- a) a criminal offense committed in a commercial or conspiracy manner,
- b) [56](#) drug precursor abuse, drug counterfeiting, performance enhancer, health product counterfeiting,
- (c) promoting sexual abuse, fencing, prostitution, perseverance, exploitation of child prostitution, child pornography,
- d) violation of environmental damage, nature damage, poaching, organization of prohibited animal fights, waste management,
- e) crimes against justice, with the exception of confinement,
- f) offenses of corruption, with the exception of failure to report a crime of corruption,
- (g) the offense of elections, referendums and the European Citizens' Initiative, the illegal employment of a third-country national, the organization of illegal gambling,
- (h) insider dealing and illicit market power.

(3) Covert assets subject to judicial authorization, including in the case of intentional misuse of classified information, abuse of office, violence against an official, violence against an internationally protected person, counterfeiting of a cash substitute payment instrument, unauthorized financial activity and the organization of a pyramid scheme can be used.

(4) If the Criminal Code. order the preparation of a criminal offense to be punished, the disguised means subject to judicial authorization may also be used in criminal proceedings instituted for the preparation of the offenses specified in paragraphs 1 to 3.

Authorization of concealed devices subject to judicial authorization

§ 235. (1) Concealed devices subject to judicial authorization may be applied on the basis of the permission of the court, within the limits specified therein.

(2) The permission of the court shall specify which concealed device subject to judicial permission may be used against the person concerned.

(3) The court

- (a) extend its authorization,
- (b) withdraw its authorization,
- (c) extend its authorization to additional concealed assets; or
- (d) prohibit the continued use of a disguised device already authorized.

§ 236. (1) The court shall decide on the authorization of the use of concealed devices subject to judicial authorization on the basis of a motion of the prosecutor's office.

(2) The motion shall contain

- a) the name of the body authorized to use concealed devices, the date of the preparatory procedure or the ordering of the investigation, the case number,
- (b) available data identifying the person concerned by the application,
- (c) the intended date of commencement and end of the use of covert means subject to judicial authorization in respect of the person concerned, expressed in days and hours,
- (d) a detailed justification of the conditions for the use of disguised devices subject to judicial authorization, so
 - da) the criminal offense on which the proceedings are based Btk. a brief description of the facts and information to substantiate or suggest the suspicion of a criminal offense,

db) data substantiating the fulfillment of the conditions specified in Section 214 (5), and
dc) the purpose of the use of disguised devices subject to judicial authorization,
e) the name of the concealed device to be used,

f) *in the case of covert surveillance of an information system, the information system; in the case of covert research, the room, vehicle or object; in the case of secret surveillance of a place, the room or vehicle; in the case of secret disclosure of the consignment, the place of dispatch or receipt or the consignor or consignee; in the event of interception, data for the unambiguous identification of the electronic communications service or device or information system.*

(3) The documents substantiating the contents of the motion shall be attached to the motion.

§ 237. (1) The court shall decide within seventy-two hours from the submission of the petition. The court grants, partially grants or rejects the petition on the basis of the motion.

(2) The court shall grant the permission in part if it allows the use of concealed devices subject to judicial authorization, but in its decision rejects the motion for use in respect of certain concealed devices.

3. If the court authorizes or partially authorizes the use of concealed devices, the decision shall state:

(a) available data identifying the person concerned,

(b) specifying the starting and ending dates of the use of concealed devices subject to judicial authorization in days and hours,

(c) the criminal offense is covered by the Criminal Code. and a brief description of the facts as to the offense for which and for what purpose the use is authorized,

(d) which concealed device subject to judicial authorization may be used; and

(e) the data specified in Section 236 (2) (*f*) .

Subsequent authorization

§ 238. (1) If the authorization of the use of concealed devices subject to judicial authorization or the extension of the application would result in a delay that would significantly jeopardize the intended purpose of the concealed device, the prosecutor's office may order a secret investigation or a court decision, but not more than you can order the use of the covert device for one hundred and twenty hours.

(2) In the case of the use of a disguised device ordered pursuant to subsection (1), the public prosecutor's office shall, within seventy-two hours of the order, make a motion to the court for subsequent authorization. The court shall decide on the motion of the prosecutor's office within one hundred and twenty hours of the order.

3. The application for subsequent authorization shall also state the circumstances justifying the existence of the conditions set out in paragraph 1 and the date of the order in hours.

(4) The court shall reject the motion even if

(a) the motion is out of time or

(b) the authorization could have been obtained before the application for application pursuant to paragraph 1.

5. If the court rejects a request for the subsequent authorization of the use of concealed devices or certain devices specified in the petition, the result of the use of an unauthorized concealed device may not be used as evidence and the data thus obtained shall be deleted immediately.

6. If the court rejects the application for subsequent authorization, the use of a disguised device subject to judicial authorization for the same purpose, on the same grounds or facts, may not be ordered again under paragraph 1.

7. In the case of subsequent authorization of the use of concealed devices, the starting date of application shall be the date of the order referred to in paragraph 1.

Application duration and application extension

§ 239. (1) The use of concealed devices subject to judicial authorization may be permitted for a maximum of ninety days, which may be extended from time to time by a maximum of ninety days.

2. The use of concealed devices subject to judicial authorization in criminal proceedings against the person concerned may be authorized for a total of three hundred and sixty days.

3. If, in criminal proceedings against the person concerned, the use of concealed devices is terminated and the use of concealed devices is subsequently re-authorized, the period of use of the concealed devices shall be added together and the duration provided for in paragraph 2 shall be calculated accordingly.

§ 240. (1) The prosecutor's office shall make a motion for the extension of the use of concealed devices no later than five days before the expiry of the permitted duration of the application, the court shall decide on the motion within seventy-two hours from the submission.

(2) The court shall extend the period of application or reject the petition.

(3) If the application is extended, the court shall prohibit the use of a disguised device for which the legal conditions of application do not apply.

4. In the event of an extension of the use of concealed devices, the date of termination shall be the date of termination specified in the previous authorization.

(5) Documents created since the previous authorization shall be attached at the same time as the submission of the application.

Application extension

§ 241. (1) The extension of the application may be appropriate if, until the end date of the use of the concealed devices specified in the permit, against the person concerned

(a) the use of any other disguised device not covered by the authorization; or

(b) the continued use of a disguised device already identified in the license in the event of covert surveillance of an information system by another information system; in the case of covert research, another room, vehicle or object; in the case of secret surveillance of a place, another room or vehicle; in the case of secret disclosure of a consignment, another place or another sender or consignee; in the case of eavesdropping on another electronic communications service or device or other information system

required.

(2) The court shall decide on the extension of the application on the basis of the motion of the public prosecutor's office, pursuant to § 236 and § 237, and shall amend its permit for the use of concealed devices accordingly.

(3) The application for the extension of the application shall contain the data related to the extension specified in Section 236 (2) *e*) and *f*) and the circumstances justifying the extension, as well as the documents supporting the extension, which have been created since the previous authorization.

4. The extension of application shall not affect the previously authorized expiry date of the use of the disguised devices against the person concerned.

(5) An extension of the application and an extension of the application may be proposed at the same time.

Withdrawal of authorization and prohibition of the use of a disguised device

§ 242. (1) At the summons of the court, the body authorized to use concealed devices shall present the data obtained during the application of the concealed device subject to judicial authorization and available to the body authorized to use concealed devices within eight days.

(2) The court shall also examine the lawfulness of the use of concealed devices in its decision on a motion to extend the application or to extend the application.

(3) The court shall revoke the permission to use concealed devices if

(a) the body authorized to use the disguised devices fails to present the data within the time limit laid down in paragraph 1,

(b) the limits of the authorization have been exceeded, or

(c) the concealed devices have been used in violation of the provision on use specified in this Act.

(4) The court shall prohibit the use of a disguised device for which the legal conditions for use do not apply.

(5) If the court

(a) withdraw its authorization to use concealed devices during use,

(b) prohibit the use of a disguised device with the prohibited disguised device
the data obtained must be deleted immediately.

XXXIX. CHAPTER

COMMON RULES FOR THE USE OF DISCLOSED INSTRUMENTS

Implement the use of covert devices

§ 243. (1) A report or record shall be prepared on the application of the concealed device.

(2) The minutes or notes of the procedure of the covered investigator shall be signed by the authorized head of the body authorized to employ the covered investigator. The report or record shall be drawn up in such a way that it is not possible to infer from it the identity of the undercover detective.

§ 244. (1) The body authorized to use concealed devices shall carry out the use of the concealed device itself, with the assistance of a police body designated to participate in the implementation of concealed devices, or the national security service designated by the National Security Services Act to perform such services. takes advantage of.

(2) The police body performing internal crime prevention and detection functions and the police counter-terrorism body shall participate in the implementation of the use of covert means used by the investigating authority upon request during the preparatory proceedings and investigation of a criminal offense within its competence under the Police Act.

3. Participate in the enforcement of the disguised tool used by the public prosecutor's office upon request.

(a) the investigating authority and the internal police prevention and detection body of the police, or

b) in the proceedings for a criminal offense within its competence under the Police Act, the police counter-terrorism body.

4. If the preparatory proceedings are conducted by a police internal crime prevention and detection body or a police counter-terrorism body and the investigation is ordered in such a way that the use of concealed devices is in progress, the preparatory body shall suspend the use of concealed devices. the investigating authority or the public prosecutor's office to the contrary.

5. If, during preparatory proceedings or investigations into a criminal offense committed by a professional member of the national security services or the police counter-terrorism body, a

disguised device subject to judicial or prosecutorial authorization is used, the national security service or the police counter-terrorism body concerned shall, upon request, implement the instrument.

(6) Organizations providing electronic communications services, as well as postal items or other sealed items, as well as organizations performing the transmission, processing and management of data stored in the information system, shall ensure the use of disguised devices and co-operate with authorized bodies.

Eliminate the use of covert devices

§ 245. (1) The head of the body authorized to use concealed devices or the public prosecutor's office shall terminate the use of concealed devices or certain devices if

(a) it is clear that no further results are expected from its further application, including if an extension of the application would be appropriate, but the necessary data are not available,

(b) it is clear that the concealed device may no longer be used within the limits laid down in the authorization,

(c) has achieved the purpose specified in the permit,

(d) the period specified or extended in the permit has expired,

(e) the application for subsequent authorization has been rejected by the court or the public prosecutor's office,

(f) the court has revoked the permit pursuant to § 242 or prohibited the use of certain concealed devices,

(g) during the application ordered in the preparatory procedure, the time limit for the preparatory procedure has expired and the investigation has not been ordered, or

(h) the proceedings have been terminated or the time limit for the investigation has expired.

(2) A decision terminating the use of a disguised device subject to judicial authorization shall be sent to the court.

XL. CHAPTER

RULES APPLICABLE TO DATA OBTAINED DURING THE APPLICATION OF DISCLOSED DEVICES

Erase data obtained while using covert devices

§ 246. (1) Within thirty days after the termination of the use of concealed devices, the data obtained in the course thereof shall be deleted

(a) data not related to the purpose for which the disguised devices are used,

(b) any personal data which are not necessary for the purposes of criminal proceedings; and

(c) with the exception of the data specified in Section 346 (2), data which cannot be used as evidence in criminal proceedings.

2. If the use of disguised devices has not been carried out by the body authorized to use the disguised devices itself, the time limit laid down in paragraph 1 shall run from the date on which the data medium, document or extract thereof arrived at the body.

Confidentiality of data obtained through the use of covert devices

§ 247. (1) During the authorization and implementation of the use of concealed devices and the use of the data generated as a result, care shall be taken to ensure that the measures and the data do not become accessible or familiar to unauthorized persons.

(2) The body, prosecutor's office and court authorized to use concealed devices in the case shall be responsible for enforcing the requirement specified in subsection (1).

(3) In order to enforce the requirement specified in subsection (1), the body authorized to use concealed devices, the prosecutor's office or a court may, if the conditions are met, protect data related to the use of concealed devices in accordance with the rules specified in the Classified Data Protection Act.

§ 248. (1) If the data related to the use of concealed devices have been classified by the body authorized to use concealed devices in accordance with the rules specified in the Classified Data Protection Act, the statutory review shall be carried out immediately after the discontinued use of the concealed device.

(2) If data related to the use of a disguised device are treated as classified data in criminal proceedings, the court, the prosecutor's office or the investigating authority may initiate a review or review of the classification.

Management of files created during the use of concealed devices

§ 249. (1) According to the provisions of this Act, they form part of the files of the proceedings

(a) the means of proof, in particular those recorded by the technical means, which have been obtained through the use of concealed devices; and

(b) authorization to use concealed devices.

(2) The body authorized to use concealed devices or the public prosecutor's office may also order the closed handling of the files specified in subsection (1).

§ 250. (1) Unless otherwise provided by the prosecutor's office, the means of evidence generated during the application, in particular the data recorded by technical means and the permit for the use of concealed devices, shall not form part of the proceedings.

2. The means of proof or documents specified in paragraph 1 shall be used only until the end of the application

(a) the member of the body authorized to use disguised devices

(b) the public prosecutor, the head of the public prosecutor's office, or

(c) that judge, head of court

find out who is acting in connection with the use of the covert device.

(3) The means of proof or documents specified in subsection (1) shall be used until the end of the application in order to perform the tasks specified by law.

(a) a body authorized to use other courts, public prosecutors' offices or other disguised means,

(b) a police body designated to assist in the implementation of concealed devices; or

(c) national security service

you can also get to know it.

§ 251. (1) If the effectiveness of other criminal proceedings or the interest in secret collection of information on the basis of the Prosecution Act, the Police Act, the National Tax and Customs Administration Act or the National Security Services Act is not endangered, the person concerned in the judicial license the fact of the use of covert devices subject to judicial authorization must be reported

(a) after completion of the preparatory procedure, if no investigation has been initiated, or

(b) after the investigation has been completed, if the suspect has not been questioned or charged.

2. The person concerned may not be informed of any other information relating to the use of a disguised device subject to judicial authorization. A request for information on such data shall be refused in writing with reference to this provision.

RESULT OF THE USE OF DISCOVERED INSTRUMENTS

§ 252. (1) With the exception specified in subsections (2) and (3), the result of the use of a disguised device subject to judicial authorization may be used to prove the criminal offense and against the person concerned for whom and against whom the court has authorized the use.

(2) A person against whom the use of a disguised device subject to judicial authorization has been authorized by a court may also use the result to prove a criminal offense not specified in the authorization, provided that the conditions for the use of the device specified in this Act also apply to the latter offense.

(3) The result of the use may be used against any perpetrator to prove the criminal offense for which the use of a disguised device subject to judicial authorization has been authorized by a court.

4. In the case specified in subsections (2) and (3), the result of the use of disguised devices may be used if the body authorized to use disguised devices is a person not indicated in the license within thirty days after the cessation of concealed devices, or provides for or initiates preparatory proceedings or an investigation into a criminal offense. The body authorized to use concealed devices shall inform the court authorizing the concealed device through the public prosecutor's office.

5. If the use of disguised devices has not been carried out by the body authorized to use the disguised devices itself, the time limit laid down in paragraph 4 shall run from the date on which the use of the disguised device is intended to be used in accordance with paragraphs 2 and 3. the data carrier, document or extract thereof containing the result has been received by the body authorized to use the disguised device.

§ 253. (1) The result of the use of a disguised device subject to a judicial permit in respect of a criminal offense not specified in the permit is not an offense involving the deliberate extinction of the life of another person; kidnapping; is punishable by up to 5 years' imprisonment or more, the Criminal Code. XXIV. Crime against the state under its chapter; the act of terrorism; terrorist financing; or may be used to prove the cause of a deliberate public danger if

a) the other conditions for the use of the device specified in this Act are met,

b) within eight days of obtaining the data to be used in the criminal proceedings, the body authorized to use the disguised devices shall order or initiate the initiation of preparatory proceedings or an investigation into the offense not specified in the authorization, and

c) the court authorizes, in accordance with paragraph 4, the use of the result of the use of a disguised device by a person not named in the authorization in respect of an offense not specified in the authorization.

(2) Within three working days after the commencement of the preparatory procedure or investigation pursuant to paragraph 1 (*b*), the body authorized to use concealed devices shall initiate the prosecutor's office to authorize the use of the results of the use of concealed devices. The prosecutor's office shall, within seventy-two hours of the initiative, apply to the court for permission to use the result of the use of the concealed device.

(3) The court shall decide within seventy-two hours from the submission of the petition.

(4) The court shall allow the use of the result of the use of a disguised device in respect of a criminal offense not specified in the permit to a person not specified in the permit if:

a) the use of the disguised device or its outcome under the conditions set out in paragraph 1; and

b) the body authorized to use disguised devices and the procedure of the public prosecutor's office in accordance with paragraph 2.

meets.

5. If, during a preparatory procedure or investigation ordered pursuant to paragraph 1 (*b*), it is necessary to continue to use a disguised device subject to judicial authorization, a disguised device subject to judicial authorization in respect of an offense not specified in the previous judicial authorization application of Article XXXVIII. It must be proposed and authorized under this chapter. If the court authorizes the use of the result of the use of a disguised device in respect of a criminal offense not specified in the permit pursuant to subsection (4), the period specified in subsection 239 (2) shall be determined in accordance with subsection (1). from the date of acquisition.

6. If the use of disguised devices has not been carried out by the body authorized to use the disguised devices itself, the time limit laid down in paragraph 1 (*b*) shall run from the date on which the result of the use of the disguised device is to be used as defined in paragraph 1. the medium, document or extract thereof has been received by the body authorized to use the disguised device.

§ 254. (1) The result of the use of a disguised device subject to a judicial license may not be used as evidence if

(*a*) the person concerned is a defense counsel against whom, pursuant to section 357, or

(*b*) the person concerned is a relative against whom, pursuant to Articles 343 and 357

a disguised device subject to judicial authorization would not have been applicable.

(2) The result of the use of a disguised device subject to a judicial license may not be used as evidence in respect of data for which the person indicated in the license may not be heard as a witness pursuant to Section 170 (1) (*b*) and (*d*), unless § (1) *d*), the data subject has been released from the obligation of confidentiality.

(3) The result of the use of a disguised device subject to a judicial license may not be used as evidence in respect of data for which the person specified in the license may refuse to testify pursuant to § 173 or § 174, unless:

(*a*) the person concerned has been heard as a witness and has testified in respect of the information covered by the obligation of professional secrecy,

(*b*) in the case of Section 173, the data subject has been released by the person entitled to it or the transmission of data subject to the obligation of confidentiality is obligatory for the organization contacted in the framework of the data request, or

(*c*) the court has ordered the media content provider and any other person in an employment relationship or employment relationship with him to disclose the identity of the person who provided him with information in connection with the media content service activity.

4. The restriction set out in paragraphs 2 and 3 shall not prevent the use of the disguised device from being used to prove an offense committed by the person named in the authorization.

§ 255. (1) In the case of the use of a covered investigator, a record of the execution and the prosecutor's permit for the use of a covered investigator shall be attached to the files of the proceedings.

(2) A covered investigator may be examined as a witness only after learning of the position of the body employing the covered investigator. The interrogation of a covered investigator as a witness or the conduct of any other act of evidence requiring his or her personal presence after the indictment may take place only on the motion of the prosecution and if his or her testimony cannot be replaced in any other way.

(3) A covered investigator shall be deemed to be a particularly protected witness without a decision of the court if it is necessary to examine him or her as a witness or to perform other evidentiary acts requiring his or her personal presence. The court may terminate the status of a specially protected witness of a covered investigator only with the consent of the body employing the covered investigator.

4. If the in-house investigator is allowed to give written testimony, the in-house investigator's testimony otherwise described shall be authenticated by the member of the body employing the in-house investigator who is prepared to liaise with the in-house investigator responsible for the protection of the undercover detective. In the event of his impediment, his superior shall act in place of that person.

5. When using the result of the use of a covered investigator as evidence, all necessary measures shall be taken to ensure the secrecy and security of the identity of the covered investigator.

(6) In the case of the use of a covered investigator for the purpose specified in Section 222 (2) *a*) and *b*) , the prosecutor's office may order the closed handling of files related to the use of the covered investigator if

a) the prosecution does not intend to use the result of the use of the undercover detective as evidence, and

b) the fact that the fact of employing a covered investigator becomes known would directly endanger the life, physical integrity and personal freedom of the covered investigator.

(7) In the case of subsection (6), the result of the use of a secret investigator may not be used as evidence, and the closed handling of files may not be lifted without the permission of the prosecutor's office.

XLII. CHAPTER

RELATIONSHIP BETWEEN SECRET INFORMATION COLLECTION AND CRIMINAL PROCEEDINGS

§ 256. (1) If criminal proceedings have been initiated on the basis of data collected under the Public Prosecution Act, the Police Act, the National Tax and Customs Board Act or the National Security Services Act, the concealed devices shall be shall be applied in accordance with law.

(2) Upon the initiation of criminal proceedings, the use of concealed devices subject to a judicial or prosecutorial license shall be permitted pursuant to this Act even if a secret collection of information subject to a judicial, external or prosecutorial license has been carried out beforehand.

§ 257. (1) The documents certifying the legality of the order and conduct of the secret information collection shall be attached to the result of the secret information collection.

(2) The fact of secret collection of information subject to judicial authorization shall be certified by the President of the Tribunal. The certificate shall contain the designation of the court, the number and subject matter of the case covered by the permit, the name of the person concerned, the application for authorization to collect confidential information and the framework of the permit.

§ 258. The result of secret collection of information subject to judicial or external permission may be used as evidence in criminal proceedings if the body authorized to initiate criminal proceedings decides to initiate criminal proceedings or use them in ongoing criminal proceedings within three working days of receiving them. .

Use of the results of secret collection of information subject to judicial or external authorization

§ 259. (1) The result of the secret collection of information subject to a judicial license carried out on the basis of the Act on the Prosecutor's Office, the Act on the Police or the Act on the National Tax and Customs Administration may be used as evidence in criminal proceedings if:

(a) is intended to be used to prove a criminal offense which may lead to the use of concealed devices subject to judicial authorization under this Act,

(b) the body collecting the confidential information has initiated the criminal proceedings within eight days of obtaining the data to be used in the criminal proceedings.

2. Where the collection of classified information was not carried out by the body which carried out the classified information itself, the time limit laid down in paragraph 1 shall run from the date on which the medium, document or extract thereof containing the result of the collection of classified information is used. arrived at the secret intelligence gathering body.

(3) If, on the basis of data on secret collection of information pursuant to the Prosecution Act, the Police Act or the National Tax and Customs Administration Act, the initiation of criminal proceedings pursuant to subsection (1) (b) has been initiated in due time. the result of the secret collection of information subject to judicial authorization between the initiation of criminal proceedings may also be used.

§ 260. (1) The results of the secret collection of information subject to an external permit carried out on the basis of the provisions of the Act on National Security Services may be used in criminal proceedings if:

(a) is intended to be used to prove an offense for which concealed devices subject to judicial authorization under this Act may be used, and

(b) after obtaining the data to be used in the criminal proceedings, the national security service collecting the secret information or the police counter-terrorism body has initiated the criminal proceedings no later than thirty days after obtaining the data to be used in the criminal proceedings.

2. By way of derogation from paragraph 1, the national security service or the police counter-terrorism body may make the report no later than one year after obtaining the data to be used if:

(a) would jeopardize the effectiveness of his statutory task by instituting criminal proceedings earlier, and

b) the data to be used in the criminal proceedings relate to a criminal offense falling within the remit of the relevant body pursuant to the provisions of the Act on National Security Services.

3. If the collection of classified information was not carried out by the body which carried out the classified information itself, the time limit laid down in paragraphs 1 and 2 shall run from the date on which the collection of classified information is intended to be used in accordance with paragraphs 1 and 2. the data carrier, document or extract thereof containing the result has been received by the body conducting the collection of secret information.

(4) If criminal proceedings are initiated pursuant to subsection (1), the results of secret collection of information subject to an external license pursuant to the provisions of the National Security Services Act may be used only to prove the criminal offense of the person specified in the license. If the person concerned has not been identified in the permit, the result of the secret collection of information subject to the external permit may be used against any person.

PART SEVEN

DATA ACQUISITION ACTIVITY

Data request

§ 261. (1) In criminal proceedings, the court, the prosecutor's office and the investigating authority or, in the case specified by law, the body conducting the preparatory proceedings may request information from any body, legal person or organization without legal personality.

(2) After the indictment, the public prosecutor's office may request the provision of information in order to make a request for proof, to search for and provide evidence.

(3) In the context of a request for information, it may be linked to criminal proceedings,

a) the transmission of data held by the organization,

b) the transmission of electronic data or records held by the organization; or

c) providing information that the organization can provide on request.

(4) A data request may also be aimed at the transmission or receipt of data managed in a state or local government register.

(5) The request for data shall indicate

a) the conditions and purpose of the data request pursuant to this Act,

b) data necessary to identify the subject of the supply, in particular the data of the person, object or service concerned,

c) the scope of the data to be provided; and

d) the manner and deadline for completing the reporting.

§ 262. (1) The investigative authority and the body of the police performing internal crime prevention and detection functions, as well as the police counter-terrorism body may request data only with the permission of the prosecutor's office

a) [57](#)

b) [58](#)

c) the electronic communications service provider,

d) the postal service provider or the person or organization performing the activity of postal intermediary,

e) from an organization handling data which are bank secrets, payment secrets, securities secrets, treasury secrets or insurance secrets, in respect of such data,

f) from an organization handling health and personal data as defined in the Act on the Processing and Protection of Health and Related Personal Data, in respect of such data.

(2) The application for a permit required for a request for data shall be accompanied by the documents supporting the justification of the request for data.

(3) If the authorization of a request for data would result in a delay which would significantly jeopardize the purpose to be achieved by the request for data, the provision of data may be requested without authorization. The provision of data cannot be refused due to the lack of prosecutor's permission. In such a case, the permission of the prosecutor's office must be obtained immediately afterwards. If the request for data is not authorized by the prosecution, the data thus obtained may not be used as evidence and must be deleted immediately.

§ 263. (1) If permitted by law, the body requesting the provision of data shall receive the necessary data from the register or the data file with direct access.

(2) For the provision of data to be performed within the framework of the data request

a) *in the case of an* electronic request, at least one and not more than 30 days in length,

b) *in the case of an* application to be made by other means, a minimum of eight days and a maximum of 30 days

deadline can be set.

§ 264. (1) The organization contacted within the framework of the data request shall, unless otherwise provided by law, be obliged to comply with the contents of the request within the established term or, upon detection thereof, immediately notify the obstacle to the performance. The data must also be provided in case of incomplete or fragmentary data.

2. The requested authority shall comply with the request, including in particular the processing, recording or transmission of the data in writing or by electronic means, free of charge.

(3) The organization requested in the framework of the data request shall restore the encrypted or otherwise unknown data to its original state prior to the transfer or communication, or shall make the content of the data available to the body requesting the provision of data.

(4) Within the framework of a data request, only such personal data and such data as are strictly necessary for the realization of the purpose of the data request may be requested.

(5) If, as a result of a request for data, personal data come to the knowledge of the body requesting the provision of data which are not related to the purpose of the request for data, the data shall be deleted immediately. If the personal data to be deleted are in an original document, an extract of the personal data related to the purpose of the data request must be prepared and at the same time the original document must be returned to the organization contacted in the data request.

(6) The original document received by the requesting body in the framework of the request for data shall be returned to the requested organization at the latest at the end of the procedure.

(7) If the provision of information on the request would jeopardize the effectiveness of criminal proceedings, the requested authority may not provide information on the fact of the request and the content of the request and the content of the transmission, to keep it all a secret. In the event of a request by the data subject for information on the processing of his or her personal data, information shall be provided which does not indicate that the transfer of his or her personal data has taken place for the purpose of the request. The requested organization shall be notified of this in the request for data.

8. A restriction pursuant to paragraph 7 may last until the end of the preparatory proceedings or the investigation, unless the removal of the restriction would jeopardize the effectiveness of other criminal proceedings against the data subject. The requested organization shall be informed of the lifting of the restriction.

§ 265. (1) If the organization contacted in the framework of the data request fails to comply with the contents of the request within the established term, it unreasonably refuses to comply with it or violates its obligation set forth in § 264 (7), may be fined. If the conditions are met, in addition to the imposition of a fine, the coercive measure specified in this Act may also be ordered.

(2) If the requested organization does not comply with the provisions of the request because it is excluded by law, no further procedural act concerning the requested organization may be performed in order to obtain the data in the possession of the requested organization.

Conditional data request

§ 266. (1) In the event of the occurrence of a specific condition, a state, local government or national self-government body, budgetary body or public body may request information

(a) the public prosecutor's office, or

(b) *with* the permission of the public prosecutor's office, the investigating authority, the police's internal crime prevention and detection body and the police counter-terrorism body.

2. A conditional request for data may be requested for a period not exceeding three months, which may be renewed from time to time for a further period not exceeding three months. The conditional request for data may last for a maximum of one year.

(3) If the condition specified pursuant to paragraph 1 occurs during the period of the conditional data request, the organization requested in the framework of the conditional data request shall send the data specified in the request to the body requesting the data.

(4) If the period of the conditional data request expires without the condition occurring, the organization contacted in the framework of the conditional data request shall delete the data contained in the request of the body requesting the data provision.

(5) The request for a conditional data request shall indicate

- a) the conditions and purpose of the data request pursuant to this Act,
- b) data necessary to identify the subject of the supply, in particular the data of the person, object or service concerned,
- c) the scope of the data to be provided,
- d) the duration of the conditional data request,
- e) the manner and deadline for completing the reporting; and
- f) the condition under which the data must be provided.

(6) In other respects, the rules for the execution of the data request shall apply to the conditional data request, provided that during the conditional data request the immediate provision of the data may be requested if the specified condition occurs.

Data collection

§ 267. (1) The prosecutor's office, the investigating authority, the police's internal crime prevention and detection body and the police's counter-terrorism body may collect data in order to establish a suspicion of a criminal offense and to clarify whether there are means of proof, and where are they located.

(2) After the indictment, the public prosecutor's office may collect data in order to make a motion for evidence, search for and provide evidence, for which purpose it may also use the investigating authority.

(3) During data collection

- a) data may be collected from the registers specified in the Act on the Prosecutor's Office, the Act on the Police and the Act on the National Tax and Customs Administration,
- b) data may be collected from a database or source prepared or lawfully disclosed for the purpose of disclosure,
- c) information can be requested from anyone,
- d) the selection or identification of a person or object may be requested through the presentation of an image, sound or image and sound recording; or
- e) the location of the offense may be investigated.

(4) The member of the data collection authority shall make a record of the data collection.

5. A communication contained in a record concerning the collection of data may be used as a testimony if it is maintained during the questioning of the data subject as a defendant or witness.

Other data acquisition activities

§ 268. (1) The court, the prosecutor's office and the investigating authority may order by decision

- a) circling the thing which is a means of proof in order to establish the whereabouts of the thing in an unknown place and to identify a thing of unknown origin,
- b) to circulate the thing which may be confiscated or to which confiscation may be ordered in order to establish the whereabouts of the thing in an unknown place and to identify a thing of unknown origin,
- c) the circulation of a witness or a person suspected of having committed a criminal offense, if his identity is unknown,

(d) circling a witness or person reasonably suspected of having committed a criminal offense to establish his or her contact,

e) in order to identify a corpse, part of a corpse, circling the corpse, which is a means of proof.

(2) Circulation shall be revoked if the reason for the order has ceased to exist. Circulation ordered pursuant to paragraph 1 (a), (c) and (d) shall be withdrawn after the proceedings have been terminated or terminated.

(3) ⁵⁹ The revocation or amendment of the circuit shall be decided by the court, prosecutor's office or investigative authority before which the proceedings are pending. Circulation ordered by the investigating authority prior to prosecution may also be revoked or modified by the prosecution.

(4) If the proceedings are not pending before the court, prosecutor's office or investigating authority ordering the circular or the court, prosecutor's office or investigating authority in the case changes during the proceedings and the conditions for the circular continue to exist, the trial court shall the public prosecutor's office or the investigating authority shall, where appropriate, take steps to record this circumstance in a circular registration system.

(5) There is no right of appeal against the ordering, revocation or modification of the circuit.

§ 269. (1) The body of the prosecutor's office, the investigating authority, the police performing internal crime prevention and detection tasks, and the police counter-terrorism body

a) may request the transmission of data from the register of criminal and law enforcement biometric data as specified by law,

b) may use the image analysis activity of the body responsible for the maintenance of the facial analysis register and the operation of the facial analysis system as specified by law, or

(c) order the placing of an alert for a latent inspection in the Schengen Information System as provided by law.

(2) After the indictment, the public prosecutor's office may carry out other data-gathering activities specified in paragraph 1 (a) and (b) in order to make a request for evidence, search for and provide evidence .

§ 270. (1) The prosecutor's office, the investigating authority, the internal body of the police performing internal crime prevention and detection tasks, and the police counter-terrorism body may use the assistance of a consultant if it required. After the indictment, the prosecution may use a consultant to make a request for evidence, locate and secure a means of proof.

(2) If it is necessary to perform an act affecting the inviolability of a person's body during the proceedings of a consultant, this shall be separately provided for by the public prosecutor's office or the investigating authority.

3. The provisions concerning the exclusion of the public prosecutor or a member of the investigating authority shall apply mutatis mutandis to the expert adviser.

(4) The fact of the assistance of the expert adviser, the manner and content of the assistance shall be indicated in the minutes or notes of the procedural act.

(5) The counsel may be heard as a witness in connection with a procedural act performed with his assistance.

PART EIGHT

COMPULSORY MEASURES

XLIII. CHAPTER

GENERAL RULES FOR THE APPLICATION OF COMPULSORY MEASURES

§ 271. (1) When ordering or implementing a coercive measure, an effort shall be made to ensure that its application results in the restriction of the fundamental rights of the person concerned only to the extent and for the time necessary.

(2) A coercive measure involving a more severe restriction may be ordered if the objective to be achieved by the coercive measure cannot be achieved by a coercive measure involving a less restrictive measure or other procedural act.

(3) The coercive measure shall be implemented with the kindness of the data subject, respecting his or her fundamental rights not affected by the restriction. When carrying out a coercive measure, care must be taken to ensure that it affects the person outside the person concerned only to the extent necessary.

(4) Coercive measures restricting privacy or property shall be taken as far as possible between the sixth and twenty-second hours of the day.

(5) It shall be ensured that during the execution of a coercive measure the circumstances of the privacy of the data subject which are not related to the criminal proceedings or personal data are not disclosed.

(6) Unnecessary damage should be avoided during the implementation of the coercive measure.

(7) The court and the public prosecutor's office may use the investigating authority to carry out the coercive measure ordered by it.

§ 272. (1) Coercive measure

(a) a coercive measure affecting personal liberty; and

(b) a coercive measure affecting property.

(2) Coercive measure affecting personal liberty

a) detention,

b) distance,

c) criminal supervision,

(d) the arrest; and

(e) prior compulsory medical treatment [points (b) to (e) together: a compulsory judicial measure affecting personal liberty].

(3) Coercive measure affecting property

a) research,

b) the search,

c) the seizure,

(d) seizure; and

(e) making electronic data temporarily inaccessible.

Capture of the perpetrator

§ 273. A person who has been convicted of a criminal offense may be arrested by anyone, but shall be obliged to hand him over to the investigating authority immediately or, if there is no way to do so, to inform the police.

XLIV. CHAPTER

THE GUARDIAN

Condition and duration of detention

§ 274. (1) Detention is the temporary deprivation of the personal liberty of an accused person or a person reasonably suspected of committing a criminal offense.

(2) In the event of a well-founded suspicion of a criminal offense punishable by imprisonment, the court, the public prosecutor's office and the investigating authority may order the detention of the accused person or a person reasonably suspected of having committed the criminal offense.

(a) *in the event* of an accident, if his identity cannot be established,

(b) if a coercive measure affecting his or her liberty is likely to be imposed on him or her, or

(c) if he disturbs the hearing.

(3) Detention may last until the decision of the judicial licensee concerning the coercive measure affecting personal liberty, but not longer than seventy-two hours.

(4) If the circumstances have not changed, the custody of the accused may not be ordered again.

(5) Official detention prior to the ordering of detention shall be included in the duration of detention.

(6) If detention has been ordered by the investigating authority, it shall inform the public prosecutor's office thereof within twenty-four hours. In the case of paragraph 2 (c) , the court shall immediately inform the public prosecutor's office with jurisdiction and jurisdiction over the offense on which the disturbance is based.

Action after ordering detention

§ 275. (1) The adult indicated by the accused shall be informed of the order of detention and the place of detention within eight hours at the latest.

(2) The court, prosecutor's office or investigative authority ordering detention may refuse to inform the person referred to in subsection (1) in order to ensure the effectiveness of the criminal proceedings or the life and physical integrity of another person.

3. In the event of a refusal to provide information, it shall be possible for the accused person to designate another adult who shall be informed in accordance with paragraphs 1 and 2.

4. If the information cannot be provided within eight hours even in application of paragraph 3, the accused and the defense counsel may appeal against the refusal of the information.

(5) The court, prosecutor's office or investigating authority ordering custody shall ensure the accommodation of the unaccompanied minor child or other person in his or her care and the security of the unaccompanied minor's property and apartment.

(6) The superior shall also be informed of the ordering of the detention of a soldier.

XLV. CHAPTER

GENERAL RULES ON JUDICIAL SUSPENSION MEASURES CONCERNING PERSONAL FREEDOM

Purpose and conditions of judicial coercive measures affecting personal liberty

§ 276. (1) In proceedings for a criminal offense punishable by imprisonment, a court-licensed coercive measure affecting the personal liberty of the accused shall be ordered, extended and maintained if:

(a) the accused offense is reasonably suspected or accused of having committed the offense, and

(b) it is necessary to achieve the objective of the coercive measure affecting the personal liberty of the licensee and the objective pursued cannot be achieved in any other way.

(2) A coercive measure of a judicial licensee affecting personal liberty may be ordered

(a) to ensure the presence of the accused, if

(aa) absconded, attempted to escape or absconded from a court, public prosecutor's office or investigating authority, or

(ab) *there are* reasonable grounds for believing that he or she would be inaccessible in criminal proceedings, in particular by escaping or hiding,

(b) to prevent the burden of proof from being made more difficult or frustrating if:

(ba) the accused has intimidated, unlawfully influenced, or destroyed, falsified or concealed a means of evidence, electronic data or property subject to confiscation, intimidated or unlawfully influenced a person involved in criminal proceedings in order to frustrate evidence, or

(bb) *there are* reasonable grounds for believing that the accused would jeopardize the evidence, in particular by intimidating, unlawfully influencing, destroying, falsifying or concealing material or other data which is the subject of criminal proceedings or another person,

(c) to prevent the possibility of recidivism if:

(ca) *has*, after the questioning of the suspect, continued the offense which is the subject of the proceedings or has been questioned as a suspect for another intentional criminal offense committed after the questioning of the suspect, or

(cb) *there are* reasonable grounds for believing that he or she would commit an offense that has been attempted or prepared, that he or she would commit an offense that is the subject of the proceedings or that he or she would commit another offense punishable by imprisonment.

§ 277. (1) Detention may be ordered in order to make the burden of proof more difficult or unsuccessful or, if this can be established in relation to the victim, to prevent recidivism.

(2) Criminal supervision may be ordered in order to ensure the presence of the accused, to prevent the aggravation or failure of the evidence, or to prevent the recurrence of the crime.

(3) In addition to criminal supervision, detention may also be ordered.

4. Arrest may be ordered in order to ensure the presence of the accused, to prevent the aggravation or failure of evidence or to prevent recidivism, in particular:

a) the nature of the offense,

b) the status and interests of the investigation,

c) the personal and family circumstances of the accused,

d) the relationship between the accused and the person involved in the criminal proceedings or another person,

(e) his conduct before and during the criminal proceedings against him

in view of the fact that the objective to be achieved by a coercive measure of a judicial licensee affecting personal liberty cannot be ensured by distance or criminal supervision.

(5) Preliminary compulsory medical treatment may be ordered in order to prevent the recurrence of a crime if it can be reasonably assumed that there is a place for compulsory medical treatment of the accused.

Ordering coercive measures affecting judicial freedom affecting personal liberty

§ 278. (1) The court shall decide on the order of a coercive measure of a judicial licensee affecting personal freedom - upon the motion of the prosecutor's office before the indictment.

(2) The victim may also request a restraining order. The victim may submit a request for a restraint order to the prosecutor's office dealing with the case before the prosecution. The prosecutor's office forwards the victim's motion together with the case files to the court without delay.

(3) The court before the indictment

- (a)* order detention, criminal supervision or detention and criminal supervision instead of arrest,
- b)* order criminal supervision by prescribing more lenient rules of conduct instead of absenteeism proposed by the prosecutor's office,
- c)* in addition to criminal supervision, also order restraint or, instead of criminal supervision, restitution,
- (d)* order detention, criminal supervision, criminal supervision and detention or arrest instead of prior compulsory medical treatment;
- (e)* may prescribe a code of conduct which is less stringent or different from that proposed.

Termination and abolition of coercive measures by judicial licensors affecting personal liberty

§ 279. (1) The court, the prosecutor's office and the investigating authority shall endeavor to ensure that the coercive measure of a judicial licensee affecting personal liberty lasts for as short a time as possible.

(2) A coercive measure of a judicial licensee affecting personal liberty shall be terminated if

- (a)* it has expired without renewal or reservation,
- b)* the time limit for the investigation has expired and no charges have been brought,
- (c)* the proceedings have been terminated or suspended,
- (d)* the proceedings have been definitively closed.

(3) A coercive measure of a judicial licensee affecting personal liberty shall be terminated if

- a)* the reason for his order has ceased to exist,
- (b)* another coercive measure affecting the personal liberty of the judge has been ordered instead, or
- (c)* in another case, the accused has been arrested or remanded in custody.

(4) A coercive measure of a judicial licensee affecting personal liberty may be terminated if the accused is serving a custodial sentence, confinement or correctional institution.

(5) Withdrawal or criminal supervision may be terminated with regard to the ordering or criminal supervision ordered in another case, if the purpose of the distance or criminal supervision is to maintain the distance or criminal supervision in accordance with the distance or criminal supervision ordered in another case. provided with criminal supervision.

(6) The custody of the accused may be re-ordered if, upon his or her release, the conditions for ordering a coercive measure affecting the personal liberty of a judicial licensee continue to exist and the coercive measure of a judicial licensee affecting personal liberty

(a) was terminated because the defendant was arrested or remanded in custody in another case, or

(b) terminated pursuant to paragraph 4.

(7) A coercive measure of a judicial licensee affecting personal liberty shall be terminated by the court and may be terminated by the prosecutor's office before the indictment, except for the restraining order ordered at the request of the victim.

XLVI. CHAPTER

REMOTE AND CRIMINAL SURVEILLANCE

Keeping up

§ 280. (1) Absenteeism restricts the free contact of the accused and, for this purpose, the right of the accused to move freely and to freely choose the place of residence or stay.

(2) In the case of ordering distance, the court shall, as a rule of conduct, prescribe that the accused shall not contact, directly or indirectly, a specific person or stay away from that person (hereinafter: person affected by distance).

(3) In order to ensure the purpose specified in subsection (2), the court may prescribe, as a rule of conduct, that the accused

(a) leave and remain away from a specified dwelling; or

(b) stay away from the person's actual place of residence, place of work, institutions regularly visited by that person or any other place, in particular a health institution visited for the purpose of education, upbringing or medical treatment, or a building visited in the exercise of his religion.

4. Where paragraph 3 (b) applies, the rules of conduct shall be laid down in such a way that they do not make it impossible for the accused to exercise the rights to which the person concerned by the distance is affected by those rules of conduct.

(5) In the case of a restraining order, the court shall serve the final decision on the restraining order.

a) the petitioner,

(b) the person concerned by the absconding, and

(c) if the detention order has been requested by the victim, the public prosecutor's office for.

(6) The person affected by the distance shall also be informed of the termination or termination of the distance.

Criminal supervision

§ 281. (1) Criminal supervision restricts the accused's right to free movement and free choice of place of residence or stay.

(2) In the case of ordering criminal supervision, the court shall prescribe that the accused

(a) not leave the area, dwelling, other premises, institution or fenced area designated for him without permission,

(b) not visit certain public places, public events or certain public places; or

(c) *report* at regular intervals and in a manner to a body set up by the police to carry out general police duties.

(3) The court may also prescribe additional rules of conduct which ensure the aim to be achieved by criminal supervision.

4. Where paragraph 2 (a) applies, the court shall determine as a rule of conduct the conditions under which the accused may leave the designated area, place, in particular to meet the normal needs of everyday life, work or medical treatment.

Measures to ensure compliance with the code of conduct for absenteeism and criminal supervision

§ 282. A measure ensuring the observance of the rules of conduct of distance and criminal supervision

(a) a technical device for tracking the laden 's movements; or

(b) bail.

§ 283. (1) The court may order that the observance of the rules of conduct of absenteeism or criminal supervision be checked by a body established by the police established for the performance of general police duties by means of a technical device monitoring the movement of the accused.

(2) The court shall order that the retention of criminal supervision be verified by a body established by the police for the performance of general police duties by a technical device monitoring the movement of the accused if the criminal supervision has been ordered due to the expiry of the maximum period of arrest.

(3) Failure of the accused to participate in the operation of the technical device shall be considered a violation of the rules of conduct. The debtor must be warned of this when ordering the use of a technical device to monitor the debtor's movement.

(4) The court shall clarify the conditions for the installation of a technical device to monitor the movement of the accused when ordering it.

§ 284. The bail is a sum of money determined by the court, the purpose of which is to facilitate the observance of the rules of conduct of distance or criminal supervision ordered by the court and his presence in the charged procedural acts.

§ 285. (1) The accused or his or her defense counsel may request that the court determine the amount of the bail and, in the case of bail,

(a) *order* detention, criminal supervision or detention and criminal supervision instead of arrest,

(b) order a stay instead of criminal supervision,

(c) terminate criminal supervision in the event of criminal supervision and absence, or

(d) prescribe less stringent rules of conduct for criminal supervision or, in the case of criminal supervision and detention.

(2) The application for the establishment of a security shall indicate the amount of the security to be lodged.

(3) On the basis of the motion, the court

(a) rejects a motion for bail and less coercive measures or less stringent rules of conduct, or

(b) determine the amount of the security and, in the event of a security being lodged

(ba) order a coercive measure affecting a lesser personal liberty,

(bb) *in* the case of paragraph 1 (c) , terminate criminal supervision, or

(bc) lays down lighter rules of conduct.

(4) The court may also order the establishment of a bail together with the ordering, extension or maintenance of a coercive measure affecting the personal liberty of a judge or the adjudication of a motion for the abolition of a coercive measure affecting a person with personal liberty.

(5) If the court rejects the motion, the accused or his or her counsel may re-file a motion for bail if he or she invokes a new circumstance.

(6) No security may be established

(a) *in* the case of prior compulsory medical treatment, or

(b) to prescribe less stringent rules of conduct in the event of distance.

§ 286. (1) The object of the bail may be money, the bail may be deposited by the accused or his / her counsel.

(2) The amount of the bail shall not be less than five hundred thousand forints, the amount of which shall be determined by the court on the basis of the material weight of the criminal offense, taking into account the personal circumstances and financial situation of the accused.

(3) There is also an appeal against the determination of the amount of the security.

§ 287. (1) The bail may be deposited within three months after the decision establishing the bail becomes final, within three months from the date on which the bail becomes final. The security lodged cannot be withdrawn.

(2) Upon confirmation of the deposit of bail on the basis of a court order

(a) the accused person in custody shall be released immediately and the judicial coercive measure affecting the lesser personal liberty specified in the court decision shall be carried out in accordance with the prescribed rules of conduct,

(b) *in the case of* absenteeism or criminal supervision, a coercive measure of a judicial licensee affecting the personal liberty specified in a court decision shall be carried out in accordance with the specified rules of conduct.

3. If the defendant or his lawyer has not lodged the security within the time limit laid down in paragraph 1, he may re-apply for a security if he invokes a new circumstance.

§ 288. (1) The depositor of a bail shall lose the right to the amount of the bail deposited if the court orders the arrest of the accused

(a) under section 293, or

(b) as a result of his conduct after the security has been lodged to order.

(2) The depositor of a bail shall lose the right to the amount of the bail lodged even if the arrest of the accused cannot be ordered because the accused has become unavailable.

(3) After the loss of bail, bail may not be re-established.

(4) The amount of the bail shall be returned to the depositor if the coercive judicial measure affecting the personal liberty of the accused, with the exception of paragraphs 1 and 2, has been or has been terminated.

Duration of detention and criminal supervision

§ 289. (1) Detention or criminal supervision ordered before the indictment shall last until the decision of the court of first instance made in preparation for the trial, but for a maximum of four months.

(2) The court may extend the detention or criminal supervision from time to time for a maximum of four months.

(3) Prior to prosecution for the extension of detention or criminal supervision

a) the public prosecutor's office,

(b) *in the case of* a stay ordered at the request of the victim, the victim or the public prosecutor's office

make a motion to the court at least five days before the expiry of the coercive measure.

§ 290. (1) After the indictment, the detention or criminal supervision ordered or maintained by the court of first instance shall last until the announcement of the final decision of the court of first instance.

(2) Detention or criminal supervision ordered or maintained by the court of first instance after the announcement of the final decision and ordered by the court of second instance shall last until the end of the second instance proceedings.

(3) Detention or criminal supervision ordered or maintained by the court of second instance after the promulgation of the final decision, as well as ordered by the court of third instance, shall last until the end of the third-instance proceedings.

(4) *in the case of* annulment of a final decision of a court of first instance or a court of second instance and remittal, remand or criminal supervision ordered or maintained by a court of second or third instance pending a decision of the retrial court in preparation for a retrial, or in the case of an appeal, until the decision of the court entitled to hear the appeal pursuant to Section 630 (5).

(5) A stay ordered or maintained after an appeal against an order of a court of second instance or a court of third instance, or criminal supervision, shall last until the decision of the court ordering the conduct of the trial or the retrial is made.

§ 291. (1) If, after the indictment, from the maintenance or order of the criminal supervision or detention by the court of first instance

(a) six months have elapsed and the court of first instance has not yet given a decision, the court of first instance,

(b) one year has elapsed, the court of second instance at least every six months review the justification for detention or criminal supervision.

2. The justification of the detention or criminal supervision ordered or maintained after the indictment shall be reviewed by the court of second instance every six months after the time limit specified in paragraph 1 (b) , if the proceedings are pending before the court of third instance.

(3) If the trial court has ordered or maintained criminal supervision or detention pursuant to Section 290 (2) - (4), the six-month period specified in subsection (2) shall be calculated from this date.

Partial lifting and modification of absenteeism and criminal supervision

§ 292. (1) If during the period of detention or criminal supervision there is a significant change in the living conditions of the accused or the person affected by the detention, due to which

(a) a temporary derogation from, or a temporary suspension of, the prescribed rules of conduct is necessary before the prosecution is prosecuted, thereafter or, in the case of a victim's motion, by a court of his own motion and may, at the request of the person concerned by the absence, partially

(b) a permanent or permanent amendment of the prescribed rules of conduct is necessary, the court shall amend the rules of conduct for detention or criminal supervision at the request of the public prosecutor's office, the accused, the defense counsel or the person affected by the detention.

(2) In the case of a motion for the partial dissolution or amendment of the Code of Conduct, the court or public prosecutor's office entitled to hear it pursuant to subsection (1)

a) rejects the motion,

(b) upholds the motion in part and partially dissolves or amends the Code of Conduct, otherwise rejects the motion, or

c) approves the motion and partially dissolves and amends the code of conduct.

3. The decision to partially lift and amend the rules of conduct on absenteeism shall be notified

a) also with the person affected by the distance,

(b) *also to* the public prosecutor's office, if the partial dissolution or amendment has been proposed by the person concerned by the absconding.

(4) With the exception of paragraph (5), there shall be no legal remedy against the partial dissolution and amendment of the rules of conduct of criminal supervision or detention in accordance with the motion. The petitioner may file an appeal against the rejection of the petition or the decision rejecting the petition.

(5) If the partial dissolution or amendment of the rules of conduct of absenteeism has been proposed by the person concerned by the absconding, the accused and the defense counsel may file an appeal against the decision granting the motion, and the accused and the defense counsel may file an appeal against the partial acceptance decision.

(6) If the court does not preclude this when ordering a coercive measure affecting a person's liberty, the fulfillment of the obligation to appear in absentia or summons of the accused court, prosecutor's office, investigative authority, other authority or expert under criminal supervision or in connection with such notification in order to exercise the right of expression, it may

deviate from the rules of conduct of absenteeism or criminal supervision without a separate permit for the period and to the extent necessary for that purpose. In this case, the defendant is obliged

(a) inform the authority supervising compliance with the code of conduct of the summons or notification no later than the working day following its receipt, together with the fact that the summons or notification has become known,

(b) certify his appearance before the authority issuing the summons or notification and its duration within three working days of his appearance.

7. Failure to comply with the obligation to provide information and proof set out in paragraph 6 shall constitute a breach of the code of conduct.

Enforcement of distance and criminal supervision and violation of its rules of conduct

§ 293. (1) If, after criminal supervision or the ordering of restraint, it can be established that the conditions for the implementation of a coercive measure affecting the personal liberty do not exist, especially if a technical device monitoring the movement of the accused cannot be installed, the accused shall be detained. shall be ordered and the court shall issue a new decision on the coercive measure of a judicial licensee affecting personal liberty.

(2) If the accused violates the rules of conduct of distance or criminal supervision, he or she may be subject to a fine.

(3) In the event of a repeated or serious breach of the rules of conduct, the accused may be remanded in custody, and

(a) in the event of a breach of the rules of conduct, the criminal supervision of the accused may be ordered in addition to or instead of the removal,

b) the use of a technical device to monitor the movement of the laden may be ordered,

(c) there is a need to lay down less favorable or different rules of conduct, or

(d) the arrest of the accused may be ordered.

(4) If the accused does not appear in the procedural act despite a summons and does not save it in advance with good reason, or does not prove it with good reason immediately after the impediment has ceased to exist, he may be fined or remanded in custody for the measures specified in subsection (3). el.

Eliminate absenteeism and criminal oversight and change rules of conduct

§ 294. (1) The termination of absenteeism and criminal supervision, as well as the establishment of more lenient rules of conduct

(a) the public prosecutor, the accused or the defense counsel, or

(b) in the case of a stay ordered at the request of the victim, the defendant, the lawyer or the may propose.

(2) A motion for the termination of absenteeism or criminal supervision or for the establishment of more lenient rules of conduct shall be examined on the merits by the court and a decision shall be made thereon. If the motion was not made by the prosecution, the court will obtain the prosecution's remark or motion.

(3) The court shall consider the motion

(a) disregards the fact that the accused person is no longer subject to a coercive measure affecting the personal liberty of the judge at the time of the trial or is subject to any other coercive measure of the judicial licensee affecting the personal liberty,

(b) may refrain from informing the accused person at the same time if the coercive measure affecting personal liberty has been extended or maintained between the submission of the application and the adjudication of the application.

§ 295. (1) In the case of extension or maintenance of distance or criminal supervision, the court may establish of its own motion more lenient rules of conduct if the goal to be achieved by a coercive measure affecting personal liberty with a coercive measure can still be achieved.

(2) ⁶⁰ Before the indictment is filed, the court may, at the motion of the public prosecutor's office, establish rules of conduct which are less favorable to the accused, if this is necessary to achieve the objective pursued by the coercive measure affecting personal liberty.

XLVII. CHAPTER

THE ARREST

§ 296. Arrest is the judicial deprivation of the accused's personal liberty before a final decision is taken.

Duration of arrest

§ 297. (1) Arrest ordered before the indictment shall last until the decision of the court of first instance made during the preparation of the trial, but for a maximum of one month.

(2) The arrest may be extended by the court from time to time for a period not exceeding three months from the date of the arrest order, and from time to time for a period not exceeding two months thereafter.

(3) Before the indictment, the prosecutor's office shall submit a motion to the court for an extension of the arrest at least five days before the expiry of the period of arrest.

(4) After the indictment, the provisions on the duration of criminal supervision shall apply mutatis mutandis to the duration of arrest, provided that the arrest ordered or maintained after the pronouncement of the final decision of the court of first instance or second instance is no more than a custodial sentence. lasts for.

Upper limit of detention

Section 298 (1) Arrest shall not exceed

(a) lasts for one year, if not more than three years in respect of the accused,

(b) lasts for two years, if not more than five years in respect of the accused,

(c) lasts for three years, if not more than ten years against the accused,

(d) lasts for four years if it is more serious than ten years

proceedings are pending for an offense punishable by imprisonment.

2. Paragraph 1 shall not apply,

a) if the accused is being prosecuted for a criminal offense punishable by life imprisonment,

(b) in the case of arrest ordered or maintained after the final decision has been pronounced,

(c) if an appeal is pending against an order of a court of second instance or a court of third instance, or

(d) if a repeal procedure is pending as a result of the repeal.

(3) If the accused violates the rules of conduct of the criminal supervision ordered after the termination of the arrest pursuant to subsection (1), his arrest may be ordered again. In that case, the duration of the arrest pursuant to paragraph 1 shall run from the date of the re - ordering of the arrest.

Execution of the arrest

§ 299. (1) Before the indictment, the investigating authority or the public prosecutor's office, and after the indictment, the court shall immediately take the measures regulated in § 275 in the case of ordering the arrest of the accused.

(2) ⁶¹ According to the order of the public prosecutor's office, the arrest shall be carried out in a police detention center, if the performance of procedural acts justifies it, the maximum duration shall not exceed sixty days.

(3) There is no appeal against the decision to place the suspect in police custody.

(4) ⁶² of the accused moved the court has disposed of by the insurance department co-defendant and child placement when caring for children younger than one year old woman burdened and there are no grounds for refusal laid down by law.

Consideration of the motion to terminate the arrest

§ 300. (1) The prosecutor's office, the accused and his or her defense counsel may submit a motion for the termination of the arrest or for the ordering of a lesser coercive measure affecting the personal freedom of the judge.

(2) A motion for the termination of an arrest or for the imposition of a coercive measure of a judicial licensee affecting a lesser personal liberty shall be examined on the merits by the court and a decision thereon shall be made. If the motion was not made by the prosecution, the court will obtain the prosecution's remark or motion.

(3) A motion for the termination of an arrest, repeatedly submitted with the same content, may not be rejected without substantial reasons if three months have elapsed since the arrest, extension or maintenance of the arrest.

(4) The court shall consider the motion

(a) refrain if the accused person is no longer subject to a coercive judicial measure affecting his or her personal liberty or to another coercive judicial measure affecting his or her personal liberty,

(b) waive the simultaneous notification of the accused if the arrest has been extended or maintained between the submission of the motion and the adjudication of the motion.

XLVIII. CHAPTER

PRELIMINARY ADVENTURE TREATMENT

§ 301. (1) Preliminary compulsory medical treatment is the judicial deprivation of the personal liberty of an accused person with an abnormal state of mind before the final decision-making decision is made.

2. The rules on arrest shall apply mutatis mutandis to pre-existing compulsory medical treatment, subject to the derogations provided for in this Chapter.

(3) The accused spouse and life partner shall also have the right to appeal against the ordering, extension or maintenance of pre-existing compulsory medical treatment.

(4) The accused spouse and life partner may also submit a motion for the termination of pre-existing compulsory medical treatment.

(5) Preliminary compulsory medical treatment ordered before the indictment shall last until the decision of the court of first instance made in preparation for the trial, but for a maximum of six months.

(6) Pre-trial compulsory medical treatment may be extended by the court for a maximum of six months before the indictment.

(7) The institute performing pre-trial compulsory treatment shall inform the prosecutor's office before the indictment and the court immediately after the indictment, if the termination of the pre-trial compulsory treatment is justified.

XLIX. CHAPTER

RESEARCH, MOTORCYCLE

The research

§ 302. (1) Research is the search of an apartment, other room, fenced place or vehicle in order to conduct criminal proceedings effectively. The research may also include an examination of an information system or data carrier.

(2) Research may be ordered if there are reasonable grounds for believing that

- a) to apprehend the perpetrator of a criminal offense,*
- b) to detect traces of a criminal offense,*
- c) to find a means of proof,*
- (d) to find something to be confiscated or confiscated; or*
- e) to examine the information system or data carrier*
leads.

§ 303. (1) The investigation shall be ordered by a court, the prosecutor's office or the investigating authority.

(2) If the research to be held in a notary or law firm is aimed at obtaining proprietary data related to the activities of a notary or lawyer, the research shall be ordered by a court. The participation of a prosecutor is mandatory in research conducted at a notary or law firm.

(3) If the adoption of a court decision necessary for the ordering of research would result in a delay which would significantly jeopardize the aim to be achieved by the research, the research may be carried out without a decision of the court. In such a case, the court's decision must be obtained immediately afterwards. If the research is not ordered by the court, its results cannot be used as evidence.

§ 304. (1) The decision ordering the research shall contain the facts substantiating the purpose of the research and its order.

2. Where possible, the decision ordering the search shall identify the person, means of proof, confiscated or confiscated item, information system or data medium to whom the search is directed.

§ 305. (1) The research shall be carried out in the presence of the owner, owner or user of the property or vehicle concerned, with the exception specified in subsection (2).

(2) The research may also be carried out in the presence of the defender, representative or adult of the owner, owner or user of the property or vehicle concerned. If such a person is not present, the research must be carried out in the presence of an adult who is not interested in the case in order to protect the interests of the person concerned.

(3) Before starting the research, the content of the decision ordering the research shall be described and, if possible, the decision shall be delivered on the spot.

(4) If the search is aimed at finding a specific person, means of evidence, thing, information system or data carrier, the owner, occupier or user of the property or vehicle concerned or the person authorized by him shall be called upon to find the material or means of evidence sought. reveal the whereabouts of the person or make the electronic data sought available. If the request is complied with, the research may be continued only if it can be reasonably assumed that other means of proof, thing, information system or data carrier may be found during the research.

(5) With the exception of the accused, a person who obstructs the research may be fined.

The search

§ 306. (1) A search is the examination of the clothing and body of the person subject to the search in order to find the means of proof, the thing to be confiscated or the property subject to confiscation. During the search, any items found at the person being searched may be inspected.

(2) A search may be ordered against the accused or a person who can reasonably be presumed to have a means of proof, confiscation or confiscation.

(3) The search shall be ordered by the public prosecutor's office or the investigating authority.

§ 307. (1) If the search is aimed at finding a specific thing, the person subject to the search shall be called upon to hand over the sought thing. If the prompt is fulfilled, the search cannot be continued.

(2) The search shall not be carried out in a disgraceful manner.

(3) Examination of body cavities may be performed only by a doctor and a health care worker may be present during the examination.

(4) An adult person nominated by the person subject to the search may be present at the search site, provided that his or her presence does not infringe the interests of the proceedings.

(5) Except in the case of intolerance to the delay, the search may be performed by a person of the same sex as the person subject to the search, and only a person of the same sex may be present during the search. The doctor performing the examination of the body cavities, the health care worker participating in the examination and the adult person indicated by the person being examined may be a person of a different sex from the person being examined.

(6) With the exception of the accused, a person who obstructs the search may be subject to a fine.

CHAPTER L.

THE RESERVATION

Ordering a reservation

§ 308. (1) The purpose of the seizure is to secure the means of proof or the confiscable thing or property subject to confiscation of property in order to carry out the criminal proceedings effectively. Seizure limits ownership over the subject of seizure.

(2) A seizure shall be ordered if it is the subject of a seizure

(a) a means of proof, or

(b) confiscated or confiscated.

(3) Movable property, account money, electronic money or electronic data may be seized.

§ 309. (1) Seizure shall be ordered by a court, prosecutor's office or investigative authority.

(2) The court shall order the seizure of a means of proof contained in a notarial or law firm's office which contains proprietary data related to the activities of a notary or a lawyer.

(3) Before the indictment, the prosecutor's office and then the court shall order it

(a) postal items or other sealed items not yet delivered to the addressee,

(b) a communication or item not yet transmitted to the addressee in the course of an electronic communications service; or

(c) a means of proof held in the editorial office of a media content provider pursuant to the Act on Freedom of the Press and the Basic Rules of Media Content in connection with this activity

seizure.

(4) If the decision of a court or prosecutor's office necessary to order a seizure would cause a delay that would significantly jeopardize the purpose of the seizure, the prosecutor's office or the investigating authority may execute the seizure or prohibit the sending of the communication or consignment until the seizure authority decides. In such a case, the decision of the person entitled to order the seizure must be obtained immediately. If the person entitled to order the seizure does not order the seizure, the seized means of proof or consignment shall be returned to the person concerned or the prohibition on sending shall be lifted.

Section 310 (1) Cannot be seized

- (a) a communication or consignment between the defendant and the lawyer; or
- (b) a record of the defense counsel in the case.

2. Except as provided in paragraph 4, no seizure may take place

(a) a communication or consignment between the accused person and the person entitled to refuse to testify; or

(b) the means of proof in respect of which the testimony may be refused, if it is kept by a person entitled to refuse to testify.

(3) With the exception specified in subsection (4), a document or electronic data related to this activity kept in the premises of a person entitled to refuse to testify on the basis of § 173 used for the exercise of his or her profession or public assignment may not be seized.

In the case provided for in paragraphs 2 and 3, the seizure may be ordered if:

- (a) the offense was committed against the means of proof to be seized,
- b) the object of the seizure is the instrument of a criminal offense,
- (c) the means of proof to be seized bear traces of the offender,
- d) the person entitled to refuse to testify has a reasonably suspected act, complicity, complicity, organization or money laundering in connection with the case,
- (e) the person entitled to refuse to testify voluntarily provides or makes available the means of proof to be seized, following the warning provided for in paragraphs 2 and 3; or
- f) the person entitled to refuse to testify under § 174 was ordered by the court to disclose the identity of the person who provided the information to him or her.

Execution of the reservation

Section 311 (1) The seizure

- a) by possession,
- (b) by other means of preservation,
- (c) by leaving the person concerned in custody, or
- d) in the case of electronic data, in the manner specified in Section 315 (1) can be implemented.

2. Seizure may be effected by leaving the person concerned in custody or otherwise providing for custody if:

- a) the thing is not suitable for possession,
 - (b) the interest of the holder or controller in the use of the thing or electronic data justifies it,
- or

(c) other important reasons so require.

(3) In the case specified in subsection (2), the seized thing or electronic data may be transferred to another possession only with the consent of the court, prosecutor's office or investigative authority ordering the seizure. In the case of consent, the new owner is obliged to keep the seized thing.

(4) The seizure of a thing covered by special protection specified in the Act on the Special Protection of Borrowed Cultural Property may be carried out after the expiry of the term of protection.

(5) The manner of execution of the seizure shall be specified in the decision on the order.

(6) During criminal proceedings, the justification for maintaining the seizure shall be examined in accordance with the provisions of law. If the seizure is no longer necessary for the purpose of the proceedings, immediate action shall be taken to terminate the seizure and release the seized thing, or a request for confiscation of the seized thing shall be proposed.

§ 312. (1) In order to carry out the seizure, the owner or manager of the thing or the electronic data shall be called upon to reveal the location of the requested thing or to make the electronic data available. If the request is refused, the object or electronic data sought must be searched or searched. The person concerned must be warned of this.

(2) Failure to comply with the summons shall result in a fine, except

a) the accused,

b) the person entitled to refuse to testify; or

c) a person who cannot be heard as a witness.

(3) With the exception of the accused, a person who obstructs the seizure may be subject to a fine.

Seizure of the document

§ 313. (1) The original document shall be seized if

a) confiscable,

b) a document certifying the title to the property subject to confiscation or the right to dispose of it,

c) it bears traces of a criminal offense,

d) an unforeseeable or significant number of documents must be inspected; or

e) it is essential for the success of the proof.

2. If the original document is not required in the course of the proceedings, a copy shall be made as soon as possible in view of the technical possibilities for ordering the seizure and the quantity of the document seized. In such a case, the seizure of the original document may last only until the copy is made, but for a maximum of two months.

(3) If this does not jeopardize the interests of the procedure, a certified copy of the seized original document shall be made to the holder upon request.

§ 314. (1) If, according to the holder of the document or his or her defense counsel or representative, the content of the testimony may be refused on the basis of § 172 and he or she does not consent to the knowledge of the document, the investigating authority shall release the document or the data carrier available to the prosecutor's office. In such a case, the investigating authority or a member of the prosecuting body conducting the prosecutorial investigation may not become acquainted with the content of the document.

(2) In the case of an investigation by the investigating authority, the public prosecutor's office or, in the case of an investigation by the public prosecutor's office, the superior public prosecutor's office shall decide on the seizure immediately after learning about the court. If the seizure is not ordered by the prosecution or the court, the document cannot be used as a means of evidence in either a pending case or other criminal proceedings.

Seizure and obligation to retain electronic data

§ 315. (1) Seizure of electronic data

a) by making a copy of the electronic data,

b) by transferring electronic data,

c) by making a copy of the entire contents of the information system or data carrier containing it,

d) by seizing the information system or medium containing it, or

e) by other means specified by law

can be implemented.

2. The seizure of the electronic data used for payment may also be carried out by carrying out an operation with the electronic data which prevents the data subject from disposing of the value of the data expressed by the electronic data.

3. For the seizure of an existing document as electronic data, Articles 313 to 314 shall apply. § shall be applied accordingly.

4. The seizure of electronic data shall be carried out in such a way that it does not, as far as possible, cover electronic data which are not necessary for the purpose of criminal proceedings, or such electronic data are affected by the seizure for the shortest possible period of time.

(5) An information system or data carrier containing electronic data may be seized if:

a) is subject to confiscation or confiscation of property,

(b) is relevant as a means of physical evidence, or

(c) the verification requires an examination of an unforeseeable or significant amount of electronic data stored therein.

(6) If this does not jeopardize the interests of the procedure, in the event of seizure of an information system or data carrier, a copy of the electronic data designated by him or her shall be made at the request of the person entitled to have electronic data.

§ 316. (1) An obligation to preserve electronic data may be imposed in order to detect a criminal offense or to prove it. The obligation to retain electronic data restricts the right of the holder, processor or manager of the electronic data (hereinafter: the person obliged to retain) to dispose of the electronic data.

(2) The obligation to retain electronic data shall be imposed by a court, prosecutor's office or investigative authority.

(3) An obligation to retain electronic data may be imposed if it

a) to detect a means of proof,

(b) to provide a means of proof; or

(c) to establish the identity or actual whereabouts of the suspect required.

(4) The data subject shall retain the electronic data specified in the decision unchanged from the date of notification of the decision to him or her and, if necessary, separate from other data files, ensure its secure storage. The data subject shall prevent the alteration, deletion, destruction, transmission of the electronic data, unauthorized copying of the electronic data or unauthorized access thereto.

(5) ⁶³ The person ordering the retention may affix an enhanced electronic signature or electronic stamp based on a qualified or qualified certificate to the electronic data affected by the retention.

(6) If the storage of electronic data in its original location would significantly impede the data subject's activities related to the processing, handling, storage or transmission of electronic data, he may, with the permission of the customer, ensure the storage of electronic data by transferring it to another information system or data carrier. After copying, the person ordering the retention may partially or completely remove the restrictions on the information system or data carrier containing the original electronic data.

(7) During the period of coercive measures, the data subject to the retention obligation shall have access only with the permission of the court, the public prosecutor's office or the investigating authority and the person obliged to retain the retention order. The data subject may retain information about the electronic data that is affected by the retention obligation for the duration of the measure only with the consent of the ordering party.

(8) The person obliged to preserve shall immediately inform the person ordering the preservation obligation if the electronic data affected by the obligation to preserve have been

unauthorizedly altered, deleted, destroyed, transmitted, copied, disclosed or a sign indicating their attempt has been detected.

(9) Following the obligation to retain electronic data, the person ordering the retention obligation shall immediately begin the review of the electronic data. As a result of the review, the person ordering the retention order decides whether to order another way of carrying out the seizure or terminates the retention order.

(10) The retention obligation lasts for a maximum of three months. The obligation to keep ceases when the criminal proceedings have been completed. The custodian shall be informed of the termination of the criminal proceedings.

§ 317. The **provisions concerning** the redemption, sale and confiscation **of** the seized thing, as well as the termination and withholding of the seizure shall also apply *mutatis mutandis* to the electronic data.

Redemption of the seized thing

§ 318. (1) If a thing has been seized solely for the purpose of securing confiscation of property and a substantiated claim for its release has not been declared, the person from whom the thing has been seized may propose acceptance of the redemption of the thing.

(2) The prosecution shall decide on the acceptance of the redemption of the seized thing before the prosecution and thereafter the court.

(3) The amount of redemption shall be determined by the prosecutor's office or the court. The amount of redemption is the estimated value of the thing.

(4) A motion to accept redemption shall be rejected if a

(a) the amount established is disputed by the person concerned,

(b) determining the amount of redemption would prolong the proceedings, or

(c) determining the amount of redemption would be disproportionate.

(5) There is no appeal against the rejection of a motion to accept redemption.

(6) The amount paid at the time of redemption replaces the seized thing. In such a case, the confiscation of property must be ordered for the consideration that replaces the thing.

Selling the booked thing

§ 319. (1) If in the course of the proceedings the seized thing is no longer necessary for the purpose of proof, it shall be examined without delay of its own motion whether the seizure has a place to be terminated or whether the seized thing can be sold.

(2) A seized thing may be sold if

a) the seized thing is no longer needed for the purpose of proof,

(b) there is no need to lift the seizure, and

(c) no substantiated claim has been made in respect of the seized item.

(3) If the conditions specified in subsection (2) are met, the court shall, upon the motion of the prosecutor's office before the prosecution, order the sale of the seized thing, if the seized thing

(a) is subject to rapid deterioration,

(b) unsuitable for long-term storage,

(c) *its* handling, storage or preservation would be disproportionate and significant, in particular in view of the value of the thing or its foreseeable long-term storage; or

(d) *its* value would decrease significantly due to the expected time of seizure.

(4) If the seized thing is no longer necessary for the purpose of proof and there is no place to terminate the seizure, the court may, upon the prosecution's motion, order the sale of the seized

thing even if a substantiated claim has been made in connection with the seized thing and the person making the substantiated claim consented to the sale.

(5) Prior to the indictment, the sale of the thing may be ordered by the prosecutor's office or the investigating authority.

(6) The consideration received from the sale of the seized thing shall replace the seized thing. In such a case, the confiscation or confiscation of property shall be ordered for the consideration which replaces the thing.

(7) If necessary for later proof, in case of sale of the seized thing, a sample of the thing shall be provided or a picture or image and sound recording shall be made of the thing, which at a later stage of the procedure unequivocally proves the essential characteristics of the thing.

Termination of seizure and confiscation of the seized thing

Section 320 (1) The seizure shall be terminated if

- (a)* it is no longer necessary for the purposes of the procedure,
- b)* the seized thing has been redeemed, in respect of the thing originally seized,
- (c)* the proceedings have been terminated, or
- (d)* the time limit for the investigation has expired.

(2) If the seized thing is worthless and no one claims it, it shall be destroyed after the seizure is terminated.

(3) A seizure ordered by a court may also be lifted by the public prosecutor's office before the indictment.

(4) If the possession of the seized thing is contrary to law or endangers public safety, the court shall decide on the confiscation of the seized thing instead of terminating the seizure.

(5) If necessary for the purpose of proof, in case of confiscation or destruction of the seized thing, a sample of the thing shall be provided or a picture or image and sound recording shall be made of the thing, which at a later stage of the proceedings proves beyond doubt the essential characteristics of the thing.

§ 321. (1) Upon termination of the seizure, the seized thing shall be handed over to the person who was the owner of the act which is the subject of the criminal proceedings and no reasonable doubt arises in connection with the right of ownership.

(2) If there is no person to whom the thing is to be extradited pursuant to subsection (1) and such person cannot be determined on the basis of the data of the proceedings available until then, the thing shall be extradited to the person who has made a substantiated claim for extradition.

(3) If there is no person to whom the thing could be extradited in accordance with paragraph 2 or such a person cannot be determined on the basis of the data of the proceedings available until then, the thing shall be extradited to the person from whom it was seized.

(4) If the proceedings have been terminated because the act is not a criminal offense, the seized thing shall be released to the person from whom it has been seized.

(5) A thing seized from the accused shall become the property of the state on the basis of a court decision, if it undoubtedly belongs to someone else, and the identity of this person cannot be established. If the identity of such a person is later clarified, the person concerned may claim the issue of the thing or the consideration for the sale. The claimant's application is decided by a court with jurisdiction and jurisdiction under the Code of Civil Procedure.

§ 322. If the thing originally seized can no longer be released, the amount of the consideration received from the sale or redemption of the thing, less the cost of handling, storage or custody, shall be paid to the person concerned. If the seizure was unjustified, the consideration for the thing cannot be reduced by the cost of handling, storage or custody. The court, prosecutor's

office or investigating authority that decides to lift the seizure shall decide in its decision. The claimant may enforce his claim in excess of this in accordance with the rules of civil law.

Withholding a seized thing

§ 323. (1) The thing to be handed over to the accused may be withheld in order to secure the fine, confiscation of property or criminal costs established against him, this shall be provided for in the final decision.

(2) In the event of termination of the seizure, the thing to be handed over to the accused may be withheld at the motion of the private party to secure a civil claim, this shall be provided for in the final decision.

(3) A lien intended to secure a civil claim shall be lifted if the private party has not requested enforcement within two months of the expiry of the time limit for performance or, in the case of another lawful order to enforce a civil claim, within two months. did not submit an application.

LI. CHAPTER

LOCK

Order to be locked up

§ 324. (1) Seizure shall suspend the right of disposal over the subject of the seizure in order to ensure the confiscation of property or a civil claim.

(2) Locking may be ordered

a) the thing,

b) account money and electronic money,

c) a financial instrument specified in the Investment Companies Act,

d) any other right of property, or

e) any other claim of a pecuniary nature [together with points *(a)* to *(e)* together]: assets].

(3) A lock - up may be ordered if

(a) the proceedings are for an offense in respect of which confiscation of property is possible, or

(b) its purpose is to secure a civil claim,

and there are reasonable grounds for fearing that the confiscation of property or the satisfaction of a civil claim will be thwarted.

(4) If there is a place for confiscation of real estate, the seizure shall be ordered.

§ 325. (1) In order to secure a civil right claim, a lock-up is available on the motion of the private party, on the property designated by him, owned or belonging to the accused. Detention may also be ordered if the civil claim under section 557 has been sent by the court to a court with jurisdiction and jurisdiction under the Code of Civil Procedure.

(2) For the purpose of securing a civil right claim, the victim's motion shall be closed before the prosecution is filed if the victim has announced his / her intention to enforce the civil right claim and the report - with the exception of the defendant's personal identification data - in Section 556 (2). contains. The prosecuting court, the public prosecutor's office or the investigating authority shall, in the event of an incomplete motion, inform the victim of this when submitting the motion for detention.

(3) If the court has ordered the confiscation of property in a non-final decision or upheld the civil claim, in order to secure it - at the request of a private party, also ex officio - it may order a seizure until the final conclusion of the proceedings.

§ 326. (1) Seizure ordered in order to ensure confiscation of property may also extend to property which may not be the subject of confiscation of property, if the seizure serves the preservation of such property and its separation from property arising from the commission of a criminal offense is time consuming.

2. Seizure ordered pursuant to paragraph 1 may last until the property is segregated, but for a maximum of three months.

§ 327. (1) Detention shall be ordered by the court, the prosecutor's office or the investigating authority.

(2) Before the indictment, the court shall order the detention if

(a) its purpose is to secure a civil claim,

b) it affects the property specified in Section 326, or

c) the value of the object of seizure exceeds one hundred million forints.

(3) In *the* case of subsection (2) (a), the victim may submit his or her request for detention to the public prosecutor's office before the prosecution. The prosecutor's office forwards the victim's motion together with the case files to the court without delay.

(4) In the case of subsection (2) (b) and (c), the public prosecutor's office shall make a motion to order the detention.

(5) If the court is entitled to order the detention and the adoption of the court decision necessary for the order would result in a delay that would significantly jeopardize the purpose to be achieved by the detention, the prosecutor's office or the investigating authority may order the detention pending the court's decision. In such a case, the court's decision must be obtained immediately afterwards. If the detention is not ordered by a court, it shall order the release of the detention and arrange for its execution without delay.

(6) ⁶⁴ If the foreclosure of the property is prohibited by the Criminal Code. In order to secure the confiscation of property specified in Section 75 (1) or to secure a civil claim for compensation or payment of money, the amount of the monetary claim to be secured by foreclosure shall also be indicated in the operative part of the decision.

Execution of lock-up

§ 328. (1) If there is a public register in which the seized property is to be registered, the seizure shall be carried out by entering the fact of the seizure in the public register. If there is no public credit register in which the seized property is to be registered, an economic entity capable of enforcing the suspension of the right to dispose of the seized property shall be designated to carry out the seizure. Immediate action must be taken to enforce the detention.

(2) Pursuant to subsection (1), the body keeping the public credit register or the designated economic organization shall immediately carry out the seizure and inform the court, prosecutor's office or investigating authority ordering the seizure thereof.

(3) If the object of detention ordered for the purpose of securing a civil claim is movable and the court, prosecutor's office or investigating authority ordering the detention may take possession of the thing in addition to the measure specified in subsection (1) in order to preserve the thing. . The provisions for the execution of the seizure shall apply *mutatis mutandis* to the possession of the thing thus seized.

(4) The closure of a thing covered by special protection specified in the Act on the Special Protection of Borrowed Cultural Property may be carried out after the expiry of the term of protection.

Redemption of foreclosed property

§ 329. (1) If the confiscation has been ordered in order to ensure confiscation of property and a substantiated claim for the provision of the confiscated property has not been declared, the

acceptance of the redemption of the confiscated property may be proposed by the person who was entitled to dispose of property.

(2) The prosecution shall decide on the acceptance of the redemption of the seized property before the prosecution and thereafter.

(3) The amount of redemption shall be determined by the prosecutor's office or the court. The amount of the redemption shall be the estimated value of the property.

The application for redemption shall be rejected if:

(a) the amount established is disputed by the person concerned,

(b) determining the amount of redemption would prolong the proceedings, or

(c) *determining* the amount of redemption would be disproportionate.

(5) There is no appeal against the rejection of a motion to accept redemption.

(6) The amount paid during the redemption shall replace the seized property. In such a case, confiscation shall be ordered for the amount replacing the property.

7. Where a lien has been ordered to secure a civil claim, paragraphs 1 to 6 shall apply to the redemption of the lien, provided that:

(a) the redemption of the seized property cannot be accepted without the consent of the private party before the prosecution, and

(b) the amount of redemption may not exceed the amount of the claim made by the private party before the prosecution.

Unlocking

§ 330. (1) The victim or a private party may initiate the disposal of the confiscated property in a court with competence and competence pursuant to the Code of Civil Procedure.

(2) Seizure shall be lifted if, in the course of civil proceedings instituted pursuant to paragraph 1, the court has ordered the seized property to be made available to the injured party or to a private party.

§ 331. (1) The detention shall be lifted if

(a) the reason for his order has ceased to exist, unless the person claiming the right to dispose of the seized property has instituted civil proceedings within two months in order to obtain his claim,

(b) the criminal proceedings have been terminated or the time limit for the investigation has expired, unless the person claiming the right to dispose of the seized property has instituted civil proceedings within two months in order to claim it,

(c) the seized property has been redeemed in respect of the property originally seized,

(d) the proceedings have been terminated without confiscation or the civil claim has been rejected,

(e) *in* the case of a civil claim, the private party has not requested enforcement within two months of the expiry of the time limit for performance,

(f) it has been ordered to secure a civil claim two months after the civil claim has been directed to another lawful route, unless the private party has lawfully asserted the civil claim by other legal means before that time limit, or

(g) the private party has withdrawn the civil claim and has not proved within two months that it has been lawfully enforced in another lawful manner or that the victim has declared that he or she withdraws his or her intention to enforce the civil claim and that there is no other reason to maintain detention.

(2) In *the* case of subsection (1) (a), a person claiming the right to dispose of seized property may, within two months, institute civil proceedings before a court having jurisdiction and jurisdiction under the Code of Civil Procedure. If civil proceedings are instituted, the detention

shall be lifted if, during the civil proceedings, the court has ruled on the right to dispose of the confiscated property or the civil proceedings have been terminated. If no one institutes civil proceedings, the detention shall be lifted two months after it has been ordered.

(3) ⁶⁵ The time limit referred to in subsection (1) (*a*) to (b), (e) and (f) shall run from the notification of the decision to release the detention, to terminate the proceedings, to assess the civil claim or to order other legal proceedings. .

(4) If a civil law claim pursuant to Section 557 is sent to a court with jurisdiction and jurisdiction pursuant to the Civil Procedure Act, the detention shall not be lifted.

332. § ⁶⁶ (1) The detention may be lifted by the decree before the indictment and then by the court. Detention ordered by the investigating authority may also be lifted by the public prosecutor's office or the court before the charge is brought. Detention ordered by a court may also be lifted by the prosecution before indictment.

(2) ⁶⁷ If the immovable property subject to foreclosure has been sold pursuant to the Act on Enforcement Procedures to be Taken by the Tax Authority or the Act on Judicial Enforcement, the part of the proceeds of the sale as defined therein shall replace the sold property for which the foreclosure without a separate decision.

LII. CHAPTER

PROPERTY MANAGEMENT DURING SEIZURE AND LOCK

§ 333. (1) The handling of a thing or electronic data seized for the purpose of confiscation and confiscation of property, as well as the seized property shall be ensured during the seizure or seizure in accordance with the rules of normal management.

(2) During the seizure and detention, care shall be taken to ensure that the value of the criminal property does not decrease to a greater extent than the natural rate.

(3) In the management of criminal property, only such provisions may be made as are intended to preserve the value of criminal property.

(4) Assets which are transformed on the basis of a measure taken in the course of asset management shall replace the original assets and shall be covered by seizure and confiscation without a separate decision.

§ 334. (1) The body responsible for the management of the criminal signal and the criminal property shall participate in the handling of the criminal property or the seized means of proof as specified by law.

(2) The body responsible for the management of criminal offenses and criminal assets shall perform the tasks related to the criminal assets and the seized means of proof as defined by law, in particular:

a) its records,

(b) storage, custody and

(c) treatment.

(3) In cases specified by law, the body responsible for the management of criminal offenses and criminal assets shall take all measures or initiate any criminal proceedings before the court, prosecutor's office or investigative authority necessary to protect the value of criminal assets or seized evidence. .

LIII. CHAPTER

TEMPORARILY DISCLOSURE OF ELECTRONIC DATA

§ 335. (1) Making electronic data temporarily inaccessible by temporarily restricting the right to dispose of data published via the electronic communications network and temporarily preventing access to the data.

(2) The temporary unavailability of electronic data may be ordered if the proceedings are conducted for a criminal offense to be prosecuted in connection with which it is necessary to make the electronic data permanently unavailable and it is necessary in order to interrupt the criminal offense.

(3) The court shall order the temporary unavailability of electronic data.

(4) Temporary inaccessibility of electronic data may be ordered

(a) by temporarily removing the electronic data, or

(b) by temporarily blocking access to electronic data.

5. The person obliged to make the electronic data temporarily inaccessible shall inform users of the legal basis for removing the content or blocking access to the content. The content of the information is determined by a separate legal act.

(6) The temporary removal of electronic data and the obligation to retain electronic data may be ordered together.

Temporary removal of electronic data

§ 336. (1) For the temporary removal of electronic data, a hosting provider specified in the Act on Certain Issues of Electronic Commerce Services and Information Society Services and an intermediary service provider providing hosting services (hereinafter together: obligated to remove) shall be required to temporarily remove the electronic data. to oblige. The person obliged to remove shall be obliged to temporarily remove the electronic data within one working day after the notification of the decision to him.

(2) The temporary removal of electronic data shall be terminated by the court and the restoration of the electronic data shall be ordered if

(a) the reason for his order has ceased to exist, or

b) the procedure has been terminated, unless the Criminal Code. Pursuant to Section 77 (2), an order may be made to make the electronic data permanently inaccessible.

(3) The temporary removal of electronic data shall end upon the final termination of the criminal proceedings.

(4) If the court has not ordered the permanent unavailability of the electronic data in the case specified in subsection (2) (b) or subsection (3), it shall oblige the person obliged to remove the electronic data to restore it.

(5) The decision on the temporary removal of electronic data and the restoration of electronic data shall be communicated to the obligor without delay, who shall be obliged to restore the electronic data within one working day from the notification of the decision to him.

(6) The decision specified in subsection (5) shall be served on the person entitled to have access to the electronic data if the person and contact details of the procedure are known on the basis of the previous data of the procedure.

(7) The court may, of its own motion or at the request of the prosecutor's office, impose a fine on the person obliged to remove it for failure to comply with the obligation to temporarily remove or restore electronic data.

Temporary blocking of access to electronic data

§ 337. (1) ⁶⁸ Drug trafficking, abusive incitement, facilitation of drug production, drug precursor abuse, abuse of new psychoactive substances, child pornography, crime against the state, terrorist offense, financing of terrorism or ongoing incitement for war crimes temporary blocking of access to electronic data relating to a criminal offense listed in

(a) the person subject to the removal has not complied with the obligation to temporarily remove the electronic data,

(b) a request for legal assistance from a foreign authority concerning the temporary removal of electronic data has not been successful within thirty days of the request being issued by the court,

c) it would be impossible or disproportionately difficult to identify the person liable for removal; or

d) a request for assistance from a foreign authority concerning the temporary removal of electronic data is unlikely to result in or would be disproportionately difficult.

(2) The court shall by its decision oblige the electronic communications service providers to temporarily block access to the electronic data. The decision shall be served on the person entitled to dispose of the electronic data if the person and contact details of the procedure are known.

(3) The court shall immediately notify the National Media and Communications Authority (hereinafter: NMHH) of the order temporarily blocking access to electronic data, which shall organize and control the implementation of the coercive measure.

(4) NMHH shall introduce the obligation to temporarily block access to electronic data into the database of central electronic non-access decisions, at the same time informing the electronic communications service providers of the court's decision by electronic means without delay, which shall have access to the electronic data within one working day temporary prevention. If an electronic communications service provider fails to comply with the obligation, NMHH shall immediately inform the court thereof.

(5) The person entitled to dispose of the electronic data may lodge an appeal against the decision within eight days of service.

(6) A temporary blocking of access to electronic data shall be lifted by the court if

a) the hosting provider complies with its obligation to temporarily remove the electronic data,

(b) the reason for his order has otherwise ceased to exist, or

c) ⁶⁹ the procedure has been terminated, unless the Criminal Code. Pursuant to Section 77 (2), an order may be made to make the electronic data permanently inaccessible.

(7) The temporary blocking of access to electronic data shall be lifted upon the final termination of the criminal proceedings.

8. If the court has not ordered the permanent unavailability of the electronic data in the case specified in paragraph 6 (c) or paragraph 7, it shall immediately notify the NMHH by electronic means of the termination or termination of the temporary blocking of access to the electronic data. , which removes the obligation to temporarily block access to electronic data from the central electronic disqualification decision database and at the same time immediately informs electronic communications service providers of the termination of the obligation by electronic means, which shall provide access to electronic data within one working day of the information.

(9) The decision of the court to terminate or terminate the temporary blocking of access to electronic data shall be served on the person entitled to dispose of the electronic data if the person and contact details of the proceedings are known on the basis of the previous data of the proceedings. Only the public prosecutor's office can appeal against this court decision.

(10) If an electronic communications service provider fails to comply with the obligation to re-grant access, NMHH shall immediately inform the court thereof.

(11) A court may, of its own motion or at the request of the prosecutor's office, impose an electronic fine on an electronic communications service provider for failing to comply with the obligation to temporarily block or re-grant access to electronic data.

Call for voluntary removal of electronic data

§ 338. If the interests of criminal proceedings are not harmed, the prosecutor's office or the investigating authority may call on the media content provider or hosting provider pursuant to the Act on Freedom of the Press and the Basic Rules of Media Content to order the electronic data to be removed temporarily. an intermediary service provider that also provides hosting services and is able to prevent access to electronic data. The request is optional and aims to speed up the blocking of access to electronic data.

PART NINE

PREPARATORY PROCEDURE

Purpose and means of the preparatory procedure

§ 339. (1) In the case of the conditions specified in this Part, the criminal proceedings shall begin with a preparatory proceeding.

(2) Preparatory proceedings may be conducted by a public prosecutor's office or an investigating authority competent to conduct criminal proceedings.

(3) Pursuant to the Act on the Police, an internal body of the police performing internal crime prevention and detection tasks and the police counter-terrorism body may also carry out preparatory proceedings due to an act within its competence.

(4) The preparatory procedure

(a) the termination of the preparatory procedure, or

(b) order an investigation finishes.

Section 340 (1) The purpose of the preparatory proceedings is to determine whether a criminal offense is suspected.

2. Preparatory proceedings may be continued if the available data are not sufficient to establish the suspicion of a criminal offense and there are reasonable grounds for believing that the conduct of the preparatory proceedings may determine whether a criminal offense is suspected.

(3) Preparatory procedure

(a) the body became aware of the matter of its own motion,

(b) following the rejection of the application, contained in the application, or

(c) on the initiative of a body conducting the collection of secret information following the collection of confidential information pursuant to the Prosecution Act, the Police Act, the National Tax and Customs Administration Act or the National Security Services Act. information can be ordered.

(4) In the case of paragraph (3) (c) , the body specified in Section 339 shall decide on the ordering of the preparatory procedure within seventy-two hours of the receipt of the initiative of the body engaged in the collection of secret information.

§ 341. During the preparatory proceedings, the body conducting the preparatory proceedings for the purpose of establishing the suspicion of a criminal offense

a) a disguised device specified in Section 215 (1) - (2),

b) covert surveillance,

(c) Articles 216 to 218. Concealed device as defined in §,

d) fake purchase pursuant to Section 221 a) ,

(e) Articles 222 to 225. § under cover of a detective, and

(f) a disguised device subject to judicial authorization can apply.

§ 342. (1) During the preparatory procedure, the data acquisition activity specified in Part Seven may be carried out with the restriction specified in paragraphs (2) and (3).

(2) Circulation may not be ordered during the preparatory procedure.

(3) [70](#) Provision of data in the framework of a request for data during the preparatory procedure only

1. from the tax authority,
2. from the customs authorities,
3. [71](#) of Act CXXII of 2019 on those entitled to social security benefits and the coverage of these benefits. from the administrative body specified in Section 4, Clause 8 of the Act,
4. from the electronic communications service provider,
5. from the postal service provider or from a person or organization performing postal intermediary activities,
6. from a body handling data classified as bank secrets, payment secrets, securities secrets, treasury secrets or insurance secrets, in respect of such data,
7. Act XLVII of 1997 on the processing and protection of health and related personal data. from an organization handling health and personal data as defined by law, in respect of such data,
8. Act CVII of 1995 on the penitentiary organization. § 28 and 28 / A. From the register kept pursuant to §,
9. from the register containing the personal data, address and notification address of citizens,
10. from the register of travel documents,
11. the criminal record system and the register of criminal and law enforcement biometric data,
12. from the infringement registration system,
13. from the central immigration register,
14. from the asylum register,
15. from the circular registration system,
16. from the border police database,
17. from the road traffic register,
18. records relating to railway vehicles, aircraft or power-driven floating equipment,
19. from the company register,
20. from the real estate register,
21. from the Register of Cohabitation Declarations,
22. [72 from](#) the credit collateral register,
23. from the national register of matrimonial property regimes,
24. [73 from](#) the central register of firearms,
25. [74](#) from the database according to the law on tolls proportional to the use of motorways, expressways and main roads,
26. [75 from](#) the central transport administrative and control fine register on request.

§ 343. (1) In the course of the preparatory proceedings, concealed devices subject to judicial authorization may be used against a person in order to establish a suspicion of a criminal offense,

- (a) who may be the perpetrator of the offense; or
- (b) who can reasonably be expected to have a direct or indirect relationship with the person who may be the perpetrator of the offense.

2. A disguised instrument subject to judicial authorization shall not be applicable pursuant to paragraph 1 (b)

a) for the purpose of obtaining information covered by the obligation of confidentiality, by virtue of his or her profession, occupation or public mandate, against a person who cannot be heard as a witness pursuant to Section 170 (1) (b) or refuse to testify under Section 173 ,

b) for the purpose of obtaining classified information against a person handling classified information who would not be able to examine witnesses pursuant to Section 170 (1) (d) ,

c) for the purpose of ascertaining the identity of the person providing information in connection with the activity of providing media content, as opposed to a person who could refuse to testify under § 174.

(3) A device concealed against a relative of a person specified in subsection (1) (a) pursuant to subsection (1) (b) may be used only for the purpose of ascertaining the whereabouts and contact details of the person who may be the perpetrator.

(4) The use of concealed devices subject to judicial authorization shall not be hindered if the unauthorized person is inevitably affected.

Conduct of the preparatory procedure

Section 344 (1) If the preparatory proceedings are pending due to the establishment of a suspicion of a criminal offense specified in Section 234, the preparatory proceedings may last for a maximum of nine months, otherwise for a maximum of six months.

(2) The body conducting the preparatory procedure shall perform the preparatory procedure independently.

3. The investigating authority, the internal police prevention and detection body and the police counter-terrorism body shall inform the prosecutor's office within twenty-four hours of ordering the preparatory procedure ordered by it of the data substantiating the need for the preparatory procedure, the disguised means to be used and the planned procedural acts.

(4) The investigating authority, the internal crime prevention and detection body of the police and the counter-terrorism body of the police shall inform the prosecutor's office every two months of the data obtained during the preparatory proceedings or present the files generated during the preparatory proceedings at the request of the prosecutor's office.

(5) If a suspicion of a criminal offense can be established on the basis of the information obtained during the preparatory proceedings, the investigation shall be ordered. The investigation can also be ordered by the prosecutor's office.

6. If a concealed device subject to judicial or prosecutorial authorization is used in the course of preparatory proceedings for a criminal offense committed by a professional member of the national security services, the Director-General of the service to which the person concerned belongs shall be informed.

(7) The provisions on investigations should apply *mutatis mutandis* to the preparatory procedure.

§ 345. (1) If an investigation is ordered in a case, the files and data created so far shall, if necessary, be handed over immediately to the investigating authority or prosecutor's office with competence and competence.

(2) If an investigation is ordered in the case, the use of concealed devices subject to a judicial or prosecutorial license used in the preparatory proceedings may be continued without proposing a new license. In this case, the duration of the use of concealed devices subject to the prosecutor's license ordered in the preparatory proceedings or concealed devices subject to judicial authorization shall be determined on the basis of the date of the concealed devices used in the preparatory proceedings.

3. If an investigation is ordered in a case, the body executing the use of concealed devices shall, if necessary, be informed of the fact and date of the order of the investigation and of which authorized body will continue to use the concealed device during the investigation.

§ 346. (1) The preparatory proceedings shall be terminated by the public prosecutor's office or the body conducting the preparatory proceedings if

(a) on the basis of the information obtained during the preparatory proceedings, there is no suspicion of a criminal offense,

(b) no result is expected from the continuation of the preparatory procedure, or

(c) the time limit for the preparatory procedure has expired.

(2) If the preparatory proceedings are terminated, the data obtained during them shall not be used as evidence in criminal proceedings.

§ 347. (1) During the preparatory proceedings, the public prosecutor's office has the competence to perform the prosecution tasks related to licensing and specified in this Chapter (hereinafter: supervision of the preparatory proceedings) which, if an investigation is ordered, would have the competence to supervise or direct the criminal investigation.

(2) To supervise the preparatory procedure

(a) in the case of preparatory proceedings by the investigating authority, the public prosecutor's office at the seat of the investigating authority,

(b) in the case of preparatory proceedings by a police counter-terrorism body, the public prosecutor's office at the seat of that body or regional office,

(c) in the case of a preparatory procedure carried out by a police internal police prevention and detection body, the public prosecutor's office of the seat of that body or regional branch; has jurisdiction.

(3) If the preparatory proceedings are continued by the public prosecutor's office,

(a) the public prosecutor's office may instruct any investigating authority to carry out a procedural act in its area of competence, or a member of the investigating authority may, on the initiative of the Attorney General, with the consent of the investigating authority's national commander for a specified period;

(b) at his request, assist in the execution of the procedural act

(ba) the police 's internal crime prevention and detection body; and

bb) the police counter-terrorism body in proceedings for a criminal offense within its competence under the Police Act.

PART TEN

THE INVESTIGATION

LIV. CHAPTER

GENERAL PROVISIONS

Basic provisions

§ 348. (1) Criminal proceedings, unless otherwise provided by this Act, shall begin with an investigation.

(2) An investigation shall consist of reconnaissance and investigation.

(3) In the course of detection, the criminal offense and the person of the perpetrator shall be identified to the extent necessary to establish a reasonable suspicion, and the means of proof shall be searched and provided.

(4) During the investigation, if necessary by obtaining and examining a means of proof, the public prosecutor's office shall decide on the termination of the ongoing investigation against the suspect.

(5) The investigation

(a) the termination of the proceedings, or

(b) prosecution finishes.

The prosecution investigation

§ 349. (1) In the course of a prosecution investigation, the provisions concerning the investigating authority shall also be properly applied to the prosecution proceedings.

(2) If the public prosecutor's office investigates,

(a) the public prosecutor's office may instruct any investigating authority to carry out a procedural act in its area of competence, or a member of the investigating authority may, on the initiative of the Attorney General and with the consent of the investigating authority's national commander, use the investigation for a specified period;

(b) at his request, assist in the execution of the procedural act

(ba) the police 's internal crime prevention and detection body; and

bb) the police counter-terrorism body in proceedings for a criminal offense within its competence under the Police Act.

(3) In the course of a prosecution investigation, the co-operation between the prosecution and the national security services shall be determined in an agreement between the Chief Prosecutor and the Directors General of the National Security Services.

Metastasis

§ 350. (1) If the public prosecutor's office or the investigating authority does not have the competence or competence to settle the case, it shall transfer the case to the public prosecutor's office or investigative authority with the competence or competence.

(2) The decision to refer the case shall be served simultaneously by the public prosecutor's office and the investigating authority on the suspect, the defense counsel, the victim, the whistleblower, the private petitioner and the property interested party. There is no appeal against the decision.

Duration of the investigation

§ 351. (1) The investigation shall be carried out as soon as possible.

(2) If six months have elapsed during the investigation from the order of the investigation, the investigating authority shall present the investigation files to the prosecutor's office and at the same time report on the status of the investigation. The investigating authority then sends its report to the prosecutor's office every six months during the reconnaissance.

3. The time limit for the investigation shall be two years from the questioning of the suspect.

(4) The time limit specified in subsection (3) may be extended by the public prosecutor's office once for a maximum of six months. There is no appeal against this decision.

Getting to know the files

§ 352. (1) During the investigation the provisions of § 100 shall be applied continuously and in such a way that the suspect and the defense counsel can get acquainted with all the files of the proceedings in full at least one month before the indictment and make their motions and remarks.

(2) The interval specified in subsection (1) may be shortened or waived with the consent of the defendant and the defense counsel.

Recovery of the proceeds of crime

§ 353. (1) The public prosecutor's office and the investigating authority shall take all necessary measures during the proceedings in order to detect and secure the thing or property that can be confiscated or is subject to confiscation.

(2) Prior to the indictment, at the request of the prosecutor's office or the investigating authority, the body of the investigative authority responsible for the recovery of property may participate in the performance of the task pursuant to subsection (1) under the conditions specified in this Act.

§ 354. (1) The body of the investigative authority responsible for the recovery of property shall conduct its proceedings in accordance with the provisions of the requesting prosecutor's office or the investigating authority. In cases specified by law, a joint investigation team may be set up.

(2) The acting member of the body responsible for the recovery of property of the investigative authority may perform procedural acts in order to detect and secure the thing or property that can be confiscated or confiscated, taking into account the interests of the investigation.

(3) The body of the investigating authority responsible for the recovery of property shall hand over to the applicant the means of proof seized during the proceedings and the resulting files as specified by law.

4. The body responsible for the recovery of property of the investigating authority shall have access to all information necessary for the detection and securing of the thing or property to be confiscated or subject to confiscation.

(5) If the Criminal Code. Section 75 (1) may be applied, the detention shall be ordered primarily for the property under the disposal of the accused.

Enforcement of a civil claim during an investigation

§ 355. (1) The victim may also announce the intention to enforce a civil claim before the indictment. If the prosecution prosecutes, the victim forwards this report to the court at the same time as the indictment.

2. A communication transmitted under paragraph 1 shall be deemed to have been submitted to the court seized.

(3) The victim may at any time before the prosecution declare that he or she withdraws his or her intention to assert a civil right.

(4) Prior to the indictment, the victim may also apply for an interim measure specified in Section 557 if he or she has announced his or her intention to enforce a civil claim, and the notification contains the provisions of Section 556 (2), except for the data of the accused. The prosecuting court, the public prosecutor's office or the investigating authority shall, in the event of an incomplete motion, inform the victim thereof when submitting the application for interim measures.

LV. CHAPTER

USE OF DISCOVERED TOOLS DURING THE INVESTIGATION

§ 356. (1) The prosecution and the investigating authority may use the device concealed during the investigation.

(2) Device concealed during the investigation

a) detection, proof of a criminal offense,

b) interruption of an ongoing crime,

(c) the identification, tracing and apprehension of the offender; and

(d) the detection or recovery of the proceeds of crime

may be applied.

3. All disguised devices as defined in Part Six may be used in an investigation.

§ 357. (1) In the course of an investigation, a disguised device subject to judicial authorization may be used against a person who:

(a) who is suspected of having committed the offense on the basis of the details of the criminal proceedings, or

(b) who is a suspect in the case.

2. A disguised instrument subject to judicial authorization against a person other than those referred to in paragraph 1 may be used if there are reasonable grounds for believing that that person has a direct or indirect criminal relationship with the person referred to in paragraph 1.

(3) A disguised device subject to judicial authorization shall not be applicable pursuant to paragraph 2

a) against the defender,

b) for the purpose of obtaining information covered by the obligation of confidentiality, by virtue of his or her profession, occupation or public mandate, against a person who cannot be heard as a witness pursuant to Section 170 (1) (b) or refuse to testify under Section 173 ,

c) for the purpose of obtaining classified information, against a person handling classified information who would not be able to examine witnesses pursuant to Section 170 (1) (d) ,

d) for the purpose of ascertaining the identity of a person who provides information in connection with the activity of providing media content, as opposed to a person who could refuse to testify under § 174.

(4) Pursuant to subsection (2), an asset disguised against a relative of a person specified in subsection (1) shall be suitable only for the purpose specified in clauses 356 (2) c) and d) .

(5) The use of a disguised device subject to judicial authorization shall not be hindered if the unauthorized person is inevitably affected.

6. Where a disguised device subject to judicial or public prosecution is used in the investigation of a criminal offense committed by a professional member of the national security services, that fact shall be notified to the Director-General of the service to which the person concerned belongs. belongs to.

LVI. CHAPTER

THE PROTOCOL AND THE NOTE

Methods of recording the minutes, recording of the procedural act

§ 358. (1) Unless otherwise provided by this Act, the public prosecutor's office and the investigating authority shall draw up a written record of the procedural act.

(2) Legislation may order the simultaneous recording of a procedural act

(a) continuous sound recording, or

b) image and sound recording
preparation.

(3) In addition to the cases specified by law, the public prosecutor's office and the investigating authority may order, on motion or ex officio, to make a continuous audio recording or a video and audio recording in addition to the simultaneous recording of the procedural act.

(4) A continuous audio recording or video and audio recording of a procedural act shall be made in addition to the recording made simultaneously with the given procedural act, if the suspect, the defense counsel or the victim so requests with the advance payment of costs.

(5) The continuous sound recording, as well as the video and sound recording, shall record the events of the given procedural act, except in the cases provided for in paragraph (6), without interruption.

(6) If the prosecutor's office and the investigating authority interrupt the procedural act for a short time for an important reason, the continuous audio recording and the video and audio recording may be interrupted for the duration of this.

Formal and substantive requirements of the Protocol

§ 359. (1) It shall be recorded in the minutes

- (a) the prosecuting or investigating authority and the case number,
- (b) the name of the offense on which the proceedings are based and the name of the suspect or the identifier of the suspect,
- (c) the place and time of the procedural act,
- (d) the names of the prosecutor, the member of the investigating authority, the registrar and the interpreter,
- (e) the name of the suspect who has been interrogated or, if identifiable, his or her identification,
- (f) the names of the witness questioned and the expert heard,
- (g) other personal data specified in this Act,
- (h) the names of any other persons present at the proceedings and the capacity in which they are present at the proceedings.

(2) The minutes shall contain:

- (a) the course of the procedural act, the events which took place during it and other circumstances relevant to the taking of evidence so that it can also be established from the minutes whether the procedural rules have been complied with;
- (b) the testimony of the suspect and witness and the opinion of the expert,
- (c) the presentation of the means of proof and their content relevant to the proceedings,
- (d) the motions and remarks made during the procedural act,
- (e) measures taken to maintain the order of the proceedings and decisions taken by the public prosecutor's office or the investigating authority in the course of the procedural act.

3. The minutes shall contain a brief description of the provisions of paragraph 2, in the necessary detail. If the exact wording of a question, phrase or statement is significant, it should be recorded verbatim.

(4) In the case of a description of a means of proof and the attachment of a means of evidence, the minutes shall refer only to the fact that it has taken place.

5. If any person present at a procedural act requests the recording of a circumstance or statement made during the proceedings, this may be waived only if the prosecutor or a member of the investigating authority is not aware of the occurrence of that circumstance or statement.

Preparation, supplementation and correction of the minutes

§ 360. (1) The minutes of the procedural act shall be prepared simultaneously.

(2) ⁷⁶ The Public Prosecutor's Office and the investigating authority shall ensure that the content of the report is known to the person participating in the criminal proceedings present in the procedural act (hereinafter: the person obliged to participate in the verification) before its authentication. If the person required to participate in the authentication refuses to know the content of the report, he or she shall be deemed to have refused to participate in the authentication of the protocol.

(3) ⁷⁷ A report which has been closed in an unalterable manner shall be authenticated by the member of the public prosecutor's office or investigative authority performing the procedural act together with the person obliged to participate in the verification in the manner specified by law.

(4) ⁷⁸ If a person required to participate in the verification refuses to participate in the verification of the protocol, the fact of the refusal and the reason given or known thereof shall be recorded in the manner specified by law.

(5) ⁷⁹ In the case of continuous audio recording or video and audio recording, the recording shall be handled in the files.

(6) ⁸⁰ The public prosecutor's office or the investigating authority may order that a continuous copy of the continuous sound recording or image and sound recording be technically distorted in order to establish the unique characteristics of the person in need of special treatment, in particular his shape, portrait and voice. In this case, a copy containing the distorted individual properties must be handled between the files and the continuous audio recording or video and audio recording must be handled in a closed manner.

(7) In the case of a continuous sound recording or an image and sound recording, the persons present at the procedural act shall be informed when and where the recording may be listened to or viewed within eight days of the end of the procedural act.

(8) In the event of a discrepancy between the protocol and the content of the continuous sound recording or the image and sound recording, the reason for the discrepancy shall be clarified.

(9) The report shall be corrected or supplemented, if necessary, by the public prosecutor's office or the investigating authority, and the persons concerned shall be informed thereof.

(10) Within eight days after becoming aware of the procedural act or, if it has occurred later, of the continuous sound recording or the image and sound recording, those who were present at the procedural act may request the correction or supplementation.

(11) ⁸¹ The correction shall be recorded in the minutes, indicating the date of the correction, a new minutes shall be drawn up or the rejection of the motion shall be entered in the file. The correction and supplementation shall be signed by the prosecutor conducting the procedural act or a member of the investigating authority.

The note

§ 361. (1) The prosecutor or a member of the investigating authority may make a note of his or her action.

(2) The note shall contain the following:

(a) the prosecuting or investigating authority and the case number,

(b) the name of the prosecutor or member of the investigating authority present during the proceedings,

(c) *the* place and time of the measure,

(d) the names of those affected by the measure,

(e) the names of other persons present during the action and the capacity in which they were present,

(f) a brief description of the course of action so that it can also be established from the note whether the procedural rules have been complied with,

(g) an indication of whether the record was made at the same time as the measure and, if that is not the case, the date and circumstances of the record.

3. A continuous audio or video and audio recording of the measure may be made, in which case it shall be sufficient to record it with the content specified in points (a) to (e) of paragraph 2 .

(4) The note shall be signed by its author.

(5) The record shall be corrected or supplemented, if necessary, by the public prosecutor or a member of the investigating authority. The correction or addition shall be entered in the record or a new record shall be made of it.

6. Instead of drawing up a report, the public prosecutor or a member of the investigating authority may, for the purposes of paragraphs 1 to 5, make a note of the procedural act if no defendant, defense counsel, witness or proprietor was present at the procedural act.

LVII. CHAPTER

DECISION DURING THE INVESTIGATION

Subject of the decision

§ 362. (1) The prosecutor's office or the investigating authority shall make a decision

1. the designation of the prosecuting or investigating authority,
2. the exclusion of the prosecutor or a member of the investigating authority,
3. merging, separating and referring cases,
4. rejection of the application,
5. suspension of the proceedings and resumption of the suspended proceedings,
6. the termination of the proceeding and the continuation of the terminated proceeding,
7. the rejection of the application for conditional suspension of the prosecutor's office on other grounds related to the termination of the criminal record,
8. refusal of mediation proceedings,
9. on the secondment of the defense counsel, on the release of the defense counsel from the secondment and on the determination of the fee of the assigned defense counsel,
10. on coercive measures,
11. on the order of production and pre-discharge,
12. on the ordering, revocation and amendment of the roundabout, the issuance, revocation and amendment of the arrest warrant,
13. on the handling of the complaint,
14. rectification of the decision,
15. on the examination of the application for a certificate, on the maintenance or total or partial annulment of the decision in relation to the result of the repeated procedural act after the application for a certificate has been granted,
16. the determination and payment of the criminal costs and the obligation to pay the criminal costs incurred,
17. non-acceptance of the witness and expert's reference to immunity,
18. on the secondment, exclusion, dismissal and determination of the expert's fees,
19. obtaining the opinion of the probation officer,
20. the obligation to participate in the expert examination, inspection, demonstration and demonstration,
21. the exclusion of the sponsor or the legal representative,
22. the rejection of the victim's motion for special treatment and the termination of the special treatment for the victim,
23. on the rejection of the motion for personal protection,
24. restricting access to the file and rejecting a request for access,
25. the complaint alleging service and length of proceedings,
26. suspension of the execution of the procedural act or decision,
27. repealing or amending the decision,
28. rejecting the motion to authorize the transition to paper-based communication,

29. on the decision on the fine.

(2) The prosecutor's office or the investigating authority may also include other decisions or measures in a decision.

Content of the decision

§ 363. (1) The decision is divided into an introductory part, a operative part, a statement of reasons and a concluding part.

(2) Included in the introductory part

(a) the name of the public prosecutor's office or the investigating authority,

b) the case number,

c) the name of the criminal offense on which the proceedings are based,

(d) together with the information necessary for identification, an indication of the person to whom the provision applies.

(3) The operative part shall contain the decision of the public prosecutor's office or the investigating authority, as well as whether the decision is subject to a complaint or an appeal, and which participant in the proceedings may submit it, where and within what time limit.

(4) The statement of reasons shall contain the relevant facts established by the prosecutor's office or the investigating authority, the legislation on which the decision is based and, if necessary, their interpretation, as well as an explanation of the substantive provision in connection therewith.

(5) ⁸² The final part contains the date and time corresponding to the place and time of the decision, as well as the name and signature of the prosecutor or the member of the investigating authority.

(6) The prosecutor's office and the investigating authority shall record the decision in writing.

7. The public prosecutor's office and the investigating authority may also record their decision in the minutes, except for the decision to order or terminate a coercive measure affecting personal liberty. The decision contained in the minutes shall contain only the operative part and the statement of reasons.

Communication of the decision

§ 364. (1) Unless otherwise provided by this Act, the decision shall be notified to the person directly affected by any provision of the decision.

2. The public prosecutor's office and the investigating authority shall, with the exception of paragraph 3, communicate their decision by service.

(3) The prosecutor's office and the investigating authority shall communicate the decision contained in the minutes to those present by announcement.

Correction of the decision

§ 365. (1) If the decision contains a clerical error or a calculation error, the public prosecutor's office or the investigating authority may correct the decision at any time on the motion or ex officio.

(2) The correction may not change the substance of the corrected decision. There is no room for correction due to a factual error on the part of the prosecution or the investigating authority.

(3) ⁸³ The correction shall be recorded in the decision or a new decision shall be made thereon. The rectified decision must be served at the same time as the rectified decision.

4. No appeal shall lie against a decision on rectification unless the public prosecutor's office or the investigating authority:

(a) rectifies the operative part of the decision which is open to appeal; or

(b) reject the proposal to rectify the operative part of the decision.

(5) A motion for rectification shall not have suspensory effect on the lodging of a complaint or appeal against the decision and on the execution or enforcement of the decision.

Modification and annulment of the decision

§ 366. (1) The prosecutor's office and the investigating authority may review the decision ex officio after it has been made, provided that:

(a) no appeal has been lodged against the decision or an appeal has not been lodged, or

(b) the complaint lodged against the decision or the appeal has been lodged.

(2) The public prosecutor's office and the investigating authority may change their decision during an ex officio review if it has incorrectly applied legislation in making it.

(3) In the course of an ex officio review, the public prosecutor's office and the investigating authority may revoke its decision if it was made despite the grounds for exclusion specified in this Act.

4. The decision ordering the amendment or revocation shall be notified to the person to whom the amended or revoked decision was notified and to the person directly concerned by the amended provision of the decision.

Enforceability of the decision

§ 367. (1) Unless this Act makes an exception, the complaint or the appeal shall not have suspensory effect on the execution or enforcement of the decision.

(2) In exceptionally justified cases, the person making the decision or examining the complaint or motion for review may suspend the execution or execution of the decision until the complaint or motion for review is considered.

Carrying out a procedural act without a decision

§ 368. (1) The prosecutor's office and the investigating authority shall not tolerate a postponement without making a decision,

(a) *may* immediately carry out any coercive measure and act of proof which he is otherwise entitled to order; or

(b) immediately order the production of the accused or the pre-trial of the accused and another person and issue an arrest warrant.

2. The minutes of the procedural act shall state the fact of urgency and the circumstances justifying it.

(3) In the case specified in subsection (1), the prosecutor's office or the investigating authority shall decide on the order of coercive measure, production and pre-trial detention, as well as on the arrest warrant, within three working days at the latest.

LVIII. CHAPTER

REMEDIES DURING AN INVESTIGATION

Complaint against the decision

§ 369. (1) The suspect, the defense counsel, the victim, the property interested party and other interested parties shall oppose the decision of the prosecutor's office or the investigating authority communicated to him or her - unless this Act makes an exception - within eight days of the notification to the prosecutor's office or lodge a complaint with an investigating authority.

2. The complainant may lodge a complaint only against the rejection of the application, the property owner and other interested parties in connection with the provision of the decision directly concerning him.

3. A complaint may be withdrawn by its complainant until it has been adjudicated on its merits. A withdrawn complaint cannot be resubmitted.

(4) There is no place to appeal against the decision of the Prosecutor General's Office.

§ 370. (1) The public prosecutor's office or investigating authority making the decision shall examine the complaint within eight days of its receipt and, if it considers it to be thorough, shall annul or change the decision.

2. If the public prosecutor's office or investigating authority which has taken the decision does not consider the complaint to be well-founded, it shall, within the time limit laid down in paragraph 1, submit the file together with its statement on the complaint to the public prosecutor's office.

(3) A complaint against the decision of the prosecutor's office shall be adjudicated by the superior prosecutor's office, and a complaint against the decision of the investigating authority shall be adjudicated by the prosecutor's office within fifteen days from the receipt of the case file.

(4) If the prosecutor's office examining the complaint considers the complaint to be thorough, it shall revoke or change the decision, otherwise it shall reject the complaint.

(5) In the case of Section 80 (1) *a) –d)*, the prosecutor's office examining the complaint shall reject the submitted complaint without substantive reasons.

(6) The decision adjudicating the complaint shall be communicated to the submitter of the complaint - in case of annulment or change of the decision - also to those with whom the decision was communicated.

(7) There is no further appeal against the decision adjudicating the complaint.

(8) The examination of a complaint against the decision of the investigating authority ordering detention shall be disregarded if the prosecutor's office submits a motion to the court to order a coercive measure affecting the personal liberty of the accused.

(9) The public prosecutor's office may refrain from adjudicating a complaint if the situation affected by the complaint has ceased to exist regardless of the submission of the complaint. The prosecution informs the complainant accordingly. If the complainant so requests within eight days of the information being provided, the prosecution will consider the complaint.

§ 371. (1) If the prosecutor's office examining the complaint rejects the victim's complaint due to the rejection of the report or the termination of the proceedings, it shall inform the victim of the possibility and conditions of acting as a substitute private prosecutor and the rights and obligations of the private prosecutor.

(2) If the proceedings have been terminated pursuant to Section 398 (2) (*e*), the information shall also cover the possibility of acting as a substitute private prosecutor in respect of the criminal offense for which the public prosecutor's office terminated the proceedings.

3. If the report has been rejected or the proceedings have been terminated because the act is not a criminal offense to be prosecuted, the prosecution shall, in addition to paragraph 1 of its decision, inform the victim that instead of acting as a substitute private prosecutor may represent the prosecution as a private prosecutor for a criminal offense to be prosecuted.

4. The victim may act as private prosecutor within one month of service of the decision rejecting his or her complaint and, if the private motion is missing, may replace his or her statement within that period. If the victim acts as a private prosecutor, he or she cannot act as a substitute private prosecutor.

(5) If the victim acts as a private prosecutor and the prosecution does not take over the representation of the prosecution, the prosecutor's office shall send the report together with the victim's statement and files to the court within eight days.

Complaint against suspicion

§ 372. (1) The suspect and the defense counsel may submit a complaint against the suspicion or the change of suspicion to the prosecutor's office or investigating authority conducting the interrogation of the suspect upon its notification. If the defense counsel is not present at the time of notification of the suspicion or a change in the suspicion, the complaint may be lodged within eight days of the suspect being questioned.

2. If the public prosecutor's office or the investigating authority or the public prosecutor's office hearing the complaint considers the complaint to be well-founded, it shall take the necessary measures to remedy the situation complained of, in particular to rectify the suspicion.

(3) If a well-founded suspicion of a criminal offense against the suspect could not be established at the time of notification of the suspicion, the prosecutor's office shall establish in the decision assessing the complaint that the legal conditions for the suspicion were not met.

4. In the case provided for in paragraph 3, this status of suspect shall cease upon the adoption of a decision on the complaint.

(5) The examination of a complaint filed against a suspicion communicated by the investigating authority shall be waived if the public prosecutor's office is aware of the facts corresponding to the suspicion and the Criminal Code. On the basis of the classification according to the Act, the judicial licensee shall issue a motion to the court to order a coercive measure affecting the personal liberty of the detained accused.

6. In addition, the provisions relating to a complaint against a decision shall apply to the handling of a complaint against a suspicion.

Complaint in mediation proceedings

§ 373. Act CXXIII of 2006 on mediation in criminal matters. A complaint submitted on the basis of Section 5 (2) or Section 10 (4) of Act no.

The override

§ 374. (1) An appeal may be submitted

a) against the rejection of a motion for partial lifting of the code of conduct for absenteeism or criminal supervision,

b) against the order of confiscation or seizure used to secure confiscation of property,

(c) against an order for detention if ordered by the prosecution or the investigating authority,

(d) against an order to sell the seized item if ordered by the public prosecutor's office or the investigating authority,

(e) if the Public Prosecutor 's Office or the Chief Public Prosecutor' s Office has rejected a complaint which:

ea) ⁸⁴ the research,

eb) the search,

ec) the seizure of a postal item not yet delivered to the addressee,

(ed) the seizure of a communication or item not yet transmitted to the addressee in the course of an electronic communications service; or

(ee) the seizure of a means of proof related to this activity held by the media content provider under the law on freedom of the press and the basic rules of media content;

infringed his order,

(f) if the public prosecutor's office or the superior public prosecutor's office has rejected the suspect's complaint which has challenged the decision to restrict access to the file or to refuse a request for access,

g) against the provision of a decision terminating the proceedings pursuant to Section 402 (2) pursuant to Section 402 (3) and (4).

(2) ⁸⁵ An appeal must be lodged with the court within eight days of service of the decision referred to in paragraph 1. The appeal shall state the decision against which the appeal is directed and the reason and purpose for which the appeal is to be lodged.

3. An appeal against a decision pursuant to paragraph 1 (d) shall have suspensory effect.

(4) The court may adjudicate the appeal not without obtaining the files and the observations of the prosecutor's office, if this is possible on the basis of the content of the appeal.

(5) ⁸⁶ If it is not possible to decide on the appeal on the basis of paragraph (4), the court shall obtain the files from the public prosecutor's office together with the service of the appeal.

(6) The public prosecutor's office shall send the case files to the court within five working days and may comment on or submit a related appeal to the appeal.

LIX. CHAPTER

INITIATION OF THE INVESTIGATION

Grounds for initiating the investigation

§ 375. (1) An investigation shall be initiated on the basis of information obtained within the official competence of the prosecutor's office or the investigating authority and in the official capacity of the prosecutor or a member of the investigating authority, or on the basis of a report.

(2) An investigation shall be ordered by the prosecutor's office or the investigating authority.

(3) The prosecutor's office or the investigating authority shall inform the victim of the ordering of the investigation if the identity and contact details of the victim are known. The investigating authority shall inform the public prosecutor's office of the investigation it has ordered within 24 hours.

4. In cases of intolerance, any investigative authority may take a procedural act, but shall immediately inform the investigating authority with competence and competence.

The report

§ 376. (1) Anyone may report a criminal offense to be prosecuted.

(2) A member of an authority and an official person, as well as, if required by law, the public body, are obliged to report a criminal offense which has come to their notice and which is to be prosecuted for public prosecution.

3. The report referred to in paragraph 2 shall indicate the means of proof and at the same time ensure the preservation of the traces of the offense, the means of proof and the items and property to be confiscated or confiscated.

§ 377. (1) A report may be made to the prosecutor's office or the investigating authority. The report must also be received by another authority and the court and sent to the investigating authority or, in the case of Section 30, to the public prosecutor's office.

(2) The public prosecutor's office or the investigating authority shall immediately register the report, even if it does not have competence or competence.

(3) If a report is made in person, the public prosecutor's office or the investigating authority shall warn the whistleblower of the consequences of a false accusation and misleading authority. In the case of a personal complaint, the adult indicated by the complainant may be present, unless this is contrary to the interests of the proceedings.

The private motion

§ 378. (1) In the case of a criminal offense to be prosecuted on a private motion, criminal proceedings may be initiated or continued only on the motion of the right holder.

(2) A report of a person entitled to submit a private motion and any statement according to which the perpetrator wishes to be prosecuted shall be deemed to be a private motion.

(3) The private motion shall be submitted within one month from the day on which the person entitled to the private motion became aware of the criminal offense.

(4) If, after the commencement of the investigation, it turns out that the act is punishable only on a private motion, the statement of the person entitled to submit a private motion shall be obtained. In that case, the time limit laid down in paragraph 3 shall run from the day on which the person entitled to the private motion became aware of the invitation.

(5) The relative of the deceased victim may submit a private motion during the still open deadline.

(6) Due to the failure to comply with the deadline for submitting a private motion, a certificate shall be valid if the criminal offense is to be prosecuted.

Settlement of the report

§ 379. (1) The prosecutor's office or the investigating authority shall, within three working days from the receipt of the report, examine whether the investigation in the case should be ordered or whether there is a place to supplement the report, reject the report or refer the case.

(2) In prosecuting a report, the public prosecutor's office or the investigating authority may take into account facts which are in the public domain or of which it has official knowledge.

(3) If the report has been made to the investigating authority due to a criminal offense to be prosecuted for private prosecution, or a criminal offense appears to be established for which the prosecution is represented by a private prosecutor, the investigating authority shall forward the report to the prosecutor's office without delay.

(4) Within three working days from the receipt of the report, the public prosecutor's office shall examine and decide whether to take over the representation of the prosecution for a criminal offense to be prosecuted for private prosecution. If the prosecution takes over the representation of the prosecution, it informs the victim. If the prosecution does not take over the representation of the prosecution, the report is sent to the court without delay.

Completion of the report

§ 380. (1) The prosecutor's office or the investigating authority shall order the supplementation of the report if, on the basis of the available data, it is not possible to decide on the ordering of the investigation, rejection of the report or referral of the case.

(2) In supplementing the report, the prosecutor's office or the investigating authority may request the complainant to provide information, documents and data, as well as to disclose the value of the damage, property disadvantage, tax revenue reduction, customs revenue loss or criminal offense. In doing so, the prosecutor's office or the investigating authority, if it has not done so before, warns the complainant of the consequences of a false accusation and misleading the authority.

(3) ⁸⁷ If the initiation of criminal proceedings is initiated pursuant to Section 4 (9) or the Criminal Code. Pursuant to Section 3 (3), the Attorney General is entitled to order, and the Prosecutor's Office and the investigating authority shall ensure the acquisition of the decision of the Attorney General during the supplementation of the report.

(4) The time limit for completing the notification shall be one month.

Rejection of the report

§ 381. (1) The public prosecutor's office and the investigating authority shall reject the report if it appears from the data at its disposal that

- a) the reported act is not a criminal offense,
- b) there is no suspicion of a criminal offense,
- c) a reason can be established which precludes the perpetrator's criminality or the criminality of the reported act,
- d) the criminal record has ceased as a result of death, limitation or pardon,
- e) the reported act has already been finally decided,
- f) ⁸⁸ the private motion, the report, or the Chief Prosecutor's Office pursuant to Section 4 (9) or the Criminal Code. The provision specified in Section 3 (3) is missing,
- g) the reported act is not a criminal offense to be prosecuted,
- h) the case does not fall under Hungarian criminal jurisdiction.

(2) The prosecutor's office or the investigating authority shall serve the decision rejecting the report on the complainant. The investigating authority shall also send the decision rejecting the report to the prosecutor's office within twenty-four hours.

3. If the public prosecutor's office or the investigating authority has rejected the report pursuant to paragraph 1 (g) , it shall inform the victim in its decision that it may represent the prosecution as a private prosecutor for the offense to be prosecuted. The information shall cover the conditions for acting as a private prosecutor, the rights and obligations of the private prosecutor and the fact that, in the absence of a private motion, this statement must be replaced.

4. The victim may act as a private prosecutor within one month of service of the decision rejecting the report and, if the private motion is missing, may replace his statement within that period.

(5) If the victim acts as a private prosecutor and the prosecution does not take over the representation of the prosecution, the report together with the victim's statement and case files shall be sent to the court within eight days.

§ 382. (1) The prosecutor's office may reject a report if a person who is reasonably suspected of committing a criminal offense, contributing to the detection and proof of the case or other criminal case, co-operates to such an extent that the national security or law enforcement interest in co-operation is greater than the criminal offense interest in criminal prosecution.

2. A report under paragraph 1 may not be refused if the cooperating person is reasonably suspected of having committed an offense involving the willful killing of another's life or intentionally causing permanent disability or serious deterioration in health.

(3) If the public prosecutor's office rejects the complaint against the cooperating person pursuant to subsection (1), the state shall reimburse the damage or damages for which the perpetrator is obliged to compensate under civil law, provided that it has not been reimbursed otherwise. If the award of damages or the payment of damages is to be decided in a civil action, the legal basis for the claim must be presumed.

(4) In civil proceedings, the state shall be represented by the Minister responsible for justice. Before adjudicating the action, the civil court obtains a statement from the public prosecutor's office that has ruled that the application has been rejected, for the act committed to the detriment of the plaintiff, for the damage caused by the act or for the violation of his or her personality. The statement of the prosecutor's office may not cover a fact on the basis of which the person of the perpetrator or the reasons for the rejection of the report may be inferred.

LX. CHAPTER

THE DISCOVERY

Presence during procedural acts during reconnaissance

§ 383. (1) During the reconnaissance, only those whose presence is permitted by law or a government decree may be present at the procedural act in addition to the prosecutor, a member of the investigating authority and the registrar.

(2) The victim may be present at the hearing of the expert, at the examination, at the attempt to prove the evidence and at the presentation for recognition in connection with the criminal offense committed against him or her. Notification of the victim may exceptionally be omitted if justified by the urgency of the procedural act. Notification of the victim may exceptionally be omitted and exceptionally removed from the procedural act if the protection of the person in need of special treatment cannot be ensured in any other way.

(3) In addition to the victim, an adult person designated by him or her may also be present at proceedings in which the presence of the victim is mandatory or in which he or she may be present if this does not harm the interests of the proceedings.

(4) At the request of an accused, injured or witnessed foreign national, a consular officer of his or her state may be present at his or her interrogation and other procedural acts with his or her participation.

(5) With the exception of the sponsor and the consular officer, whose presence at the procedural act is permitted by this Act, he or she may address questions, remarks and motions to the suspect, expert and witness. The provisions on the prohibition of questioning and the answer to the questioning of the witness and the accused and the secondment of an expert shall apply *mutatis mutandis*.

§ 384. (1) The public prosecutor's office and the investigating authority may remove from the scene of a procedural act the person whose presence obstructs the proceedings and also those who cannot be present at the procedural act, or the person participating in the criminal proceedings in order to facilitate the investigation. may be required to remain at the site.

(2) For the purposes of subsection (1), corporal punishment may be imposed and a fine may be imposed.

(3) A person who disturbs the order of the proceedings may also be fined.

Interrogation of the suspect

§ 385. (1) If a person determined on the basis of available data or means of proof can be reasonably suspected of committing a criminal offense, he or she shall be detained by the investigating authority or the public prosecutor's office in accordance with Article XXX. He is interrogated as a suspect by chapter.

(2) In case of detention, the suspect shall be questioned within twenty-four hours from the beginning of his detention.

§ 386. (1) A person who is reasonably suspected of committing a criminal offense - in case of arrest, summoning, production, ordering his circulation, or issuing an arrest warrant against him - is only entitled to:

- (a) *be* informed of the suspect's criminal rights in relation to the questioning,
- b) authorize or propose the appointment of a lawyer,
- (c) consult his lawyer without supervision.

(2) Until the suspicion is reported, the defense counsel shall have the sole right to contact and consult with the person he or she defends without supervision.

§ 387. (1) ⁸⁹ If he or she does not have a defense counsel, the suspect or a person reasonably suspected of having committed a criminal offense shall be warned prior to his or her interrogation - immediately in case of production or custody - that he or she may authorize a defense counsel or propose the appointment of a defense counsel. This motion will be considered immediately by the investigating authority or the public prosecutor's office.

(2) ⁹⁰ If the participation of a defense counsel is mandatory in the proceedings, the attention of the suspected or reasonably suspected person to the commission of the crime shall also be drawn to the fact that if he does not authorize a defense counsel, the investigating authority or the prosecutor's office shall appoint a defense counsel. If the suspect or a person reasonably suspected of having committed a criminal offense states that he does not wish to appoint a lawyer, the investigating authority or the public prosecutor's office shall immediately appoint a lawyer.

(3) ⁹¹ If a suspect or a person reasonably suspected of having committed a criminal offense wishes to appoint a lawyer or the investigating authority or the public prosecutor's office appoints a lawyer, the investigating authority or the public prosecutor's office shall notify the lawyer immediately and interview the suspect until the lawyer arrives postpones for two hours. If within the set time limit

(a) the defender does not appear, or

b) ⁹² the suspected or reasonably suspected person consents to the opening of the interrogation after consultation with the defense counsel,

the investigating authority or the public prosecutor's office shall begin the questioning of the suspect.

4. The investigating authority or the public prosecutor's office shall record the measures taken pursuant to paragraphs 1 to 3 and, if known, the reason for the absence of the defense counsel in the minutes of the questioning of the suspect.

(5) ⁹³ The investigating authority or the public prosecutor's office shall ensure that a suspect or person reasonably suspected of having committed a criminal offense may consult his or her lawyer before or during his or her interrogation.

§ 388. (1) During the interrogation of the accused during the interrogation, the facts of the act which is the subject of the suspicion and its Criminal Code shall be communicated to the suspect. classification in accordance with

(2) Following the communication of the suspicion, the investigating authority or the public prosecutor's office shall warn the suspect and the defense counsel that there is a right to complain about the suspicion.

§ 389. During the investigation

(a) *information* on the suspect 's criminal history must be obtained; or

(b) ⁹⁴ provide for the recognition of the validity of a foreign judgment on the suspect which may be taken into account in the proceedings or for the enforcement of a judgment of a Member State.

Sending investigation files

§ 390. (1) The investigating authority shall send the investigation files to the prosecutor's office within eight days of the interrogation of the suspect, at the same time report on the status of the investigation, make proposals for procedural acts deemed necessary during the investigation or terminate the investigation.

(2) If the suspect has confessed to the commission of a criminal offense, initiated the prosecution of a prosecution measure or decision, or entered into a settlement, the investigating authority shall immediately inform the prosecution thereof.

LXI. CHAPTER

THE EXAMINATION

Prosecution procedure during the investigation

§ 391. (1) After the interrogation of the suspect, the prosecutor's office shall examine, on the basis of the investigation files, whether there is a place in the case

- a) the prospect of a prosecution measure or decision,
- b) initiating an agreement,
- c) for the purpose of conducting mediation proceedings, the suspension of the proceedings,
- d) conditional prosecution suspension,
- e) termination of the proceedings for other reasons,
- f) indictment,
- g) the performance of a procedural act within the framework of the investigation,
- h) separation, amalgamation, referral.

(2) During the investigation, the public prosecutor's office shall decide on the issues specified in subsection (1) within the time limit of the investigation.

Relationship between the prosecution and the investigating authority during the investigation

§ 392. (1) The investigating authority shall carry out the investigation in accordance with the measure taken within the management competence of the prosecutor's office.

(2) After the interrogation of the suspect, the investigating authority shall, unless the prosecutor's office provides otherwise, perform the procedural act deemed necessary in its proposal pursuant to Section 390 (1).

3. The investigating authority shall independently carry out the procedural act concerning the subject of the suspicion during the investigation if:

- (a) it is justified by an intolerable reason, or
- (b) it is necessarily connected with a procedural act ordered by the public prosecutor's office.

4. The investigating authority shall carry out the procedural act independently during the investigation, if it:

- (a) does not affect the subject of the suspicion, or
- (b) for the purpose of detecting another perpetrator of the suspected offense.

5. In the case specified in paragraphs 2 and 3, the investigating authority shall report to the prosecutor's office no later than eight days in the case specified in paragraphs 2 and 3, and in the case specified in paragraph 4, but no later than within three months.

Presence in procedural acts during the investigation

§ 393. (1) The suspect and his defense counsel may be present during the investigation at the hearing of the expert, at the inspection, at the attempt to prove it and at the presentation for recognition if the procedural act affects the subject of the suspicion.

(2) A defense counsel may also be present at the examination of a witness proposed by him or her or by a suspect protected by him or her and at an act of evidence conducted with the participation of such a witness.

(3) Notification of the suspect and the defense counsel may exceptionally be omitted if justified by the urgency of the procedural act.

4. Notification of the suspect and the defense counsel may exceptionally be omitted and the suspect and the defense counsel may exceptionally be removed from the procedural act if the interests of the investigation so require or the protection of the person in need of special treatment cannot be ensured in any other way.

(5) In the case specified in subsections (3) and (4), the prosecutor's office or the investigating authority shall subsequently inform the suspect and his or her counsel about the procedural act, unless this Act precludes notifying the accused and the counsel, within eight days at the

latest. If the suspect or the defense counsel requests it within three days of receiving the information, the public prosecutor's office or the investigating authority shall subsequently decide not to notify and inform the person who submitted the request.

(6) The public prosecutor's office or the investigating authority shall ensure that the suspect may consult his or her counsel before the procedural act or during the procedural act without disturbing it.

(7) The provisions on intelligence, inter alia, should be applied *mutatis mutandis* to the presence in proceedings during an investigation.

LXII. CHAPTER

SUSPENSION OF THE PROCEEDING

Grounds for stay of proceedings

§ 394. (1) The prosecutor's office and the investigating authority shall suspend the proceedings if

(a) the identity of the offender could not be established in the investigation, or
(b) the offender is prevented from participating in the proceedings because of his or her long-term, serious illness or mental illness after the offense has been committed.

(2) The public prosecutor's office shall suspend the proceedings for the purpose of conducting the mediation proceedings if the conditions thereof are met.

(3) The prosecution and the investigating authority may suspend the proceedings if

- a) the perpetrator is in an unknown place or abroad,
- b) a request for legal aid must be complied with by an authority of another state,
- c) a preliminary ruling on the conduct of the proceedings must be obtained, or
- d) the suspect is the subject of criminal proceedings against the suspect for an offense.

(4) The Public Prosecutor's Office may suspend the proceedings if

- a) it is necessary for the performance of the agreement reached in the mediation procedure,
- b) *there is* a condition for a conditional suspension by the prosecutor,
- c) the consultation procedure provided for in the Law on criminal cooperation with the Member States of the European Union is initiated,
- d) the transfer or extradition of the offender has been postponed by an authority of another State on the basis of ⁹⁵ international arrest warrants or a European arrest warrant,
- e) an international criminal court contacts the Hungarian authority in a case falling within its jurisdiction in order to transfer the criminal proceedings,

f) ⁹⁶ initiated the recognition of the foreign judgment or the correspondence with the Member State, and there are no further procedural acts to be performed in Hungary, and the proceedings cannot be continued without the recognition of the foreign judgment or the correspondence of the Member State judgment.

5. The stay of proceedings pursuant to paragraph 2 and points (a) and (b) of paragraph 4 shall be granted once during the investigation.

(6) The proceedings may not be suspended

a) pursuant to paragraph (2) if the prosecution used the conditional suspension of a prosecutor or

(b) pursuant to paragraph 4 (b), if mediation proceedings were pending in the case.

7. With the exception of paragraph 3 (a), no procedural act directly affecting the suspect may be taken after the proceedings have been suspended.

(8) If during the period of suspension of the proceedings the reason for the suspension has changed, the prosecutor's office and the investigating authority shall, without ordering the continuation of the proceedings, take a new decision to suspend the proceedings.

(9) If the public prosecutor's office or the investigating authority suspends the proceedings because the identity of the perpetrator could not be established during the investigation, it shall inform the complainant, the victim and the private petitioner at the same time as notifying the decision that terminate the proceedings on the ground that they are time-barred, the decision terminating the proceedings shall be served on him if he submits a request to that effect within one month of receipt of the decision suspending the proceedings.

Duration of the suspension

§ 395. (1) The prosecution and the investigating authority shall conduct the proceedings if
(a) the suspect stays abroad for a maximum of six months,
(b) a preliminary ruling must be obtained for the conduct of the proceedings and the proceedings have not yet been instituted for a preliminary ruling, for a period not exceeding two months,

(c) a request for assistance must be complied with by an authority of another State, for a maximum period of twelve months
you can suspend.

(2) The prosecutor's office and the investigating authority shall simultaneously suspend the proceedings

a) the return of the suspect abroad,

(b) to initiate proceedings in respect of a question referred for a preliminary ruling
sets a time limit equal to the duration of the suspension.

(3) The public prosecutor's office may, exceptionally, extend the duration of the suspension and the time limit specified in subsection (2) once,

(a) in the case of paragraph 1 (a) , not more than two months,

(b) in the case of paragraph 1 (b) , not more than one month,

(c) in the case of paragraph 1 (c) , not more than six months
you can extend it.

(4) If, during the period of suspension, the proceedings concerning the decision of the preliminary question have been initiated, Section 394 (8) shall apply accordingly.

Resumption of the suspended proceedings

§ 396. (1) The public prosecutor's office and the investigating authority shall, if this Act does not make an exception, order the continuation of the proceedings if

a) the reason for the suspension has ceased to exist,

b) in the case of Section 394 (4) (e) , the law promulgating the statute of the International Criminal Court or implementing the obligations arising from its statute provides for the continuation of the proceedings, or

c) considers it necessary to continue the proceedings suspended for the reasons specified in Section 394 (3) and (4) (c) - (d) .

(2) If the proceedings have been suspended by the Public Prosecutor's Office, only the Public Prosecutor's Office may order the proceedings to continue.

(3) There is no appeal against the decision ordering the continuation of the proceedings.

(4) The proceedings shall continue without a decision on the day on which the period of suspension, as determined by the prosecution or investigating authority or extended by the prosecution, has expired.

Other provisions

- § 397.** (1) The duration of the suspension shall not be included in the term of the investigation.
2. The decision to stay or continue the proceedings shall be served simultaneously on the suspect, the defense counsel, the whistleblower, the victim and the private petitioner.
- (3) If the investigating authority suspends the proceedings or orders their resumption, it shall also communicate its decision to the public prosecutor's office as specified in subsection (2).

LXIII. CHAPTER

TERMINATION OF THE PROCEEDING

Reasons for terminating the proceeding

- § 398.** (1) The prosecutor's office and the investigating authority shall terminate the proceedings if
- a) the act is not a criminal offense,
 - b) the suspect did not commit the offense,
 - c) the commission of a criminal offense cannot be established on the basis of the available data or evidence,
 - d) a reason can be established which excludes the perpetrator of the offender or the criminal nature of the act,
 - e) the criminal record has ceased as a result of death, limitation or pardon,
 - f) the act has already been finally decided,
 - g) ⁹⁷ the report either to the Attorney General in Section 4 (9) or to the Criminal Code. The provision specified in Section 3 (3) is missing,
 - h) the private motion is missing and cannot be replaced pursuant to Section 378 (4),
 - i) the act is not a criminal offense to be prosecuted, or
 - j) the case does not fall under Hungarian criminal jurisdiction.
- (2) The public prosecutor's office shall terminate the proceedings if
- (a) it is not possible to establish on the basis of the information or evidence available that the offense was committed by the suspect,
 - b) on the basis of the transfer of criminal proceedings or the result of a consultation procedure provided for in the Act on Criminal Cooperation with the Member States of the European Union, the criminal proceedings are conducted by an authority of another state,
 - c) the criminal record has ceased as a result of active repentance, the attestation of conduct prescribed in the framework of the conditional prosecution or the effective expiry of the duration of the conditional prosecution, or for other reasons specified by law,
 - (d) reprimands, or
 - (e) is pending for an offense which, in addition to the offense of more serious material importance, is irrelevant to the prosecution of the offender.
- (3) If the accused in his complaint against the decision terminating the proceedings objects to the application of reprimand and there is no other reason to terminate the proceedings, the proceedings shall be continued.
- (4) If the public prosecutor's office or the investigating authority has terminated the proceedings pursuant to subsection (1) (i), subsections (3) - (5) of section 381 shall apply accordingly.
5. The reasons for a decision terminating the proceedings shall contain only the reason for terminating the proceedings and an indication of the law applicable, if
- (a) the proceedings were suspended because the identity of the offender could not be established during the investigation, and

(b) the public prosecutor's office or the investigating authority shall terminate the suspended proceedings on the grounds that they are time-barred.

(6) The decision specified in subsection (5) may also be imposed on the decision to suspend the proceedings if the notifier, the victim and the submitter of the private motion have not requested the service of the decision terminating the proceedings.

§ 399. (1) The prosecutor's office may terminate the proceedings if the person who is reasonably suspected of committing the criminal offense or the suspect contributes to the detection or proof of the case or other criminal case to such an extent that the national security or law enforcement interest in the co-operation is greater than the criminal offense. a person with a reasonable suspicion or an interest in bringing the suspect to criminal responsibility.

2. Proceedings under paragraph 1 shall not be terminated if the cooperating person is reasonably suspected of having committed an offense involving the willful killing of another's life or intentionally causing permanent disability or serious deterioration in health.

(3) If the public prosecutor's office terminates the proceedings pursuant to subsection (1), subsections (3) and (4) of section 382 shall apply accordingly.

Continuation of the terminated proceeding

Section 400 (1) The termination of the proceedings, unless this Act makes an exception, shall not prevent the proceedings from being resumed in the same matter at a later date.

(2) The prosecution shall order the continuation of the proceedings.

(3) Continuation of the proceedings

(a) if the proceedings have been terminated by the investigating authority, the investigating authority, or

(b) if the proceedings have been discontinued by the public prosecutor's office, the superior public prosecutor's office
you can also order.

(4) There is no appeal against the decision to continue the proceedings.

(5) The court may order the continuation of the proceedings at the motion of the prosecutor's office in the case of an accused against whom the proceedings have previously been terminated, if the superior prosecutor's office or the prosecutor's office

(a) on the basis of a complaint, or

(b) ex officio within one month of the termination of the proceedings
it did not order the proceedings to continue.

(6) If the court has rejected the motion to order the continuation of the proceedings, there is no place to submit a repeated motion to order the continuation of the proceedings on the same grounds.

Notification of the decision in the event of termination of the proceedings

§ 401. (1) The decision terminating the proceedings and the decision ordering the continuation of the proceedings shall be served simultaneously on the suspect, the defense counsel, the victim, the complainant and the submitter of the private motion, with the exception specified in subsection (2).

(2) In the case of Section 398 (5), the decision terminating the proceedings shall not be served on the victim, the complainant and the submitter of the private motion if he or she has not proposed this within one month from the receipt of the decision suspending the proceedings.

(3) If the investigating authority terminates the proceedings or orders their continuation, it shall also serve its decision on the public prosecutor's office as specified in subsection (1).

(4) Simultaneously with the service of the decision terminating the proceedings, the defendant shall be informed of the legal basis of his / her claim for compensation, that he / she may assert his / her claim in simplified compensation procedure or and the disqualifying nature of the failure to comply with the time-limit.

Criminal costs in the event of termination of proceedings

§ 402. (1) In the event of termination of the proceedings, the criminal costs shall be borne by the state, with the exception described in paragraph (2).

(2) In the event of termination of the proceedings, the public prosecutor's office may order the suspect to pay all or part of the criminal costs if the proceedings

a) due to active remorse,

b) due to the effective expiry of the duration of the conditional suspension of the proceedings; or

c) by reprimand

terminates.

(3) If the suspect in his complaint against the decision to terminate the proceedings also infringes the provision for the payment of criminal costs and the superior prosecutor's office does not uphold the complaint, the suspect may file an appeal against the provision for the payment of criminal costs.

(4) If the suspect infringes only the provision of the decision terminating the proceedings which is mandatory for the payment of criminal costs, the appeal shall be considered as a motion for appeal. In this case, the prosecutor's office forwards the appeal, together with the case file and its remark or motion, to the investigating judge within three working days.

§ 403. (1) ⁹⁸ Upon request, deferral or payment of installments for the payment of criminal costs may be permitted pursuant to Act CCXL of 2013 on the Implementation of Penalties, Measures, Certain Coercive Measures and the Blocking of Infringements. (hereinafter: the Bv. Act) under the conditions and within the framework specified in Section 42 (1).

(2) A request for deferral or installment payment shall not have suspensory effect.

(3) The prosecutor's office ordering the payment of the criminal costs shall decide on the application. There is no appeal against this decision.

LXIV. CHAPTER

PERSPECTIVE OF A HEALTH MEASURE OR DECISION

§ 404. (1) The public prosecutor's office may at any time during the investigation inform the suspect of the possibility to apply the measure specified in subsection (2) or to make a decision in the event that the suspect confesses to having committed a criminal offense.

(2) The Prosecutor's Office

a) the suspension of the proceedings for the purpose of mediation proceedings or the termination of the proceedings in relation to the outcome of the mediation proceedings,

b) the application of a conditional suspension of the prosecutor's office and the termination of the proceedings in relation to the result thereof,

c) with regard to the co-operation of the suspect - for the reason specified in Section 399 (1) - the termination of the proceedings or - for the reason specified in Section 382 (1) - the rejection of the report, or

d) in the case of an indictment, in accordance with Article XCVIII. and C to take the necessary measures for the special procedure set out in Chapter C.

may envisage it if the listed measures or decisions have the conditions specified in this Act, other than the confession of the commission of a criminal offense or co-operation.

(3) The public prosecutor's office shall take the measure or take the decision

- a)* in the case specified in points *(a)* to *(b)* and *(d)* of paragraph 2, to co-operate in the investigation and proof of the case or other criminal case,
- (b)* in the case of points *(c)* and *(d)* of paragraph 2, to satisfy a civil claim which the victim claims to have enforced, or
- (c)* to fulfill any obligation other than paragraph 2 *(b)* which may be imposed in the context of a conditional suspension

can also bind.

Section 405 (1) The information pursuant to Section 404 (1) shall contain the substantive content of the measure or decision planned by the prosecutor's office and, in addition to the confession of the commission of the criminal offense, the conditions thereof.

(2) The public prosecutor's office shall communicate the information in writing to the suspect. The information may also be recorded in the record of the suspect's interrogation.

(3) The public prosecutor's office may also use the investigating authority to comply with paragraphs (1) - (2).

§ 406. (1) During the interrogation, the suspect shall be declared whether he accepts the measure or decision envisaged by the prosecutor's office, as well as the conditions thereof. If the suspect so requests before making the statement, he or she will assign a lawyer to the prosecutor's office or the investigating authority. The suspect must be warned of this right.

2. The testimony of the suspect in the light of paragraph 1 and the means of proof obtained therefrom shall not be used as evidence if:

- (a)* the suspect fully complies with the conditions laid down, but the measure or decision of the public prosecutor's office differs from the measure or decision envisaged, or

- (b)* the prospect of a measure or decision of the public prosecutor's office was unlawful.

(3) The public prosecutor's office shall not be obliged to take the measure envisaged and accepted by the suspect, or to make a decision if the suspect does not fulfill the undertaken conditions or makes a false statement. In that case, the testimony of the suspect in the light of paragraph 1 may be used as evidence.

(4) The suspect and the defense counsel may at any time during the investigation inform the prosecutor's office or the investigating authority that the suspect confesses to committing the criminal offense in order to apply the measure specified in Section 404 (2) or to make a decision. If the prosecution does not agree with the initiative, it shall inform the suspect and the defense counsel, otherwise the prosecution shall proceed in accordance with Articles 404 to 405. § shall be applied accordingly.

5. The initiative of the suspect and the defense counsel as defined in paragraph 4 shall not be used as evidence. If the public prosecutor's office does not agree with the initiative set out in paragraph 4, it may not inform the court or submit the resulting files to the court.

LXV. CHAPTER

AGREEMENT ON CONFESSION OF CRIME

Conclusion of the agreement

§ 407. (1) The prosecutor's office and the accused in accordance with XCIX. In order to be prosecuted in accordance with this Chapter, before an indictment may be entered into, he may enter into an agreement on the admission of guilt for the offense committed by the accused and the consequences thereof (hereinafter: settlement).

(2) The conclusion of a settlement may be initiated by the accused, the defense counsel and the prosecutor's office. The public prosecutor's office may also communicate its initiative during the interrogation of the accused pursuant to Section 385.

(3) If the public prosecutor's office does not agree with the initiative of the accused or the defense counsel, it shall inform the accused and the defense counsel thereof.

(4) If, on the initiative of the accused, the public prosecutor's office or on the initiative of the prosecutor's office does not exclude the possibility of a settlement, the participation of the defense counsel in the procedure for concluding the settlement shall be mandatory. If the accused does not wish to appoint a lawyer, the prosecution will immediately appoint a lawyer and ensure that the lawyer has access to the investigation file.

5. If no agreement is reached, the secondment of defense officers provided for in paragraph 4 shall last until the conclusion of the agreement.

(6) The Prosecutor's Office may also use the investigating authority to comply with the provisions of subsections (2) - (4).

§ 408. (1) In order to conclude a settlement, the public prosecutor's office, the accused and the defense counsel on the admission of guilt and - the facts of the criminal offense which is the subject of the settlement and the Criminal Code. may negotiate the content of the agreement. The prosecutor's office may consult the defense counsel separately on these issues with the consent of the accused.

(2) At the beginning of the conciliation, the public prosecutor's office shall inform the accused or the defense counsel of the possible content elements and consequences of the conciliation.

§ 409. (1) If the prosecutor's office and the accused have agreed on the content of the settlement, the prosecutor's office shall warn the accused of the consequences of the planned settlement during the interrogation of the suspect.

(2) The public prosecutor's office shall record the agreement reached as a result of the conciliation in the minutes of the interrogation of the suspect, which shall include the warning pursuant to subsection (1) and the statement given by the accused thereof. The minutes shall be signed jointly by the prosecutor, the accused and the defense counsel.

(3) An agreement included in the protocol is not capable of producing legal effects beyond the purpose of the proceedings conducted thereunder.

(4) If the public prosecutor's office and the accused have not reached an agreement, the initiative and the documents created in connection therewith may not be used as evidence or as a means of proof. In this case, the public prosecutor's office may not inform the court about the initiative to conclude the settlement, nor may it submit to the court the files created in connection with it.

Content of the agreement

§ 410. (1) The accused may plead guilty to all or even only some of the criminal offenses on which the criminal proceedings are based.

(2) The agreement shall contain the subject matter of the agreement

a) a description of a criminal offense and the Criminal Code. according to the

(b) in relation to a criminal offense, a statement by the accused that he or she admits his guilt and confesses to that effect,

(c) a penalty or a measure of its own.

(3) The facts of the criminal offense which is the subject of the settlement and the provisions of the Criminal Code. is determined by the prosecution.

(4) ⁹⁹ If the settlement is aimed at imposing a penalty, the settlement shall be in accordance with Art. Section 83 contains the type, extent or duration of the punishment that the prosecution, the accused and the defense counsel acknowledge. If the Criminal Code. provisions of the agreement to reduce the sentence or suspend enforcement may also be taken into account.

(5) If the conditions specified in the Criminal Code exist, the settlement may also be aimed at the application of a measure that can be applied independently, in which case the settlement shall include the type, extent or duration of the prosecution, the accused and the defense counsel.

§ 411. (1) The agreement may contain

- a) the ancillary penalty,
- b) the measure which may be imposed in addition to the penalty or measure,
- c) the termination of the proceedings or the rejection of the report in respect of certain criminal offenses,
- d) the bearing of criminal costs; or
- e) other obligations assumed by the accused.

(2) In the event of the existence of the conditions specified in the Criminal Code, the settlement may be aimed at imposing or applying an ancillary penalty as well as a measure that may be applied in addition to a penalty or measure, in which case the agreement shall specify the type of , takes note of the amount or duration of the ancillary penalty or measure.

(3) The public prosecutor 's office may agree with the accused that:

- a) terminates the proceedings for an offense which, in addition to the offense of more serious material importance, is irrelevant to the prosecution of the accused; or
- b) *in view of* the co-operation of the suspect, terminate the proceedings in respect of certain criminal offenses - for the reason specified in Section 399 (1) - or - for the reason specified in Section 382 (1) - reject the report.

(4) The settlement may also cover that the accused is exempted from bearing all or part of the criminal costs, in which case the criminal costs under the settlement shall be borne by the state.

(5) In the settlement, the accused may undertake to:

- a) cooperates significantly with the public prosecutor's office or the investigating authority in contributing to the evidence of the case or other criminal case,
- b) satisfies the civil claim of the private party or the civil claim to be enforced according to the prior notification of the victim until the preparatory meeting deciding on the approval of the settlement,
- c) participates in mediation proceedings; or
- d) fulfills any other obligation which may be imposed in the context of a conditional suspension by the Public Prosecutor's Office within a time limit set by the Public Prosecutor's Office.

(6) Compulsory medical treatment, confiscation, confiscation of property and permanent disclosure of electronic data shall not be the subject of an agreement.

LXVI. CHAPTER

THE INTERMEDIATION PROCEDURE

Terms of the mediation procedure

§ 412. (1) Mediation proceedings are proceedings that facilitate the agreement of the suspect and the victim, the compensation of the consequences of the crime and the suspect's or future victim's conduct, which can be applied at the request of the suspect or the victim or with their voluntary consent.

(2) The Public Prosecutor 's Office shall suspend the proceedings for the purpose of mediation if:

- a) the suspect or victim proposes or consents to the mediation,

(b) the suspect testified before the indictment, and
(c) the nature of the offense, the manner in which it was committed and the identity of the suspect

(ca) reparation of the consequences of the offense is expected; and
(cb) criminal proceedings may be dispensed with or the mediation proceedings may not be contrary to the principles governing the imposition of penalties.

(3) The suspension of the proceedings for the purpose of mediation proceedings shall not be precluded if the suspect has already voluntarily reimbursed in part or in full the damage caused by the crime, the property damage or the value of the crime, or the damage caused by the crime in the manner and to the extent accepted by the victim.

Procedure prior to the mediation procedure

§ 413. (1) If the suspect or the victim proposes or consents to the mediation proceedings, but the conditions of the mediation proceedings set out in this Act do not exist, the prosecutor's office shall refuse to suspend the proceedings for the purpose of mediation proceedings by making a decision.

(2) If the suspect or victim proposes to conduct mediation proceedings, the public prosecutor's office shall ensure that a statement regarding the suspect's or victim's consent is obtained. After obtaining the statement, the public prosecutor's office decides to suspend or refuse the proceedings for the purpose of mediation.

3. If the victim requests that the mediation be conducted prior to the questioning of the suspect, the public prosecutor's office shall ensure that a statement of consent is obtained after the questioning of the suspect and

(a) the suspension of the proceedings for the purpose of mediation, or
(b) the refusal of mediation.

4. The decision of the public prosecutor's office to suspend or refuse the proceedings for the purpose of mediation proceedings shall be communicated to the suspect and the victim who initiates or consents to the mediation proceedings.

§ 414. (1) For the purpose of conducting mediation proceedings, the prosecutor's office shall suspend the proceedings once for a period of six months.

(2) The prosecutor's office shall also communicate the decision suspending the proceedings to the probation service with the power and competence to conduct the mediation proceedings.

(3) The statement made by the suspect and the victim during the mediation procedure shall not be used as evidence in the case. The outcome of the mediation procedure cannot be assessed against the suspect.

(4) The detailed rules of the mediation procedure shall be established by law.

Procedure following an agreement reached in mediation

§ 415. (1) If an agreement has been concluded between the victim and the suspect during the mediation procedure pursuant to the Act on Mediation Procedure, the mediator shall send the agreement to the prosecutor's office.

(2) The public prosecutor's office shall revoke the agreement if the agreement violates the Mediation Procedure Act. The prosecution communicates the decision to all those who have entered into the annulled agreement, as well as to the mediator.

(3) If the public prosecutor's office does not order the annulment within five working days of the arrival of the agreement, it shall be deemed that the agreement has not been objected to from the point of view of legality.

(4) If the obligation contained in the agreement cannot be fulfilled during the period of suspension of the proceedings, the public prosecutor's office may extend the period of suspension for a maximum of eighteen months.

(5) If, after the expiry of the period of suspension specified in Section 414 (1), the public prosecutor's office finds that the conditions specified in subsection (4) are met, the proceedings shall be conducted once, not later than two you may suspend it again for one year.

(6) If, during the period of suspension of the proceedings, the mediation proceedings have been completed and there is no need to terminate the proceedings or suspend them for other reasons, the Prosecutor's Office shall order the continuation of the proceedings.

LXVII. CHAPTER

CONDITIONAL SUSPENSION

Conditions for parole

§ 416. (1) The public prosecutor's office may suspend the proceedings by a decision if the termination of the proceedings is expected with regard to the future conduct of the suspect.

(2) A conditional suspension of a prosecutor shall be granted if

(a) the proceedings are pending for an offense punishable by a term of imprisonment of no more than three years 'imprisonment, not exceeding five years' imprisonment, and

(b) *in view of* the nature of the offense, the manner in which it was committed and the identity of the suspect, a conditional suspension of the prosecution is expected to lead to a favorable change in the suspect's conduct.

3. A conditional suspension by a prosecutor pursuant to paragraph 2 shall not be appropriate if the

a) multiple recidivism,

b) the offense was committed in a criminal organization,

(c) *his* offense caused death, or

(d) he or she committed the intentional offense during the probationary period or after he or she has been sentenced to imprisonment for the commission of an intentional criminal offense, before the end of the custodial sentence or during the probation or conditional suspension of the prosecution.

(4) If a conditional suspension of a prosecutor's office is appropriate, the prosecutor's office shall determine the procedure once - in years or in years and months - in accordance with the provisions of the Criminal Code. It shall be suspended for at least one year within the penalty provided for in its Special Part.

Conditional prosecution suspension related to other grounds for termination of criminal record

§ 417. (1) The prosecutor's office shall suspend the proceedings *ex officio* or at the motion of the accused in order to fulfill the condition specified by law for one year, if the Criminal Code. A special part regulates the conduct of the accused after the commencement of the proceedings as a reason for the termination of criminal liability, and the conduct resulting in the termination of criminal liability is expected.

(2) Pursuant to subsection (1), proceedings may not be suspended against a person who committed the criminal offense during the conditional suspension of the prosecution previously applied for the same criminal offense or during the suspension of the proceedings pursuant to section 488 (2).

(3) If the Criminal Code. Its special part regulates the conduct of the accused after the commencement of the proceedings as a reason for termination of criminal liability, conditional suspension by a prosecutor pursuant to Section 416 (2) is not appropriate.

Establishing rules of conduct in case of conditional suspension by the prosecutor

§ 418. (1) If the public prosecutor's office plans to prescribe a rule of conduct or obligation simultaneously with the conditional suspension of the public prosecutor, it shall ensure that it is clarified that

- (a) *whether* the suspect is able to comply with the intended code of conduct or obligation,
- (b) the suspect consents to the planned treatment for psychiatric or alcohol dependence, and
- (c) if there is a possibility of reparation, whether the victim consents to reparation.

(2) In order to clarify the circumstances specified in subsection (1), the public prosecutor's office may order to obtain the opinion of a probation officer.

§ 419. (1) In the case specified in § 416 (2), the public prosecutor's office may oblige the suspect to observe rules of conduct or to fulfill obligations.

(2) The public prosecutor 's office may, as a matter of conduct or obligation, require the suspect to:

(a) *to make good* the damage caused by the criminal offense, the pecuniary damage, the amount of the reduction in tax revenue, the amount of the reduction in customs revenue or the value of the offense;

b) otherwise provide compensation to the victim,

c) *make a* financial contribution for a specific purpose or perform work for the public,

(d) undergo psychiatric or alcohol treatment with his or her prior consent.

(3) The public prosecutor's office may establish more than one of the provisions of subsection (2) or other rules of conduct or impose other obligations.

(4) The public prosecutor's office may order the supervision of the suspect's probationer simultaneously with the conditional suspension of the prosecutor's office.

(5) If the criminal offense has caused quantifiable damage, property damage, reduction of tax revenue or reduction of customs revenue, or its value can be quantified and has not been recovered during the proceedings, the prosecutor's office shall reimburse it or restore the original condition. obliges the suspect to restore it, provided that the suspect is able to do so and that the victim consents to it.

(6) The public prosecutor's office may deviate from the provision contained in subsection (5) only in cases deserving special consideration.

Procedure following conditional suspension by the prosecutor

§ 420. (1) The accused shall not be punished for the criminal offense which is the basis for the conditional suspension of the prosecutor's office if he or she has shown the conduct prescribed within the framework of the conditional suspension of the prosecutor's office pursuant to § 416 or has passed successfully, unless

(a) the suspension order was unlawful, or

(b) order the continuation of the proceedings pursuant to paragraph 2.

(2) If there is no need to terminate the proceedings or suspend them for other reasons, the public prosecutor's office shall order the continuation of the proceedings if:

a) the suspect complains about the conditional suspension,

(b) the suspect is interrogated as a suspect during the probation period due to an intentional offense committed during the probationary period, including where it is not possible to

communicate a reasonable suspicion due to the suspect's presence in an unknown place or abroad;

(c) the suspect has seriously infringed the rules on probation or the rules of conduct laid down in the probation decision, or has not fulfilled or is not expected to fulfill his obligation.

3. An appeal may be lodged against an order that proceedings be continued pursuant to paragraph 2 (c) .

(4) In the case of a conditional suspension of a prosecutor applied pursuant to Section 417, the prosecutor's office shall order the continuation of the proceedings if

(a) the suspect does not and is not expected to conduct the conduct leading to the cessation of criminal responsibility, or

b) the suspect has committed the same criminal offense during the period of probation, or if the prosecution prosecutes the suspect in accordance with the provisions of the Criminal Code. Subject to Section 180 (1), he is interrogated as a suspect in drug trafficking, or this is not possible due to the suspect's presence in an unknown place or abroad.

LXVIII. CHAPTER

THE DEFENSE

§ 421. (1) The prosecutor's office shall prosecute by submitting the indictment to the court.

(2) There shall be no appeal against the accusation.

Contents of the indictment

§ 422. (1) Legal elements of the indictment:

(a) the identification of the accused,

(b) a precise description of the offense charged,

c) the act which is the subject of the charge is punishable by the Criminal Code. classification according to

(d) a motion by the public prosecutor's office to impose a sentence or measure or to acquit the accused who is not punishable by reason of his or her condition.

(2) In addition to the statutory elements specified in subsection (1), the indictment shall contain:

(a) an indication of the means of proof available in relation to the acts or sub-acts of the accused,

b) the motions of evidence of the public prosecutor's office related to the proof of individual acts or sub-acts and the circumstances of sentencing,

(c) an indication of the law relating to the jurisdiction and jurisdiction of the court and a reference to the provisions relating to the jurisdiction and jurisdiction of the prosecutor's office instituting the proceedings,

d) to be communicated by the prosecutor's office,

e) further motions of the prosecution.

(3) The prosecutor's office may also make a motion in the indictment regarding the amount or duration of the punishment or measure in the event that the accused admits to committing the criminal offense at the preparatory hearing.

(4) If the suspect is subject to a coercive measure affecting the personal liberty of the suspect and the prosecutor's office deems it necessary to maintain it, he shall submit the indictment, including his motion to this effect, to the court fifteen days before the expiry of the coercive measure.

What to do when the indictment is filed

§ 423. (1) Simultaneously with the indictment, the prosecutor's office shall ensure that the files of the investigation and the means of proof are available to the court.

(2) If the accused uses non-Hungarian mother tongue, national mother tongue or other mother tongue specified in an international treaty promulgated by law during the proceedings, the part of the indictment relating to this accused shall be translated into the language used in the proceedings.

(3) The public prosecutor's office shall inform the accused, the defense counsel, the victim, the complainant and the submitter of the private motion about the indictment.

Prosecution in case of agreement

§ 424. (1) If the public prosecutor's office and the accused have entered into an agreement, the public prosecutor's office shall bring charges for the same facts and classification as the agreement entered in the minutes.

(2) The prosecution in the indictment shall make a motion to the court

(a) approve the agreement,

b) to impose a penalty or measure corresponding to the content of the agreement,

(c) make any other provision corresponding to the content of the agreement.

(3) The minutes of the settlement shall be submitted to the court by the public prosecutor's office together with the indictment.

PART ELEVEN

GENERAL RULES OF PROCEDURE

LXIX. CHAPTER

FORMS OF PROCEDURE AND PROCEDURE OF THE REGISTRAR

Forms of court proceedings

§ 425. (1) The court shall hold a hearing if evidence is taken to establish the criminal liability of the accused.

(2) In the cases specified in this Act, the court shall hold a public hearing, meeting or council meeting.

(3) The provisions concerning the hearing shall apply to the public hearing, with the exceptions established in this Act.

Procedure of the Registrar

§ 426. In criminal proceedings a court clerk may act in the following cases:

a) secondment of a defense counsel and exemption from secondment,

b) during a data request,

c) determination of criminal costs,

(d) the cost-cutting measure,

e) secondment of an expert,

(f) to correct or supplement a decision which may be taken by the Registrar,

(g) complying with requests from other courts; and

(h) if permitted by this Act.

LXX. CHAPTER

PRESENCE IN THE COURT PROCEEDINGS

§ 427. (1) The members of the single judge or the council and, unless otherwise provided by this Act, the registrar shall be present at the hearing, sitting and council meeting.

(2) In the event of unavoidable obstruction of a member of the council, the final decision at the hearing may be announced by a council of another composition.

(3) Unless otherwise provided by this Act, the hearing may not be held without the defendant, the prosecutor and, if the participation of a defense counsel in criminal proceedings is mandatory, the defense counsel.

(4) At the request of an accused, injured or witnessed foreign national, a consular officer of his or her state may be present at the hearing and the hearing.

(5) In addition to the provisions of Section 44, the participation of a defense counsel in court proceedings is mandatory

(a) *before* the General Court as a court of first instance, or

(b) if the accused waived his right to be present at the trial.

Presence of the accused at the trial

§ 428. (1) The presence of the accused at the trial is obligatory if

a) did not waive the right to be present at the hearing pursuant to Section 430 (1),

(b) the court shall order him to be present at the hearing.

(2) A court may order an accused who has waived his right to be present at a hearing to attend the hearing if:

(a) it is necessary for the taking of evidence or for the hearing of an expert, or

b) the service agent of the accused has declared in accordance with Section 430 (5) that the performance of his or her task specified in Section 136 (5) is impeded for reasons beyond his or her own fault.

3. There shall be no appeal against an order under paragraph 1 (b) .

§ 429. (1) If the proceedings are conducted against several accused, the part of the trial which does not concern him or her may be held in the absence of the accused. In that case, in the absence of the defense counsel of the accused who did not appear, this part of the trial may be held even if the participation of the defense counsel in the criminal proceedings is mandatory.

(2) A trial may be held in the absence of the accused if during the proceedings an order for the compulsory medical treatment of the accused may arise and due to his or her condition he or she may not appear at the trial or be unable to exercise his or her rights.

(3) The trial may be held in the absence of the accused, who has not appeared, despite the proper summons, but, except in the case of paragraph 4, the evidentiary proceedings may not be completed.

(4) The court may acquit the accused in his or her absence or terminate the criminal proceedings against him or her, and shall notify the accused and the defense counsel of the decision thereon, in addition to being informed of the legal remedy.

Section 430 (1) The accused may waive the right to be present at the hearing at any time after the indictment, if

(a) *has a guard, and*

(b) *entrust the lawyer with the duties of service agent.*

(2) The accused may make the statement under paragraph 1 orally before the court or in a document countersigned by his lawyer.

(3) If the accused waives his right to be present at the trial, it shall be clear from the record or from the document addressed to the court that the accused made this statement in the knowledge of paragraphs 4 to 7.

(4) If the accused waives the right to be present at the trial, the court shall serve the documents on the accused, except for the order to appear at the trial and the summons, on the service agent from the time he makes this statement or arrives at the court.

(5) If the performance of the task specified in Section 136 (5) encounters an unavoidable obstacle due to reasons beyond the control of the delivery agent, the delivery agent shall notify the court thereof within eight days of the occurrence of the obstacle.

(6) The service agent may be fined in the event of a breach of the obligation specified in subsection (5).

(7) If the accused has waived the right to be present at the trial and he or she has not been required by the court to be present at the trial, the trial shall be held in the absence of the accused. In this case, the court may close the proceedings against the defaulting defendant.

§ 431. (1) Until the announcement of the final decision, the accused may declare that he or she wishes to be present at the hearing, and upon receipt of the application in court, the statement specified in § 430 (1) shall cease to be valid.

2. A notification within the meaning of paragraph 1 shall be deemed to be a statement by the accused that he intends to directly monitor or actively participate in the trial or in the taking of evidence, the examination of certain means of proof, in particular if he testifies or you want to make a comment, even if you make a confession or comment.

(3) If the accused has announced that he wishes to be present at the trial, he may subsequently waive the right to be present at the trial again only with the permission of the court. There is no appeal against the order for authorization.

(4) If the accused has announced that he or she wishes to be present at the trial, the court may describe the essence of the minutes of the trial held in the absence of the accused and order that the evidence or part of the evidence be repeated.

Ensuring the presence of the accused

§ 432. (1) If the presence of the accused does not appear at the trial despite the mandatory and regular summons, the court

(a) introduction, or

(b) issuing an arrest warrant

ensure the presence of the accused.

(2) If it is presumed that the prescription does not lead to a result within a reasonable time on the set date for the hearing, the single judge or the chairman of the panel shall order the presumption of the defaulting accused to the next hearing date.

(3) If, during the court proceedings, the indictment of an unreported accused has already been ordered, an arrest warrant shall be issued in the case of a criminal offense punishable by imprisonment.

(4) If the accused could not be brought to the new trial date because he left his address or actual place of residence in an unknown place, or if the accused could not be produced by another arrest date on the basis of the arrest warrant, the court shall establish that the accused is unknown. and hereinafter referred to as CI. It acts chapter by chapter.

§ 433. (1) The court shall issue an arrest warrant and initiate proceedings for the extradition or transfer of the accused on the basis of a European arrest warrant if

a) the presence of the accused at the hearing is obligatory,

(b) the accused does not appear despite a proper summons issued to the foreign residence, and

c) the court does not consider the application of Section 488 (1) a) to be justified.

2. If the accused person is refused extradition or surrender on the basis of a European arrest warrant, or extradition or surrender is not possible, the court may, if the conditions are met, initiate the surrender of criminal proceedings.

(3) There shall be no place for the issuance of an arrest warrant against an accused in a known place abroad if the prosecutor's office has not filed a motion to impose a custodial sentence in the indictment.

Presence of counsel at the hearing

§ 434. Unless otherwise provided by this Act, the presence of a defense counsel at a trial shall be mandatory if the participation of a defense counsel in criminal proceedings is mandatory.

Presence of the prosecutor at the trial

§ 435. (1) The presence of the prosecutor at the hearing is mandatory.

(2) A deputy prosecutor may also represent the accusation in the district court.

(3) A prosecutor's draftsman may also represent the prosecution in the district court, unless

a) the offense is punishable by a term of imprisonment of up to five years or more for the offense,

b) the accused is detained,

c) the accused has an abnormal state of mind, regardless of his ability to set off.

LXXI. CHAPTER

PUBLICITY OF THE MEETING

§ 436. (1) The hearing of the court shall be public.

(2) The single judge or the chairman of the council may determine the number of the audience in order to conduct the hearing properly, to preserve its dignity and safety, or in case of limited space.

(3) A person under the age of fourteen may not participate in the hearing as a student, the single judge or the chairman of the council may exclude a person under the age of eighteen from the audience.

(4) The court may, of its own motion or on the motion of the prosecutor, the accused, the defense counsel, the victim, the property interested party and the other interested party, exclude the public by a reasoned decision on all or part of the hearing and

a) for moral reasons,

b) for the protection of a person in need of special treatment; or

c) for the protection of classified information and other proprietary data

may order a closed hearing (hereinafter: closed hearing).

(5) Exclusion of the public may be proposed at any stage of the proceedings.

§ 437. (1) The court shall announce the decision on the subject of the closed hearing in a public hearing. There is no appeal against the decision on the closed hearing.

(2) If the court orders a closed hearing, the court may also allow the officials performing judicial-related tasks to be present at the hearing. In proceedings instituted against a foreign national accused or for a criminal offense committed against a foreign national victim, it shall be possible for a consular officer of the foreign national or a member of a foreign authority to be present at the hearing in accordance with an international treaty promulgated by law.

(3) If a closed hearing is ordered, the victim, if he or she does not have a representative, or the accused, if he or she does not have a defense counsel, may request that a person named by him or her, except for the person to be heard at the hearing, be present at the hearing. If the

court has ordered a closed hearing to protect classified information, no such motion may be made. There is no appeal against the decision on the motion.

(4) If the court orders a closed hearing, it shall warn those present that it may not provide information about what was said at the hearing and, if necessary, warn them of the criminal consequences of the misuse of classified information. The warning shall be recorded in the minutes.

§ 438. (1) The hearing shall be held in public if the reason for the closed hearing has ceased to exist.

(2) The court shall make the operative part of the decision made at the hearing in full, and the reasons for it, subject to the restriction provided for in paragraph (3), even if the public has been excluded from the hearing.

3. The court or tribunal shall not make public any information which forms part of the reasons for the decision and the disclosure of which would harm the interest for the protection of which the court or tribunal has ordered a closed hearing.

LXXII. CHAPTER

CONDUCT OF THE NEGOTIATION, PRESERVATION OF ITS DIGNITY AND MAINTENANCE OF ORDER

Conducting the trial and preserving its dignity

§ 439. (1) The hearing shall be conducted by the single judge or the chairman of the council and shall establish the order of the acts to be performed within the framework of this Act.

(2) The single judge or the chairman of the council shall ensure that the provisions of the law are complied with and shall ensure that the persons participating in the criminal proceedings can exercise their rights.

(3) The single judge or the chairman of the council shall ensure the preservation of the dignity of the trial by removing those who violate the dignity of the trial from the courtroom.

(4) The single judge or the chairman of the council shall regularly instruct and impose a fine on anyone who violates the human dignity of the person present at the trial in such a way that this results in a violation of the dignity of the trial.

Maintaining the order of the trial

§ 440. (1) The single judge or the chairman of the council may instruct and impose a fine on anyone who disturbs the order or regular course of the hearing.

(2) In the event of repeated or serious disturbances, the single Judge or the President of the Chamber shall give notice of the hearing

(a) may also expel or dismantle the troublemaker

b) may exclude the audience if the disturbance occurs among the audience.

(3) The single judge or the chairman of the council may provide that a person or audience who disturbs the order or orderly conduct of the hearing in the manner specified in paragraph 2 may not return to the courtroom on that day of the hearing.

(4) The court shall continue the trial in the absence of the expelled or removed accused, but not later than before the end of the evidentiary proceedings, the accused shall be summoned again to the court and shall be informed of the essence of the evidence conducted in his absence.

(5) If in the case referred to in subsection (4) the accused does not stop the disorderly conduct and thus makes it impossible to hold the trial in the presence of the trial, the trial may be terminated in his / her absence in the presence of a defense counsel.

Disturbance of the prosecutor and the defense counsel

§ 441. (1) In the event of disturbance by the prosecutor, order shall be ordered. If the trial cannot be resumed due to disturbance by the prosecutor, the single judge or the chairman of the council shall interrupt the trial and turn to the head of the prosecutor's office to appoint another prosecutor. If it is not possible to appoint another prosecutor immediately, the hearing must be adjourned.

(2) In case of disturbance of the defense counsel, there is a place for ordering order, in case of repeated or serious disturbance it may be punished by a fine, however, it may not be expelled from the trial or conducted. If the hearing cannot be resumed due to the disturbance of the defense counsel, the single judge or the chairman of the council shall interrupt the hearing. In this case, the accused may authorize another counsel or, if the presence of the counsel at the hearing is mandatory, another counsel must be assigned. If this is not immediately possible, the hearing shall be adjourned at the expense of the disturbing defense counsel.

Committing a crime or disciplinary offense at trial

§ 442. (1) The single judge or the chairman of the council shall inform the competent authority or the person exercising the disciplinary authority about the disturbance which took place at the hearing and which serves as the basis for criminal or disciplinary proceedings.

(2) In a case serving as the basis for criminal proceedings, the court may order the detention of the troublemaker.

Common rules

§ 443. (1) ¹⁰⁰ Upon request, deferral or installment payment for the payment of a fine may be permitted in accordance with Bv. TV. Under the conditions and within the limits specified in Section 42 (1).

(2) A request for deferral or installment payment shall not have suspensory effect.

(3) The court imposing the fine shall decide on the application. There is no appeal against this decision.

LXXIII. CHAPTER

KNOWLEDGE OF THE PROTOCOL AND FILES

Methods of recording the minutes, recording of the procedural act

§ 444. (1) Minutes shall be drawn up of the proceedings of the court.

(2) This Act may prescribe a procedural act

(a) continuous audio recording with simultaneous recording; or

b) image and sound recording

preparation.

(3) In addition to the cases specified by law, the court may order a continuous sound recording or image and sound recording to be submitted to the prosecutor's office, accused, defense counsel or victim submitted to or notified of the procedural act at least five days before the procedural act.

(4) The continuous sound recording, as well as the image and sound recording, shall record the events of the given procedural act, except in the cases provided for in paragraph (5), without interruption.

(5) The court shall interrupt the continuous sound recording, as well as the image and sound recording for the time of making the final decision of the case, it may interrupt it for the time of making the other decision. If the court interrupts the procedural act for a short time for an important reason, the continuous audio recording or the video and audio recording may be interrupted for the duration of this.

(6) Video and audio recordings certified in the manner specified by law shall be deemed to be minutes.

Formal and substantive requirements of the Protocol

§ 445. (1) It shall be recorded in the minutes

- (a) the court seised and the case number,
- (b) the subject of the charge, indicating the offense and the name or identifying mark of the accused,
- (c) the place of the court proceedings, the date on which the hearing is scheduled to be opened, the reasons for the discrepancy and the date on which the minutes were concluded,
- (d) the form of the court proceedings and whether the proceedings are public,
- (e) the names of the members of the tribunal, the Registrar and the prosecutor, defense counsel, interpreter, expert and witness present,
- (f) the name or identifying mark of the accused present,
- (g) other personal data specified in this Act,
- (h) the names of any other persons present at the proceedings and the capacity in which they are present at the proceedings;
- (i) whether an audience is present.

(2) The minutes shall contain:

- (a) the conduct of the procedural act and the events which took place in such a way that it can also be established from the minutes whether the procedural rules have been complied with,
- (b) the testimony of the accused and the witness and the opinion of the expert,
- (c) the presentation of the means of proof and their content relevant to the proceedings,
- (d) the motions and remarks made during the procedural act,
- (e) the dialogue, the speech, the last word,
- (f) the measures taken to maintain the order of the procedure, the description of the previous procedure and the publication of the final decision,
- (g) the oral reasons for the final decision.

(3) Orders made in the course of proceedings may also be entered in the minutes.

4. If only a written record is drawn up, the provisions of paragraph 2 shall be briefly described in the necessary detail. If the exact wording of a question, phrase or statement is significant, it should be recorded verbatim in the written record.

(5) If only a written record is drawn up, in the case of a description of a means of proof and the attachment of a material means of proof, the record shall refer only to the fact that this has taken place.

(6) If only a written record is drawn up and any person present at the procedural act requests the recording of a circumstance or statement made during the proceedings, this may be omitted only if the court is not aware of the occurrence of that circumstance or statement.

(7) If only a written record is drawn up, the part of the statement or expert opinion which corresponds to the content of the record previously drawn up in the court proceedings need not be recorded, instead reference should be made to the previous record.

(8) If the final decision of the court becomes final at first instance or second instance, an abbreviated report may be prepared. The abridged minutes shall contain only the information specified in paragraph 1 and a description of the court proceedings in accordance with paragraph 2 (a) .

(9) If video and audio recordings of procedural acts are made, a written extract from the minutes shall be prepared, which shall contain:

- a) the information specified in paragraph (1)

(b) the starting date for the hearing of the accused and the witness, the hearing of the expert, the taking of evidence and the hearings, and

(c) non-judicial orders given by a court in the course of a procedural act.

10. In the case provided for in paragraph 9, a written extract from the minutes may also contain the provisions of paragraph 2 in the manner specified in paragraph 4.

Preparation, supplementation and correction of the minutes

§ 446. (1) If a video and audio recording is made of a procedural act, the presence of the registrar at the procedural act is not obligatory.

2. A written record of a procedural act shall, as a general rule, be drawn up by the Registrar at the same time as, but not later than, eight days from the date of the procedural act.

(3) If a video and audio recording of a procedural act is made without the participation of the Registrar, a written extract of the minutes shall be prepared later on the basis of this recording within the time limit specified in subsection (2).

4. If the minutes are not drawn up within eight days, the single Judge or the President of the Chamber shall inform the public prosecutor, the accused and the defense counsel of the date on which the minutes were drawn up.

(5) In the case of a continuous sound recording or an image and sound recording, the persons present at the procedural act shall be informed when, where and in what manner the recording may be listened to or viewed within eight days of the end of the procedural act. The provisions on access to and reproduction of files shall apply to continuous audio recording or video and audio recording. Where this Act requires the recording or recording of a circumstance or statement, it shall also be understood as the recording on a continuous sound recording or on a video and sound recording.

(6) In the event of a discrepancy between the content of the continuous sound recording or the image and sound recording and the content of the written record or an extract from the written record, the reason for the discrepancy shall be clarified.

(7) If the written record or an extract from the minutes is prepared at the same time as the procedural act, ex officio or on the basis of remarks made by the prosecutor, the accused, the defense counsel, the victim, the property interest and other interested parties at the same time as the procedural act. can also be supplemented and corrected. The motion shall be recorded in the written record or in a written extract thereof if it is rejected. Text which has become redundant as a result of the amendment shall be deleted in such a way that the deleted text remains legible.

8. Within eight days after becoming aware of the written record, the written extract of the minutes and the continuous sound recording or the image and sound recording, the persons participating in the criminal proceedings who have participated in the procedural act may request the correction or supplementation of the written record or the written extract. they were present. No amendment or supplement may be proposed fifteen days after the written report or extract from the minutes has been drawn up.

(9) ¹⁰¹ Corrections and additions shall be recorded in the written minutes or in a written extract from the minutes, indicating the date of the correction, a new minutes shall be drawn up or the rejection of the motion shall be indicated in the files.

(10) The court may order the correction of the written report or an extract from the written report ex officio.

(11) The written minutes and the written extract of the minutes, as well as any amendments thereto, shall be signed by the single judge or the chairman of the council and the registrar. If the chairman of the council is prevented from signing, the written minutes and the written

extract of the minutes may be signed by one of the members of the council instead, indicating his / her deputy status.

Minutes of the Council meeting

§ 447. (1) If the decision is not unanimous, written minutes of the council meeting shall be prepared. The minutes of the hearing shall state at the latest when the decision of the meeting is announced that the minutes of the meeting have been drawn up or a dissenting opinion has been written.

(2) The minutes of the council meeting, the dissenting opinion of the judge in the minority opinion and the draft decision of the court shall be treated in camera.

(3) The minutes of the deliberations and the dissenting opinion of a judge in a minority opinion may be viewed only by the court hearing the appeal or extraordinary remedy, the service court during disciplinary proceedings and, if criminal proceedings have been instituted, the prosecutor's office and the court.

Examination of the file in the court proceedings

§ 448. (1) The prosecutor's office may examine the files of the proceedings during the court proceedings pursuant to § 100.

2. Ensuring access to the file shall not jeopardize the continuity of the trial and the work of the court.

LXXIV. CHAPTER

JUDGMENT IN JUDICIAL PROCEEDINGS

Court decisions

§ 449. (1) The court in the course of its proceedings

a) by a final decision,

(b) by a non - judicial decision, or

(c) by a judicial measure not requiring a decision
decide.

(2) The final decision is a judgment or a final decision.

(3) The court or tribunal shall not rule in particular

a) exclusion of a judge,

b) the secondment and dismissal of the defense counsel and the expert,

c) ordering pre-guiding and circling,

d) the issuance, revocation or amendment of the arrest warrant,

e) ordering the accused to be present at the trial,

(f) allowing the accused to waive the right to be present at the hearing again; and

(g) order a closed hearing
subject.

(4) A referral order shall be a non-trial order made after the case has been brought before a court, establishing the course of the case, with a view to preparing or carrying out a procedural act, and in particular:

(a) an order to remit the case,

(b) the order for the preparatory meeting and the appointment, adjournment, adjournment and adjournment of the hearing,

(c) an order summoning and notifying the preparatory meeting and the hearing,

d) an order to join or separate cases,

- e) an order referring or refusing to refer the case to the court panel,
- f) an order made in connection with the conduct and maintenance of the trial, with the exception of the imposition of a fine, an order that the costs be borne or an order for detention,
- g) an order establishing a classification other than the charge,
- h) the order on the request for proof.

Deliberation and voting

§ 450. (1) The council of the court shall make its decision by a vote after deliberation. If the vote is not unanimous, the decision shall be taken by a majority of votes.

(2) The younger judge shall vote before the older one, with the President casting his vote last. If the vote on the imposition of a penalty or the application of a measure is not unanimous, the majority of votes shall be determined in such a way that the vote cast for the most severe legal consequence reinforces and counts the rain closest to it.

(3) A judge in a minority opinion is entitled to attach his or her written dissenting opinion to the minutes of the council meeting.

(4) The deliberations and votes shall be secret. In addition to the chairman and members of the acting council, only the secretary may be present at the deliberations and voting.

(5) In reaching a judgment, the court shall establish the facts and decide on the basis of whether the accused is guilty and, if so, in what criminal offense, and then on the punishment or measure to be imposed, and shall decide whether: what other provisions need to be made.

(6) Non-substantive issues raised at the hearing may also be decided at a silent meeting.

Parts of the decision

§ 451. (1) Unless otherwise provided by this Act, the decision consists of an introductory part, a operative part, an appeal part, a statement of reasons and a concluding part.

(2) Included in the introductory part

- a) the name of the court,
- b) the number of the court case,
- c) if the judgment was given at a hearing, the place of the trial, the form of the trial and whether the trial was public,
- d) the place and time of the decision.

(3) The operative part shall contain the decision of the court and, together with the information necessary for identification, an indication of the person to whom the provision applies.

4. If the decision is served by service, the appeal section shall state whether the decision is open to appeal and which party to the proceedings may, where and within what time limit.

(5) The statement of reasons shall contain the relevant facts and circumstances established by the court on which the decision is based, as well as the legislation on which the decision is based.

(6) The final part shall contain the date and time of the decision and the names and signatures of the single judge or the chairman of the board or of each member of the board.

(7) ¹⁰² The content of a decision on a coercive measure affecting personal liberty following an indictment shall also be governed by the provisions of Section 561 (2) (a) and (b) and Section (3) (a) and (b) .

(8) If an appeal against a non-decisive order has suspensory effect pursuant to this Act, the information on this shall be included in the appeal part of the order.

(9) There shall be no need to state reasons for a court order or a judicial measure which does not require a decision form.

(10) The Decision contained in the Protocol has no introductory part or a concluding part.

Recording the decision in writing

§ 452. (1) ¹⁰³ A decision not included in the minutes shall be recorded in writing within two months of its adoption or promulgation at the latest, unless otherwise provided by this Act, if a longer justification is required, within two months. This time limit may be extended once by the President of the Court by a maximum of two months at a time. The date of the full written entry of the decision shall be recorded in the decision.

2. If the court notifies the decision by service, the starting date of the period provided for in paragraph 1

- (a) the date on which the time limit for appeal expired without notice,
- (b) the date on which all appeals lodged by the appellant were received by the court.

Correction of the decision

§ 453. (1) If the decision contains a clerical error or a calculation error, the court may order the correction of the decision both on the motion and ex officio. The rectification may not alter the substance of the rectified decision.

(2) ¹⁰⁴ The correction shall be recorded in the decision or a new decision shall be made thereon. If the decision has already been served before it has been rectified, the rectification order must be served on those to whom the court has sent the decision affected by the rectification.

3. An order for rectification shall not be subject to appeal, unless the court or tribunal

- (a) rectify the operative part of the decision which is subject to appeal, or
- (b) reject the proposal to rectify the operative part of the decision.

(4) The prosecutor's office and the person to whom the decision or its rectification contains a provision may appeal against the order ordering the rectification, and in the case of the accused the defense counsel may also appeal.

5. A request for rectification shall not have suspensory effect on the lodging of an appeal against the decision or on the enforcement or enforcement of the decision.

(6) If the decision of the court of first instance contains an error pursuant to paragraph 1, the decision may also be corrected by the court of second instance in its decision on the merits of the appeal.

Communication of the decision

§ 454. (1) The decision shall be communicated to the person to whom its provision applies.

(2) The decision on the case and the decision on the referral of the case, the appointment of the court and the suspension of the proceedings shall also be communicated to the victim. Simultaneously with the notification of the final decision, the victim or the victim's legal successor shall be informed of his / her right under Section 51 (5).

(3) With the exception of a decision made in the course of conducting and maintaining order, the decision shall be communicated to the public prosecutor's office.

§ 455. (1) The decision shall be communicated to those present by promulgation, otherwise by delivery.

(2) The decision shall be announced by the single judge or the chairman of the council, the operative part shall be read out during the promulgation, the essence of the reasons shall be explained and, if necessary, it shall be explained.

(3) The written operative part of the final decision before publication shall be served on the appellants present.

(4) ¹⁰⁵ A final decision containing a statement of reasons shall be served on the prosecutor, the accused, the defense counsel and the victim even if the operative part of the decision has already been communicated to them by promulgation or service, otherwise the decision containing the statement of reasons other than those listed above must be served on the appellant.

(5) Legislation shall specify to whom the decision or information on the content of the decision shall be sent in addition to those listed in this Section.

(6) After the conviction of the accused who does not understand Hungarian, the relevant part of the judgment and the court order shall be translated into the language previously used by him or her and served on him or her.

(7) Simultaneously with the notification of the final decision, the defendant shall be informed of the legal basis of his or her claim, whether he or she may choose to pursue his or her claim in a simplified compensation procedure or indemnification lawsuit, the time limit for claiming,

Legality, finality and certification of decisions

§ 456. (1) The final decision of the court contains a final, binding decision on the accusation or on the criminal liability of the accused, on the criminal consequences or the absence thereof. The final decision may be changed after it has become final only by an extraordinary legal remedy or as a result of a special procedure.

(2) If the final decision becomes final, no further criminal proceedings may be instituted against the accused due to the act adjudicated therein.

(3) After the final decision has become final, the execution of the imposed sentence or the applied measure shall be commenced, the provisions thereof shall be enforced, and the legal consequences of conviction, acquittal or termination of the proceedings shall take effect after the final decision becomes final.

(4) In the cases specified in this Act, the court may suspend or interrupt the execution of the punishment or the applied measure imposed in the final court decision or the execution of the contents thereof.

§ 457. An appeal shall suspend the final decision in so far as it is overturned by the court hearing the appeal. A final decision becomes final if it has a provision that is not appealed by the appellate court.

§ 458. (1) The final decision of the court of first instance shall become final on the day when

- (a) has been pronounced, provided that this law precludes an appeal,
- (b) the appellants have declared that the decision has been taken into account or that the appeal has been withdrawn,

- (c) the time limit for appeal has expired without notice being given; or
- (d) the appeal is dismissed or the decision of the court of first instance is upheld by the court of second instance.

(2) The decision of the court of second instance shall become final on the day on which

- (a) it was given, provided that there was no need for third-party proceedings,
- (b) the appellants have declared that the decision has been taken into account or that the appeal has been withdrawn,

- (c) the time - limit for lodging an appeal has elapsed without notice being given; or
- (d) the appeal is dismissed or the court of third instance upholds the decision of the court of second instance.

(3) The final decision of the court of third instance shall become final on the day when it was made.

(4) The sentence shall become final on the day on which

(a) those entitled to apply for a hearing have stated that they do not request a hearing,
(b) the request to hold a hearing has been withdrawn, or
(c) the time-limit for submitting a request for a hearing has expired without such a request being made.

§ 459. (1) ¹⁰⁶ After the final decision has become final, the single judge or the chairman of the council shall certify the fact of the final decision and the date of the final decision (hereinafter: confirmation clause) with a clause leading to the decision.

(2) If the final decision becomes final, the confirmation clause shall indicate the date on which the decision became partially final and which provision of the decision became final.

(3) The persons who have been entitled to appeal against the final decision which has become final shall be informed of the determination of the final validity.

§ 460. (1) A non-decisive order may not be changed after it has become final, unless otherwise provided by this Act.

(2) The non - arbitral order shall become final on the date on which

(a) has been pronounced, provided that this law precludes an appeal,

(b) the appellants have declared that the non-decision has been taken into account or that the appeal has been withdrawn,

(c) the time limit for appeal has expired without notice being given; or

(d) the appeal is dismissed or the court of second instance upholds the non-decision of the court of first instance.

(3) A non-decision-making order shall be executed or executed regardless of its becoming final, unless the suspensory effect of an appeal against a non-decision-making order is provided by this Act.

(4) In exceptionally justified cases, both the court issuing the non-decision order and the court hearing the appeal may suspend the execution or execution of the non-decision order.

§ 461. (1) ¹⁰⁷ In the case of non-final orders specified in subsection (2), after becoming final, the single judge or the chairman of the council shall certify the fact and date of the final decision (hereinafter: finalization clause) with a clause leading to the decision. .

(2) To be finalized

(a) an order imposing a coercive measure on judicial freedom affecting personal liberty,

b) an order rejecting the request for renewal,

c) an order dismissing the substitute private prosecution,

(d) an order annulling the final decision; and

e) the order for the execution or enforcement of which the suspensory effect of the appeal is provided by law.

462. § 108 The court may correct or clarify the finalization clause and the finalization clause on a motion or ex officio if the latter circumstances so require. The decision thus corrected or clarified shall be served on those to whom the court has sent the decision affected by the correction.

PART TWELVE

PROCEDURE BEFORE THE DEFENSE

General rules of procedure

§ 463. Prior to the indictment, the duties of the court shall be performed in the first instance by a judge of the district court appointed by the president of the tribunal as an investigating judge.

§ 464. (1) The court shall decide before the indictment

- (a) motions for coercive measures within the jurisdiction of the court; and
 - (b) a motion to monitor the state of mind.
- (2) The court shall decide before the indictment
- a) the exclusion of the defense counsel,
 - (b) declaring the witness particularly protected,
 - c) on the motion of the public prosecutor's office, ordering the person who refuses to testify pursuant to § 174 to disclose the identity of the person who provided information to him or her,
 - d) the issuance and revocation of a European and international arrest warrant,
 - e) the motion for review,
 - f) the conversion of the fine into a confinement,
 - g) ordering the continuation of the terminated proceedings pursuant to Section 400 (5), and
 - h) ordering the continuation of the proceedings against the person against whom the application was rejected pursuant to Section 382 (1) or the proceedings were terminated pursuant to Section 399, and the prosecutor's office bases the motion on a breach of cooperation.
- (3) In connection with the use of concealed devices subject to judicial authorization, the court shall comply with Article XXXVIII. Chapter defined tasks.
- (4) Before the indictment, the court shall send the application for enforcement of the civil claim and the application for interim measures in the case specified in Section 355 (4) to a court with competence and jurisdiction pursuant to the Code of Civil Procedure.
- § 465.** (1) The rules of court proceedings shall apply to the proceedings of a court before an indictment, with the exceptions provided for in this Part.
- (2) The investigating judge shall act during the proceedings conducted by the prosecutor's offices within the jurisdiction of the tribunal. If the president of the tribunal appoints an investigating judge in more than one district court, he or she determines the jurisdiction of the investigating judges.
- (3) In pre-trial proceedings of a court, there shall be no place for joining or separating cases, but the court may also adjudicate motions submitted on the same subject matter together or decide on several motions for decisions by several decisions.
- (4) The court may not terminate or suspend the proceedings before the indictment.

Forms of court proceedings

- § 466.** (1) The court shall hold a hearing if the subject of the petition
- a) *the* imposition of a coercive measure by a judicial licensee affecting personal liberty,
 - (b) *the* extension of the arrest and the request referred to a new circumstance as a reason for the extension compared to the previous decision,
 - (c) an extension of the arrest for more than six months from the date of the order,
 - (d) *an* order to monitor a state of mind, or
 - e) order the continuation of the proceedings and the prosecution bases its motion on a breach of cooperation against the person against whom the application was rejected pursuant to Section 382 (1) or the proceedings were terminated pursuant to Section 399 (1).
- The court or tribunal may dispense with the hearing and decide on the basis of the case - file if:
- (a) the request for a restraining order has been made by the victim and it is established that the conditions for ordering the restraining order are not met,
 - (b) the subject of the request is an order to continue the proceedings pursuant to paragraph 1
 - (e) and the cooperating person is in an unknown place,

(c) the subject of the motion is the imposition of a coercive measure which restricts a lesser degree of personal liberty than that used at the time of the motion,

(d) decide on the imposition of a coercive measure restricting personal liberty to a lesser extent during the examination of a motion to extend a coercive measure affecting a person's liberty, provided that the holding of a hearing is not mandatory for other reasons, or

e) the motion comes from a person who is excluded by law, late or not entitled to it.

(3) Pursuant to subsection (2) (b) , the court may cancel the hearing on the motion of the prosecutor's office.

Section 467 The court shall decide on the basis of the case-file in a case not listed in Section 466 (1), however, it may also hold a hearing in such a case if it deems it necessary.

Preparation for the court hearing

§ 468. (1) If the court holds a hearing, it shall determine the date of the hearing.

(2) If the accused is in custody and the subject of the motion submitted by the prosecutor's office is the imposition of a coercive judicial measure affecting personal liberty, the court shall determine the date of the hearing so that the hearing can be held before the expiration of the term of detention.

(3) If the subject of the petition is the extension of an arrest, the court shall set the date of the hearing so that the hearing can be held at least one day before the deadline for the arrest.

(4) If the motion to order a stay has been made by the victim, the court shall set the date of the hearing so that the hearing can be held within five days of the motion being received by the court.

(5) If the subject of the petition is an order to observe a state of mind or to order the continuation of proceedings pursuant to Section 464 (2) (h) , the court shall determine the date of the hearing so that the hearing can be held within fifteen days after the motion reaches the court. .

(6) If the court holds a hearing pursuant to Section 467, the court shall determine the date of the hearing within the time limit available for a decision on the basis of the case file.

(7) If the subject of the petition is a coercive judicial measure affecting personal liberty and the court holds a hearing pursuant to Section 467, the court shall determine the deadline for the hearing by applying paragraph (6), taking into account the term of the coercive measure.

Section 469 (1) If the motion specified in Section 466 (1) has been submitted by the prosecutor's office, the prosecutor's office shall hand over the investigation files to the court simultaneously with the submission of the motion. If the length of the case so warrants, the case file may be handed over to the court before the motion is made.

(2) The prosecutor's office shall send the motion to the suspect and the defense counsel at the same time as submitting the motion.

§ 470. (1) If the subject of the petition is the order of arrest or preliminary compulsory medical treatment, after the petition has been sent, the suspect and the defense counsel shall be provided with access to the files to which the petition refers.

(2) If the subject of the request is an extension of the arrest, after the request has been sent, the suspect and the defense counsel shall also be given access to the files to which the request refers and which arose after the last decision on the arrest.

(3) The public prosecutor's office shall ensure that the accused and the defense counsel have access to the files specified in subsections (1) and (2) at the time and in the manner necessary for the preparation of the defense, no later than one hour before the beginning of the hearing. The public prosecutor's office may also use the investigating authority to comply with paragraphs 1 and 2.

§ 471. (1) If the motion has been submitted by the public prosecutor's office, it shall ensure that the suspect appears at the hearing.

(2) The Prosecutor's Office

(a) notify the lawyer of the date and place of the hearing, or

(b) summon the defense counsel if his presence at the hearing is mandatory.

(3) If the presence of an interpreter or other person is required at the meeting, the prosecutor's office shall arrange for his or her appearance.

§ 472. (1) If the motion for a restraining order has been submitted by the victim, the court shall notify the prosecutor's office, the victim and the defense counsel of the date of the hearing, and at the same time call the prosecutor's office to arrange for the accused to appear. The motion for detention is sent by the court to the defendant and the defense counsel.

(2) If the presence of an interpreter or other person is required at the hearing, the court shall arrange for his or her appearance.

§ 473. (1) If the court holds a hearing pursuant to § 467, it shall notify the prosecutor's office, the petitioner of the date of the hearing and summon the person whose presence it deems necessary.

(2) If the court holds a hearing pursuant to § 467, it shall send the motion

(a) the public prosecutor's office, if the public prosecutor was not the petitioner; or

(b) the person whose presence it considers necessary.

(3) Simultaneously with the sending of the petition, the court shall set a deadline for submitting comments on the petition or, in the case of subsection (2) (a), for sending the investigation file to the prosecutor's office.

(4) If the presence of an interpreter or other person is required at the hearing, the court shall arrange for his or her appearance.

The seat

§ 474. (1) The presence of the prosecutor at the hearing is mandatory. A deputy prosecutor may act at the meeting instead of a prosecutor.

(2) The presence of the accused at the hearing is obligatory if the hearing is held by the court pursuant to Section 466 (1). In the case of Section 466 (1) e), if the accused is in an unknown place, the meeting may be held in the absence of the accused.

(3) The presence of a defense counsel at a meeting is mandatory if

a) the subject of the motion is an order to monitor the state of mind,

(b) the subject of the request is the ordering of prior compulsory medical treatment; or

c) in the case of Section 466 (1) (e), the hearing shall be held in the absence of the accused.

(4) The defense counsel may be present at the meeting outside the cases specified in subsection (3).

§ 475. (1) If the petitioner does not appear at the meeting, it shall be deemed that the petition has been withdrawn.

(2) At the meeting, the petitioner shall present the motion orally and indicate the evidence on which it is based. Those present must be given the opportunity to present the petitioner's evidence - in accordance with Article XVI. Under the provisions set out in this Chapter. If the notified party did not appear but submitted his observations in writing, the court shall state this.

(3) The court shall examine whether the legal preconditions for holding the petition and the hearing exist, whether there are no obstacles to criminal proceedings, and whether there are no reasonable doubts as to the validity of the petition. In the case of Section 466 (1), points a) – c) and e), the investigation shall also cover the personal circumstances of the suspect.

Court proceedings based on case files

§ 476. (1) ¹⁰⁹ If the petition has been submitted by the prosecutor's office, it shall hand over the investigation files to the court at the same time as sending the petition. If the subject of the request is an extension of the arrest, after the request has been sent, the suspect and the defense counsel must also be given access to the files to which the request refers and which arose after the last decision on the arrest.

(2) If the petition has not been submitted by the public prosecutor's office and this Act does not provide otherwise, the court shall send the petition to the public prosecutor's office and to the public prosecutor's office to set a time limit for submitting its petition or remarks or forward the investigation file.

(3) The court shall examine whether the legal preconditions of the petition exist, whether there are no obstacles to criminal proceedings and whether there are no reasonable doubts as to the validity of the petition.

(4) The court shall decide on the basis of the case files - unless otherwise provided by this Act - within eight days after the receipt of the petition by the court.

(5) If the subject of the petition is an order for detention or an appeal for review due to detention and the number of attached files is significant, the court shall decide on the petition out of turn, but no later than within one month from the receipt of the petition.

(6) If the court refuses to hold a hearing pursuant to Section 466 (2) and decides on the basis of the case files, it shall make its decision within the time limit available for holding the hearing.

Court decisions

§ 477. (1) If the motion specified in § 466 (1) has been submitted by the prosecutor's office and the court finds before the commencement of the hearing that the conditions for holding the hearing are missing, the court shall return the case files to the prosecutor's office without making a decision.

(2) If at the time of the indictment the motion submitted before the indictment has not been adjudicated by the court performing the duties of the court before the indictment, the court shall transfer the case files to the court with which the prosecutor's office has indicted. The court of first instance shall adjudicate the forwarded motion as a new motion, according to its content.

(3) An appeal against a decision of the court which performed the duties of the court before the indictment shall be adjudicated in accordance with the provisions of this Part, even if the case has been prosecuted. The examination of the appeal shall be waived at the same time as informing the appellant and, if not the public prosecutor's office, the public prosecutor's office, if the court of first instance has already decided to maintain a coercive measure affecting personal liberty in preparation for the hearing.

§ 478. (1) If there are no obstacles to the adjudication of the petition, the court shall decide by a non-decisive order in which it upholds, partially upholds or rejects the petition.

(2) The reasoning of the decision shall contain the essence of the motion, a brief description of the facts of the act on which the proceedings are based and the Criminal Code. the existence or absence of legal conditions for the motion.

(3) If the court has rejected the petition by a final non-trial order, there is no place to submit another petition on an unchanged basis. A decision on such a motion may be dispensed with by the court, but this does not preclude it from making another non-judgment order on the matter.

(4) If the motion to order restraint has been submitted by the victim and the conditions for ordering restraint are not met, the court shall inform the petitioner that it may initiate a temporary preventive restraining order under the Act on restraint applicable to violence between relatives. If the petitioner agrees, the court will send the motion for a restraining order

as a motion for a temporary preventive restraining order to a body set up by the police to carry out general police duties.

§ 479. (1) With the exception specified in subsection (2), the decision shall be communicated to the prosecutor's office, the petitioner and the person to whom it contains the provision.

(2) Only the Public Prosecutor's Office shall be notified of the use of concealed devices subject to judicial authorization in accordance with Annex XXXVIII. Decision based on Chapter.

3. The decision shall be announced at the meeting by announcement. If the court has made a decision on the basis of the case file, the decision must be served immediately after it is recorded in writing. In the cases provided for in paragraph 2, the decision shall be served by service.

(4) The court shall serve it through the public prosecutor's office

(a) a decision to declare a specially protected witness for a witness; or

(b) a decision to order research to be held at a law firm or notary's office for the person concerned by the research.

(5) Simultaneously with the notification of the decision ordering the arrest, the victim shall be informed of his or her right under Section 51 (5).

Remedies

§ 480. (1) The court may file an appeal against the decision

a) the public prosecutor's office,

b) the petitioner,

(c) to whom the decision contains a provision; or

(d) the defense counsel against the decision communicated to the suspect.

2. An appeal against a decision made at a meeting shall be announced immediately after its announcement. An appellant who was not present at the announcement of the decision may file an appeal within three days of the meeting. An appeal against a decision taken on the basis of the file may be lodged by the claimant within three days of service.

(3) If a motion to order arrest is rejected, including if the court orders criminal supervision or detention instead of arrest, the prosecutor's office, the accused or the defense counsel may, at the same time as the statement of appeal, request that the appeal be heard at a hearing. . The accused must be warned of this when making appeals.

§ 481. (1) The court shall send an appeal against the decision immediately after the receipt of the statements or after the expiry of the term for appeal, directly to the court with jurisdiction and competence to adjudicate the appeal.

(2) An appeal against the decision of the investigating judge shall be adjudicated by the Second Chamber of the General Court.

(3) The appeal shall be adjudicated by a court session, with the exception specified in paragraph (4).

(4) In the case of Section 480 (3), the Second Chamber of the General Court shall hold a meeting. The tribunal may hold a hearing in the absence of a motion to that effect. The meeting was held in accordance with Articles 474 to 475. § shall apply. There is no obstacle to the adjudication of an appeal if the accused does not appear at the hearing. The meeting is attended by a prosecutor from the prosecutor's office proposing the arrest warrant.

§ 482. There is no place for appeal

a) a decision on the motions related to § 303 (2) and (3), § 309 (2) and (4) and § 314 (2) of the coercive measures within the jurisdiction of the court,

b) with the exception of a decision made on the basis of Section 253 (4), in connection with the use of concealed devices subject to judicial authorization in accordance with Section XXXVIII. Decision taken under Chapter

c) a decision to change the fine,

d) the decision to declare the witness particularly protected,

e) a decision ordering the continuation of the terminated proceedings pursuant to Section 400 (5), and

f) the decision on the appeal

against.

§ 483. (1) A decision made on the basis of this Part shall be executed or enforced, regardless of the appeal, with the exception specified in subsection (2).

(2) Deferred effect

a) a public prosecutor's appeal notified of the termination of a coercive measure affecting a person's liberty, if the termination was not requested by the public prosecutor's office, and

b) an appeal against the obligation of a person who refuses to testify under Section 174 to disclose the identity of the person who provided information to him or her.

(3) The court may refrain from making a decision on the appeal against the final non-decision order, but this shall not prevent it from issuing another non-decision order on the matter.

(4) If the law allows an appeal against the non-decision-making order of the court, the court making the decision at first instance shall be bound by the order of the contested non-decision-making decision until the appeal is adjudicated.

PART THIRTEEN

PREPARATION OF THE NEGOTIATION

LXXV. CHAPTER

MEASURES BASED ON THE INVOICE

Examination of the files

§ 484. (1) The court shall examine within one month after the receipt of the case files by the court whether it is necessary or possible

a) referral of the case,

b) joining or separating cases,

c) stay of proceedings,

d) termination of the proceedings,

e) to contact the prosecutor's office to remedy the shortcomings of the indictment,

f) provide for coercive measures,

g) establishing a classification other than the charge,

h) a reference to the advice of a court; or

i) the conduct of criminal proceedings.

(2) If it appears necessary to hear the prosecutor, the accused, the defense counsel or the victim in order to make a decision on the matters examined in this Chapter, except for the decisions specified in Section 494, the court shall issue its decision after the expiry of the time limit specified in subsection (1). you can also bring.

Metastasis

§ 485. If the court has no jurisdiction or jurisdiction to adjudicate the case, it shall transfer the case to the court with jurisdiction or jurisdiction.

Merger and separation

§ 486. (1) If new proceedings are instituted against the person put to trial due to a criminal offense committed during the probationary period, or if proceedings are instituted against the person put to probation during the probationary period for a criminal offense committed before the probationary period, the cases shall be joined and the new case and a court with jurisdiction shall act.

(2) If in the new proceedings the guilt of the accused is not established by the court, or if in the case of an offense committed before the trial, the probation period has elapsed before the joint adjudication of the cases, the court shall separate the joined cases.

(3) The court shall act in accordance with subsections (1) - (2) if the criminal proceedings previously instituted against the accused have been suspended pursuant to Section 488 (2), however, the prosecutor's office has brought another charge against the accused for the same criminal offense. If the court has previously instituted criminal proceedings against the accused in accordance with the Criminal Code. Subject to Section 180 (1), drug trafficking is considered to be the same criminal offense.

Suspension of proceedings

§ 487. The court shall suspend the proceedings if the accused is unable to exercise the rights and fulfill the obligations specified in this Act due to his / her permanent, serious illness or mental illness after the commission of the criminal offense.

§ 488. (1) The court may suspend the proceedings if

- a) the accused is in an unknown place or abroad,
- b) *has* taken steps to remedy the deficiencies in the indictment or to carry out a procedural act,
- c) the execution of a request for legal aid by an authority of another state is necessary,
- d) a preliminary ruling on the conduct of the proceedings must be obtained,
- e) the consultation procedure provided for in the Law on Criminal Cooperation with the Member States of the European Union is initiated,
- f) the transfer or extradition of the accused has been postponed by an authority of another state on the basis of [110](#) international arrest warrants or a European arrest warrant,
- g) an international criminal court contacts the Hungarian authority in a case falling within its jurisdiction in order to transfer the criminal proceedings,
- h) [111](#) if it has initiated the recognition of a foreign judgment or the enforcement of a judgment given in a Member State, or
- i) [112](#) the foreign judicial authority has postponed the execution of the extradition or surrender of the accused with a view to the conduct of criminal proceedings pending abroad or the execution of a custodial sentence or detention order imposed abroad.

The court or tribunal may stay the proceedings for one year if:

- a) the Criminal Code. Its Special Part regulates the conduct of the accused after the commencement of the proceedings as a ground for terminating criminal liability, and
- b) the conduct leading to the cessation of criminal responsibility is expected.

Proceedings pursuant to paragraph 2 may not be suspended if:

- a) the prosecution has applied a conditional suspension, or
- b) [113](#) there is a reason specified in Section 417 (2).

§ 489. (1) A court may initiate proceedings of the Constitutional Court of its own motion or motion pursuant to the rules provided for in the Act on the Constitutional Court in order to establish the unconstitutionality of a law, legal provision, instrument regulating public law or decision on legal unity and to establish its conflict with an international treaty.

(2) The court may initiate the proceedings of the Curia concerning the revision of the municipal decree ex officio or on the motion in accordance with the rules provided for in the Act on the Organization and Administration of Courts.

(3) The court shall decide on the initiation of the proceedings of the Constitutional Court and the Curia by an order, at the same time the proceedings shall be suspended.

§ 490. (1) A court may initiate a preliminary ruling procedure of the Court of Justice of the European Union ex officio or on its own motion in accordance with the rules contained in the treaties on which the European Union is founded.

(2) The court shall decide on the initiation of the preliminary ruling procedure by an order, at the same time the proceedings shall be suspended. In the order, the court determines the question that requires a preliminary ruling of the Court of Justice of the European Union and - to the extent necessary to answer the question - describes the facts and the essence of the relevant Hungarian legislation. The court shall also serve the order on the Minister of Justice for information at the same time as it is served on the Court of Justice of the European Union.

(3) The court shall decide on the rejection of the motion to initiate the preliminary ruling procedure.

§ 491. (1) The court shall continue the proceedings if

(a) the reason for the stay of the proceedings has ceased to exist,

b) in the case of a suspension pursuant to Section 488 (1) (g), it is required by the Act promulgating the Statute of the International Criminal Court or implementing the obligations arising from its Statute,

c) in the case of suspension pursuant to Section 488 (2)

(ca) one year has elapsed,

(cb) the accused does not and is not expected to behave as a result of the cessation of criminal responsibility, or

cc) the same criminal offense has been committed against the accused during the period of suspension of the proceedings, or if the court has instituted criminal proceedings against the accused in accordance with the provisions of the Criminal Code. He was suspended pursuant to Section 180 (1) and charged with drug trafficking.

(2) If during the period of suspension of the proceedings the reason for the suspension has changed, the court shall, without ordering the continuation of the proceedings, issue a new decision on the suspension of the proceedings.

(3) For the duration of the suspension and the resumption of the suspended proceedings, the provisions of Annex LXII shall apply. The provisions of this Chapter shall apply mutatis mutandis.

Termination of the procedure

§ 492. (1) The court shall terminate the proceedings by a final decision if

(a) the offense is not a criminal offense,

b) the accused is not punishable for his or her childhood,

c) the accused has ceased to be punishable due to death, limitation, pardon or other reasons specified by law,

(d) the offense has already been finally prosecuted,

(e) the prosecution has dropped the charge and there is no room for private prosecution or substitute private prosecution, or the victim has not acted as private prosecutor or substitute private prosecutor,

f) on the basis of the transfer of criminal proceedings or the result of a consultation procedure provided for in the Act on Criminal Cooperation with the Member States of the European Union, the criminal proceedings are conducted by an authority of another state,

- g) the case does not fall under Hungarian criminal jurisdiction,
- (h) is being prosecuted for an offense which, in addition to the offense of more serious material importance to which he or she is charged, is irrelevant to the prosecution.
- (2) The court shall terminate the proceedings by a non - decision order if
- a) ¹¹⁴ the report, either to the Attorney General in Section 4 (9) or to the Criminal Code. The provision specified in Section 3 (3) is missing,
- b) the private motion is missing and cannot be replaced pursuant to Section 378 (4),
- (c) the charge was not brought by the person entitled to it, or
- d) the indictment, despite the call for rectification of its deficiencies, does not or does not contain the legal elements prescribed in Section 422 (1), and therefore the indictment is unfit to be adjudicated on the merits,
- e) the indictment, notwithstanding the call for rectification of its deficiencies, does not or does not contain the provisions of Section 422 (2) (a) .
- (3) The court shall inform the private party of the termination of the proceedings with a warning that it may enforce its civil law claim in another lawful manner.

Filling the gaps in the indictment

§ 493. (1) If the indictment does not or does not contain the legal elements prescribed in § 422 (1), the court shall, of its own motion or motion, call the prosecutor's office in an order to remedy the deficiencies of the indictment.

(2) The public prosecutor's office may rectify the deficiencies in the indictment within two months of receiving the order specified in subsection (1).

(3) If the prosecutor's office does not remedy the deficiencies of the indictment within the term specified in subsection (2), the court shall terminate the proceedings in the case described in section 492 (2) (d) .

(4) The court may, with the appropriate application of subsection (1), call on the prosecutor's office to rectify the deficiencies of the indictment before the commencement of the preparatory hearing, if the indictment does not or incompletely contain the content elements prescribed in Section 422 (2) a) . If the prosecution does not remedy these deficiencies in the indictment within the time limit specified in subsection (2), the court shall terminate the proceedings pursuant to section 492 (2) (e) .

Decision on coercive measures

§ 494. (1) The court shall decide ex officio or on the motion on the maintenance, order or termination of a coercive measure of a judicial licensee affecting personal liberty.

(2) The court shall decide on the ordering of a coercive measure affecting the personal liberty of the judge or, if a new circumstance was invoked in the petition as a reason for the reservation compared to the previous decision, on the reservation.

(3) The meeting pursuant to subsection (2) shall be governed by sections 468, subsections (1) and (2) of section 470 and sections 472–475. § shall apply mutatis mutandis, provided that the hearing may be held in the absence of the prosecutor and the defense counsel if the subject matter is the ordering of a coercive judicial measure affecting the personal liberty of the accused brought before the court as a result of the arrest warrant.

4. Paragraphs 2 to 3 shall not apply if the decision may be taken at a preparatory meeting.

(5) A coercive measure maintained or ordered by the court ordering the transfer of the case shall last until the decision of the court to which the case has been transferred has been made in preparation for the hearing.

Possibility of a different classification from the charge

§ 495. (1) If it can be reasonably assumed that
(a) the offense is likely to constitute a criminal offense or an additional offense other than the indictment; or
b) the offense classified as indicted may be more serious or less serious,
by order of the court, it shall determine how the act which is the subject of the charge may be classified differently from the charge.
(2) If the court finds that the act which is the subject of the charge is a criminal offense to be prosecuted for private prosecution, the public prosecutor's office shall not be required to obtain a statement of receipt of the charge.

Referral to the court council

§ 496. The court shall refer the case to a panel of three professional judges until the end of the preparatory hearing if it deems it necessary in view of the complexity of the case, the length of the case file, the number of persons involved in the criminal proceedings or for other reasons.

Publication of the indictment

§ 497. The court shall serve the indictment on the accused and the defense counsel no later than one month after the receipt of the case files by the court. The court shall summon the accused and the defense counsel to make a motion to conduct evidence or exclude evidence at the preparatory hearing at the latest.

Action to carry out a procedural act

§ 498. (1) The court shall, of its own motion or on the motion of those entitled to do so, take measures to ensure that the means of proof indicated in the motion for proof are available at the hearing.

(2) In order to comply with paragraph (1), the court may, by setting a time limit of not more than two months, contact the public prosecutor's office. The prosecutor's office may also seek to locate and provide the means of proof specified in the evidentiary motion of another authorized person.

(3) ¹¹⁵ The court shall obtain data on the criminal history of the accused and the data on the accused in the violation registration system, as well as may obtain ex officio data on the accused or the subject of the accusation from other public registers regulated by law. The court shall ensure that the judgment of the Member State concerning the accused, which may be taken into account in the proceedings, is complied with or that the validity of the foreign judgment is recognized.

LXXVI. CHAPTER

PREPARATORY MEETING

The concept, date and persons present at the preparatory meeting

§ 499. (1) The preparatory session is a public session held in order to prepare for the trial after the indictment, at which the accused and the defense counsel may express their position on the indictment before the trial and participate in shaping the further course of the criminal proceedings.

(2) The court shall hold a preparatory hearing within three months of the service of the indictment.

3. If the defense counsel so requests within three working days of receipt of the indictment, the court shall set a deadline for the preparatory hearing for a period of more than one month from the service of the indictment, provided that the defense counsel

(a) did not take part in the investigation, or
b) certifies that he was not able to get acquainted with the investigation files pursuant to Section 352 through no fault of his own.

4. The provisions concerning the date of the preparatory hearing shall not apply if the summons to the preparatory hearing is to be served on the accused abroad and the time required for service does not allow the preparatory hearing to be held within the time limit.

(5) The presence of the prosecutor and the accused shall be mandatory at the preparatory hearing. If a defense counsel is involved in the proceedings, the preparatory meeting may not be held in the absence of the defense counsel.

(6) If there are several defendants in a case, the preparatory hearing may be held separately for each accused, without separating the cases.

§ 500. (1) The court shall summon the accused and the defense counsel to the preparatory hearing and notify the prosecutor's office of the deadline for the preparatory hearing.

(2) In the summons, the court shall also warn the accused that

(a) at the preparatory hearing, plead guilty to the offense for which he or she has been charged and waive his or her right to a trial within the scope of the confession;

(b) if the court accepts the declaration of guilt, it will not examine the merits of the indictment and the question of guilt,

(c) if he does not plead guilty to the charges against him, he may, at the preparatory hearing, present the facts on which his defense is based and the evidence thereof, and request that evidence be taken or that evidence be excluded;

d) in the case of a motion filed in contravention of Section 520 (1) - (3) to conduct evidence or exclude evidence after the preparatory meeting, the court may reject a motion not necessary to clarify the facts without substantiating reasons, or to postpone a motion necessary to clarify the facts may impose a fine for its proper submission.

(3) The court shall notify the victim of the deadline for the preparatory hearing and warn him that he may submit a civil claim.

4. The summons and the notice shall be served in such a way that they are served at least fifteen days before the preparatory meeting.

§ 501. (1) If the accused does not appear at the preparatory hearing, the court shall take measures to ensure the appearance of the accused in accordance with the provisions of this Act.

(2) If the appearance of the unrepresented accused, defense counsel or prosecutor on the deadline of the preparatory hearing cannot be ensured within a reasonable time, the court shall adjourn the preparatory hearing and set a new deadline for the preparatory hearing within two months.

Conduct of the preparatory meeting

§ 502. (1) If there is no obstacle to holding a preparatory hearing, after the commencement of the preparatory hearing the prosecutor shall, at the summons of the court, describe the substance of the charge, indicate the means of proof supporting the charge and make a motion on the amount or duration of the punishment or measure. , if the accused admits to committing the crime at the preparatory hearing.

(2) At the motion of the accused or - with the consent of the accused - the defense counsel, the description of the essence of the accusation may be omitted.

(3) The court shall then remand the accused in XXX. He is interrogated by chapter. At the beginning of the interrogation, the court shall, in addition to warning the accused, warn the accused of the provisions of Section 500 (2).

(4) The court shall appoint a lawyer and adjourn the preparatory hearing if the accused does not have an authorized lawyer and

a) the court has doubts as to whether the accused has understood the charge and the provisions of Section 500 (2) and their consequences, or

(b) propose the secondment of the accused's lawyer.

5. Following the warnings provided for in paragraph 3, the court shall ask the accused whether he or she pleads guilty to the offense with which he or she is charged.

(6) The members of the court may address questions to the prosecutor, the accused and the private party regarding the civil law claim. With regard to the accused, the prosecutor, the defense counsel, and the private party may also ask a question regarding the civil law claim, and the accused and the defense counsel may make a motion to the prosecutor.

§ 503. (1) If the accused has not pleaded guilty to all the criminal offenses contained in the indictment, the court shall, within the limits of § 521, decide on the indictment uniformly on the basis of a trial, within the limits of § 521 with regard to the accepted statement of guilt.

(2) If other conditions for segregation are met, the court may segregate the case in which the accused has pleaded guilty in order to pronounce the judgment.

Procedure for admitting guilt

§ 504. (1) If the accused admits his guilt and waives his right to a trial within the scope of the confession, the court shall examine whether he accepts the accused's statement of guilt on the basis of this fact, the case file and the interrogation of the accused. .

2. The conditions for accepting a declaration of guilt shall be as follows:

(a) the accused has understood the nature of this statement and the consequences of giving his consent,

(b) there is no reasonable doubt as to the defendant's ability to set off and the voluntary nature of his admission,

(c) the accused's statement of guilt is clear and is supported by the case file.

3. If the conditions set out in paragraph 2 are met, the court shall accept the accused's declaration of guilt. There is no appeal against this order.

(4) If the court does not see an obstacle to the settlement of the case in a preparatory hearing, it shall also interrogate the accused for the conditions of imposition of a sentence.

(5) After the accused has been questioned, the prosecutor and then the defense counsel may speak.

(6) The court may also render its judgment at the preparatory hearing.

§ 505. (1) If the case cannot be dealt with at the preparatory hearing, the accused and the defense counsel shall not

a) a motion for *the* taking of evidence and other procedural acts,

(b) a motion to exclude evidence

may be submitted.

(2) The accused and the defense counsel shall indicate in the motion specified in subsection (1) the reason and purpose of the submission of the motion. Accordingly, a request for the exclusion of evidence must state the reasons why the evidence submitted by another person is inadmissible, while a request for the taking of evidence must state which fact the evidence sought is intended to prove.

(3) The prosecutor may comment on the motion of the accused or the defense counsel and may submit a motion as specified in subsection (2).

(4) If there is no impediment to the holding of the hearing, the court may hold the hearing immediately.

Procedure in case of non-admission of guilt

§ 506. (1) If the accused did not plead guilty at the preparatory hearing, he or she may plead guilty at any time later in the course of the proceedings.

(2) If the court refuses to accept the accused's statement of guilt or the accused refuses to answer the question regarding the admission of guilt, it shall be deemed that the accused has not pleaded guilty. The same shall apply if the accused pleaded guilty but did not waive his right to a trial within the scope of the confession.

(3) If the accused has not admitted his guilt, he may indicate the facts in the indictment which he accepts as true.

(4) The accused and the defense counsel may present the facts on which the defense is based and the evidence thereof, as well as a motion for the taking of evidence and other procedural acts, as well as a motion for the exclusion of evidence.

(5) ¹¹⁶ The accused and the defense counsel shall indicate in the motion specified in paragraph 4 individually the reason and purpose of the submission of the motion. Accordingly, a request for the exclusion of evidence must state the reasons why the evidence submitted by another person is inadmissible, while a request for the taking of evidence must state which fact the evidence sought is intended to prove.

(6) At the motion of the accused or the defense counsel, the prosecutor may comment and submit a motion as specified in subsection (5), and within fifteen days indicate the facts presented by the accused and the defense counsel, which he accepts as true.

§ 507. (1) The court shall exclude the evidence ex officio or on a motion if it can be clearly established from the file that the use of the evidence is in conflict with this Act.

(2) If it is not possible to decide on the issue of the exclusion of evidence due to the complexity of the case or the content of the file, the court may examine the evidence proposed to be excluded before making a decision.

(3) Excluded evidence or a document containing it shall be treated in a closed manner between the files.

§ 508. The court shall, on the basis of the statement of the accused and after hearing the observations of the prosecutor

a) by disregarding Section 510 (5), he may schedule the hearing immediately and, if there are no obstacles to holding it, he may hold it immediately,

b) determine the scope and extent of the evidence and the order in which the evidence is to be taken,

c) omit proof

ca) the facts accepted as true by the public prosecutor, the accused and the defense counsel,

cb) for an offense which, in addition to the offense of more serious material importance to which he is charged, is irrelevant for the purposes of prosecution.

LXXVII. CHAPTER

OTHER RULES FOR PREPARING THE NEGOTIATION

Schedule the hearing

§ 509. (1) The court shall examine the motions of evidence, set a deadline for the hearing and ensure the conditions for holding the hearing, summonses and notices no later than one month after the closing of the preparatory hearing.

(2) The hearing shall normally take place in the official premises of the court. If the court deems it appropriate, it may provide otherwise and schedule the hearing outside its jurisdiction.

(3) If, due to the length of the evidentiary procedure to be conducted, it is obvious that the case cannot be completed on one day of the hearing, the court may set several or continuous time limits for the hearing.

Summons and notice of hearing

§ 510. (1) The court shall summon the person whose presence at the hearing is obligatory on the set deadline.

(2) The court shall notify the public prosecutor's office and, unless an exception is made in this Act, the expert and those whose presence at the hearing is permitted by this Act. If the prosecution proposes to terminate the accused's right of parental custody, the court will notify the guardianship authority and, provided it exercises parental custody, the other parent.

(3) In the summons or notification, the court shall invite the victim or the interested party to submit their evidence without delay, before the hearing.

(4) At the same time as the notification or summons, the court shall inform the prosecutor's office, the accused and the defense counsel of the evidence which the court intends to take on the set deadline.

(5) The summons shall be served on the accused and the defense counsel at least eight days before the trial (hereinafter: trial interval).

(6) The notice shall be given in time for service at least eight days before the hearing.

Decision after the hearing is scheduled

§ 511. (1) The court - if necessary - the LXXV. It decides on issues regulated in this chapter even after the hearing has been scheduled.

(2) The court may postpone the scheduled hearing for important reasons.

Jurisdiction of the court

§ 512. (1) If the court acts in a council, the council of the court shall decide on the termination of the proceedings and on the coercive measure of the judicial licensee affecting personal liberty during the preparation of the trial. The Council of the Court may decide on any matter which otherwise falls within the competence of the President of the Council.

2. Before the hearing, the President of the Chamber shall decide on matters which do not fall within the competence of the Chamber of the Court under paragraph 1.

3. In preparation for the hearing, the Registrar may act in the following cases:

- a) transmission,
- b) amalgamation and separation,
- c) filling in the deficiencies of the indictment,
- d) suspension of the proceedings pursuant to Section 487, Section 488 (1) a) –b) and e) – g) and (2),
- e) communication of the indictment,
- f) a measure to carry out a procedural act,
- g) the appointment and postponement of the preparatory meeting and the hearing,
- h) summons and notification.

Exclusion of redress

Section 513. (1) The court shall apply this Chapter and LXXV. There is no appeal in its chapter proceedings

a) Section 488 (1) (a) to (b) and Sections 489 to 490 of the Procedure § and Articles 489-490. Rejection of the motion to initiate the procedure specified in §,

b) order the resumption of the suspended proceedings,

c) action taken or refused to remedy deficiencies in the indictment,

d) rejection of the statement of appeal made after being informed of the decision

against.

(2) The court may refrain from making a decision on the appeal against the final non-judicial order, but this shall not prevent it from issuing another non-final decision on the matter.

PART FOURTEEN

THE COURT OF FIRST INSTANCE

LXXVIII. CHAPTER

PROCEDURE OF THE NEGOTIATIONS

Opening of the hearing

§ 514. (1) The hearing shall be opened by the single judge or the chairman of the council, indicating the subject of the accusation, after which the audience shall be warned to maintain order and the consequences of disturbance. It communicates the names of the members of the court, the registrar, the prosecutor and the defense counsel.

2. The single Judge or the President of the Chamber shall record the persons present and determine whether those summoned and notified are present, and shall, as the case may be, examine whether a hearing may be held.

(3) If the presence of the accused is mandatory at the trial and does not appear despite a proper summons, the court shall take measures to ensure the presence of the accused.

4. If it is presumed that the presidency will lead to a result within a reasonable time on the scheduled date of the hearing, the single judge or the chairman of the panel shall, as far as possible, arrange for a witness who has not appeared, despite the proper summons, to be presumed immediately.

5. The single Judge or the President of the Chamber shall summon the absent prosecutor or expert to appear at the hearing. The prosecutor is summoned through the head of the prosecution.

6. The provisions of paragraphs 2 to 5 shall apply to further negotiations.

§ 515. (1) The court shall decide on the commencement of the trial after hearing the prosecutor, the accused or the defense counsel, if a person whose absence does not prevent the holding of the trial has been absent from the trial.

2. If there is no impediment to the hearing, the single Judge or the President of the Chamber shall call the witnesses, with the exception of the victim, to leave the courtroom and warn them of the consequences of the unjustified departure.

(3) An expert shall be summoned to leave only if the court deems it necessary, otherwise the expert may be present at the hearing from the beginning.

(4) Failure to comply with the hearing interval shall not result in the hearing being adjourned if the accused and the defense counsel agree to hold the hearing or if they consent to the hearing.

(5) If the participation of a defense counsel in criminal proceedings is not obligatory and the authorized defense counsel did not appear at the hearing, the hearing may be adjourned if:

(a) the accused person so requests; and

(b) the lawyer's notification was not lawful or it could not be established that it was lawful.

(6) If there is an obstacle to holding the hearing, the court shall adjourn the hearing.

§ 516. (1) The prosecutor, the accused, the defense counsel and the victim before the commencement of the trial

(a) request that the case be referred, joined or separated,

(b) propose the exclusion of the single Judge or the President, member or Registrar of the Chamber; or

(c) specify any other circumstances which may prevent the hearing from being held or which must be taken into account before the hearing is opened.

(2) The accused, the defense counsel and the victim may request the exclusion of the prosecutor before the commencement of the trial.

Commencement of the trial

§ 517. (1) If the single judge or the chairman of the council establishes that there are no obstacles to holding the hearing and the witness or expert has left the courtroom, the court shall commence the hearing.

(2) At the request of the single Judge or the President of the Chamber

(a) the public prosecutor describes the substance of the charge if it did not take place during the preparatory hearing or if it is proposed by the victim because he or she was not present at the preparatory hearing,

(b) the victim present or his or her representative declares whether he or she is asserting a civil claim; if the victim wishes to assert a civil claim, the single judge or the chairman of the council shall call him to state his claim, after which the victim to be heard as a witness shall leave the courtroom.

(3) At the motion of the accused or - with the consent of the accused - the defense counsel, the description of the essence of the accusation may be omitted.

(4) If the court has accepted the statement of guilt at the preparatory hearing, instead of describing the accusation, the court shall describe the essence of the order made about it.

Continuity of trial

§ 518. (1) The court shall not interrupt the initiated proceedings until the end of the case. If necessary due to the size of the case or for other reasons, the single judge or the president of the panel may adjourn the hearing for a maximum of eight days, and the court may adjourn the hearing for evidence or other important reasons.

2. In the case of paragraph 1, the date of the resumption of the hearing shall be set, unless, in view of the reason for the adjournment, it is doubtful that the hearing can be resumed within six months.

(3) The hearing may be resumed without repetition, if there has been no change in the composition of the council, otherwise the hearing shall be repeated. If six months have elapsed since the previous trial date, the trial shall be repeated at the motion of the prosecutor, the accused or the defense counsel. The court repeats the hearing by describing the substance of the previous material in the hearing.

(4) After the court has presented the essence of the previous material of the trial, it shall warn the prosecutor, the accused and the defense counsel that he or she may comment on the presentation or request that the description be supplemented or a procedural act be repeated.

Motions of evidence

§ 519. (1) In the course of the evidentiary proceedings, the public prosecutor's office, the accused, the defense counsel, the victim and, in the circle affecting him or her, the property interested party and other interested parties may make motions and remarks.

(2) The proposed evidence and its order shall be decided by the single judge or the chairman of the council.

(3) Evidence proposed by the public prosecutor's office shall normally precede the taking of evidence requested by the accused and the defense counsel.

(4) The court may omit the evidence

(a) in respect of facts which are admitted by the public prosecutor, the accused or the defense counsel, or

(b) for an offense which, in addition to the offense of more serious material importance to which he is charged, is irrelevant to the prosecution.

§ 520. (1) After the preparation of the trial, the public prosecutor's office, the accused or the defense counsel - without the legal consequences specified in subsections (5) - (6) - may submit a motion of proof if

(a) the fact or means of proof on which the request is based arose after the preparatory meeting or became known through no fault of the petitioner after the preparatory meeting, or

(b) the motion is intended to rebut the probative value of a means of proof, the result of proof, provided that the manner and means of doing so can be recognized only by the evidence taken.

2. In the case of paragraph 1 (a), the petition may be filed within fifteen days of becoming aware of the fact or means of proof on which it is based, at the same time the petitioner must make the date of knowledge and the absence of self-fault probable.

(3) In the case of subsection (1) (b), the motion may be filed within fifteen days from the evidence provided, at the same time the petitioner shall make it probable that the evidence requested will be subsequently recognizable and capable of rebutting the evidence provided.

4. The court or tribunal shall examine the request for evidence as to whether the evidence requested is necessary to clarify the facts and shall then determine whether the request has been made in accordance with the provisions of paragraphs 1 to 3.

(5) If the evidence requested is not necessary to clarify the facts, the court may reject the motion submitted contrary to the provisions of paragraphs 1 to 3 without substantiating it.

(6) If the facts cannot be clarified without conducting the proposed evidence, the court shall also grant the motion submitted contrary to the provisions of subsections (1) - (3). In this case, the court - provided that the submission of the petition is suitable for prolonging the proceedings - may inform the head of the prosecutor's office in case of the motion of the prosecutor's office, otherwise it may impose a fine on the petitioner.

7. The provisions of paragraphs 1 to 6 shall apply mutatis mutandis to the submission of a motion to exclude evidence.

(8) The provisions of subsections (1) - (7) shall apply mutatis mutandis to the motion of the victim and the property interested party after the first hearing date on which the victim or the property interested party was present or could have been present in accordance with the provisions of this Act.

§ 521. (1) If the court has accepted the declaration of guilt, no further proof may be given as to the substantiation of the facts of the indictment and the question of guilt.

(2) The prosecution, the accused and the defense counsel may request evidence within the limits of subsection (1).

(3) If, in comparison with the result of the evidence carried out within the limits of subsection (1), the court finds that the facts or the Criminal Code. Due to a change in the classification under the Criminal Code, there would have been no place to accept a declaration of guilt, he may set aside the order made after obtaining the statement of the prosecutor's office and the accused.

(4) In the case specified in subsection (3), the legal consequences specified in this Act related to the order on the acceptance of a declaration of guilt shall not be applied, and the prosecutor's office, the accused and the defense counsel within fifteen days may submit its motions without any specific restrictions.

Interrogation of the accused

§ 522. (1) The evidentiary procedure begins with the interrogation of the accused. If the accused testified at the preparatory hearing, his questioning may be waived.

(2) An accused person shall normally be questioned in the absence of his or her accomplices who have not yet been heard.

(3) The single judge or the chairman of the council shall, ex officio and in order to protect the prosecutor or the accused, remove from the courtroom, during the interrogation of the accused, the accused accomplice whose presence disturbs the accused during the interrogation.

(4) The accused may, without disturbing the order of the hearing, consult with his defense counsel during the hearing, but during the hearing he may do so only with the permission of the single judge or the chairman of the council.

5. If the personal data of the accused have already been declared during the investigation or court proceedings, the reconciliation of the data recorded in the case file may be carried out not only by the court draftsman, court clerk or court clerk, but only by the judge or the chairman of the council. records any changes to the data.

§ 523. (1) In addition to the warning of the accused, the single judge or the chairman of the council shall warn the accused that he may ask questions, make motions and remarks to the persons heard during the evidentiary proceedings. The warning also extends that if the accused does not testify, the substance of his previous testimony as a defendant may be explained or read out.

2. If, following the warning under paragraph 1, the accused wishes to testify, the single judge or the chairman of the panel shall ask the accused whether he or she pleads guilty.

(3) The accused may testify in connection with the accusation, including his defense.

(4) After the members of the court, the prosecutor, the defense counsel, the victim and, in the circle affecting him or her, the property interested person and the expert may, in that order, address questions to the accused.

(5) The single judge or the chairman of the council shall prohibit the answer to the question if the condition of the question is prohibited by this Act, or may prohibit it if it is repeatedly directed at the same fact.

(6) The single judge or the chairman of the council shall ensure that the manner of questioning does not violate the human dignity of the accused.

§ 524. (1) ¹¹⁷ If the accused confessed his guilt at the trial in the criminal offense which is the subject of the charge, the provisions of subsections (1) - (3) of § 504 shall apply mutatis mutandis to the acceptance of the declaration of guilt.

(2) If the court sees no obstacle to the completion of the case, the single judge or the chairman of the council shall also interrogate the accused in the circumstances of sentencing, and then declare the evidentiary procedure completed.

Defendant's previous testimony

§ 525. (1) The single judge or the chairman of the council may ex officio or read the essence of the testimony of the accused during the investigation and the preparatory hearing on the motion of the prosecutor, the accused or the defense counsel, or with the registrar. and if the accused does not wish to testify at the trial or is in an unknown place.

(2) The essence of the parts of the previous testimony of the accused - made as a suspect or accused in the proceedings - may be described or read if the testimony of the accused differs from his previous testimony.

(3) The essence of the parts of the previous testimony may be disclosed only if the facts and circumstances contained in the statement have been questioned to the accused or the accused testified to these facts and circumstances at the hearing. The single Judge or the President of the Chamber shall ensure that the disclosure is sufficient to establish the facts.

(4) If the hearing of the accused was omitted by the court because the accused testified at the preparatory hearing, the testimony given at the preparatory hearing at the motion of the prosecutor, the accused or the defense counsel shall be disclosed.

Examination of the witness

§ 526. (1) Among the witnesses, the victim shall normally be questioned first.

(2) Witnesses who have not yet been heard shall not be present during the examination of a witness.

(3) In order to protect a witness in need of special treatment, the single judge or the chairman of the council shall, at the request of the prosecutor, the accused or witness or ex officio from the courtroom, remove the accused or the witness from the hearing. confused. The court will later explain the essence of the witness's testimony to the accused.

(4) After the members of the court, the prosecutor, the accused, the defense counsel, the victim and, in the circle affecting him or her, the property interested person and the expert may, in that order, put questions to the witness.

(5) Subsections (5) - (6) of Section 523 shall apply mutatis mutandis to the examination of a witness.

Witness's earlier testimony

§ 527. (1) The single judge or the chairman of the council may present the essence of the testimony of a witness previously given during the proceedings ex officio or read it out at the motion of the prosecutor, accused or defense counsel, or read it out with the registrar if

(a) the witness cannot be heard at the trial or is not possible due to his or her long-term stay abroad,

b) the witness unjustifiably refuses to testify at the hearing or in the case specified in Section 171,

c) the hearing must be repeated pursuant to Section 518 (3),

d) the witness testified in writing under section 181 and the court does not consider it necessary to examine the witness at the hearing.

(2) ¹¹⁸ Except as provided in paragraph (1), the single Judge or the President of the Chamber shall, of his own motion or on application, set out the substance of a witness's previous statement, read his statement or read it out with the Registrar,

a) in order to clarify the applicability of Section 163 (4) (c) , or

b) if the testimony of a witness is necessary for the taking of evidence but the examination of the witness at the hearing is not justified, the court shall not consider it necessary, nor shall it be requested by the prosecutor, the accused or the defense counsel.

§ 528. (1) The single judge or the chairman of the council may, on the motion of the prosecutor, the accused or the defense counsel, or ex officio, present parts of the witness's previous testimony if the witness does not remember what happened or if he or she testified at the trial there is a contradiction between.

(2) The presentation of parts of a previous statement may be made only if the facts and circumstances contained in the statement have been questioned to the witness or the witness testified to those facts and circumstances at the hearing. The single Judge or the President of the Chamber shall ensure that the disclosure is sufficient to establish the facts.

Hearing the expert

Section 529 (1) Following the warning provided for in Section 196 (2), the expert shall be heard with a reasonable application of the provisions concerning the examination of a witness.

2. The expert may, in the course of the hearing, make use of his written opinion or notes and use illustrative means.

Describe and read the essence of the expert opinion

§ 530. (1) The essence of the expert opinion submitted in writing shall be described by the single judge or the chairman of the council or read out at the motion of the prosecutor, the accused or the defense counsel, or read out by the registrar.

(2) If, after explaining or reading the essence of the opinion,

a) *it is* necessary to hear the expert pursuant to Section 197 (1), or

b) the prosecutor, the accused, the defense counsel or the victim wishes to ask the expert a question,

the hearing shall be adjourned and the expert shall be summoned to the scheduled hearing.

Describe and read the essence of the documents

§ 531. (1) At the hearing, the single judge or the chairman of the council shall describe the essence of the documents serving as a means of proof.

(2) The single judge or the chairman of the council may, on the motion of the prosecutor, defense counsel or accused, order that a specific part of the documents be read instead of describing the essence of the documents.

(3) The documents attached and submitted at the hearing shall be attached to the minutes of the hearing by the single judge or the chairman of the council.

Use of a record of a procedural act

§ 532. (1) The single judge or the chairman of the council may present the image, sound or image and sound recording of the procedural act at the hearing ex officio or on the motion of the prosecutor, the accused or the defense counsel.

(2) If the recording contains the testimony of the accused or the witness, the part containing the testimony shall be presented in accordance with Section 525 and Sections 527-528. § shall apply.

Judicial review

§ 533. (1) At the hearing, the single judge or the chairman of the council shall present the material means of proof. If this is not possible, a photograph of the item of evidence must be presented and described.

(2) The court shall examine ex officio at the hearing ex officio or on the motion.

(3) Judicial review shall be held by the court or a member thereof.

Taking of evidence by a seconded judge or requested court

§ 534. (1) If the evidence cannot be carried out at a hearing or encounters extraordinary difficulties, the single judge or a member of the council shall act as a sentenced judge or, if necessary, seek another court of equal jurisdiction. The prosecution, the accused and his defense counsel, as well as the victim, shall be informed of the taking of evidence.

2. The requested court shall be informed of the names and contact details of the accused, the defense counsel and the victim, the facts to be clarified in the course of the evidence, the names and contact details of the persons to be heard and the circumstances in which they are to be heard. The requested court shall be sent the files or copies of the files that are necessary to execute the request.

3. The requested court shall comply with the request within one month. If the requested court has not complied with the request within one month, it shall communicate the impediment to the requesting court. If another court with partial jurisdiction has partial jurisdiction to execute the request, the requested court shall, after taking the evidence attributed to it, send the file to the other competent court and inform the requesting court thereof.

(4) The minutes of the proceedings of the seconded judge and the requested court shall be read out at the hearing.

Suspension of proceedings

§ 535. (1) The suspension of the proceedings after the commencement of the hearing is also justified for the reasons specified in § 487, § 488 (1), and § 489 and § 490.

(2) If the court has suspended the proceedings due to the accused's persistent, serious illness or mental illness after the commission of the crime or because the accused is in an unknown place or abroad, he may order confiscation, confiscation of property, final disclosure of electronic data, or may decide to take the seized thing into state ownership.

(3) There is no place for an appeal in accordance with Section 488 (1) (a) - (b) and Sections 489–490. And against the rejection of the motion to initiate the procedure specified in Section 489 (1) - (2) or Section 490 (1).

Referral, merging, separation

§ 536. (1) After the commencement of the trial, referral shall take place only if the adjudication of the case exceeds the jurisdiction of the court, is subject to military criminal proceedings or another court has exclusive jurisdiction to adjudicate the case pursuant to § 21 (5) - (6). competent.

2. Cases shall be dealt with in accordance with Articles 146 to 147. In the case of the conditions specified in §, it may be merged or separated after the commencement of the trial.

Decisions out of court

§ 537. (1) If the court acts in a council, after the adjournment of the hearing, if necessary, it may also decide in a council meeting

- a) referral of the case,
- (b) the joinder or separation of cases,
- (c) the suspension or termination of the proceedings; and
- (d) the maintenance of a compulsory judicial measure affecting personal liberty.

2. In matters other than those referred to in paragraph 1, the President of the Board shall decide in addition to the hearing.

(3) After the adjournment of the hearing, the court shall decide on the imposition of a coercive measure affecting the personal liberty of the judge at a hearing. Section 494 (3) shall apply mutatis mutandis to the meeting.

Modification of the charge

§ 538. (1) If the public prosecutor's office - with regard to the facts which have been the subject of the accusation and the

- a) is guilty of another offense or a criminal offense of a more serious or less serious nature, changes the charge,
- (b) is guilty of an offense other than that for which he has been charged, extends the charge.

(2) In the event of a modification of the indictment, the public prosecutor's office shall make another motion for the imposition of a penalty or the application of a measure, or shall maintain the motion made in the indictment in this regard.

(3) In the case of subsection (1), the public prosecutor's office may also request a postponement of the hearing.

(4) The public prosecutor's office may amend the indictment at the latest until the decision on the case is made.

(5) In the event of a change in the charge, the court may adjourn the trial if it is requested by the prosecutor or, in order to prepare the defense, by the accused or the defense counsel.

(6) If the charge is extended, the court shall adjourn the hearing for at least eight days at the joint motion of the accused and the defense counsel or may adjourn it ex officio or separate the case to which the charge has been extended.

(7) The case shall be transferred if the adjudication of the amended charge exceeds the jurisdiction of the court, is subject to military criminal proceedings or, subject to Section 21 (5) - (6), falls within the exclusive jurisdiction of another court.

Dropping the charge

§ 539. (1) The prosecutor's office shall drop the charge if, on the basis of the evidence, it is satisfied that

- (a) the offense is not a criminal offense,
- (b) the offense was not committed by the accused or
- (c) the offense is not to be prosecuted.

(2) The public prosecutor's office may drop the charge until the decision is made, and shall be obliged to give reasons for dropping the charge.

(3) If, in the event of a charge being brought, the victim has a place to act as a substitute private prosecutor, the court shall adjourn the trial and serve the victim with a statement from the prosecutor's office containing the charge.

(4) Simultaneously with the service of the statement, the court shall inform the victim of the possibility and conditions of acting as a private prosecutor and of the rights and obligations of the private prosecutor.

5. If the prosecution has dropped the charge for the reason set out in paragraph 1 (c), the court shall also inform the victim that instead of acting as a substitute private prosecutor, he or she may represent the prosecution as a private prosecutor for the offense to be prosecuted. The court shall provide information on the conditions for acting as a private prosecutor, the rights and obligations of the private prosecutor, and also that if the private motion is missing, the victim must supplement his or her statement.

6. The victim may act as a private prosecutor within one month of receiving the information referred to in paragraph 5 and, if the private motion is missing, may replace his statement within that period. If the victim acts as a private prosecutor, he or she cannot act as a substitute private prosecutor.

Completion of the evidentiary procedure

§ 540 After the evidentiary proceedings have been conducted, if a motion for evidence has not been made or has been rejected by the court, the single judge or the president of the panel shall declare the evidentiary proceedings closed and invite the rightholders to hold dialogues and speeches.

The right to dialogue, to speak and to have the last word

§ 541. (1) The prosecutor and the defense counsel shall hold a dialogue, the accused, the victim and the property interested may speak.

(2) If several representatives act in the interests of the victim and the property owner, the opposition shall be held by one of them, as agreed.

(3) If the defense counsel is not present at the trial, the trial may be presented by the accused.

(4) The dialogue may also be submitted to the court in writing. In this case, the trial must be served on the prosecution, the accused and the defense counsel.

5. If the dialogue is submitted in writing, it shall be sufficient to explain the substance of the dialogue when the dialogue is presented orally.

§ 542. (1) If the prosecutor considers the guilt of the accused to be ascertainable, he or she shall submit a motion in his or her trial, indicating the legislation, that the court

a) on the basis of which facts and in what criminal offense the accused is found guilty,

b) the penalties or measures to be imposed,

c) what other provisions to make.

(2) [119](#) The prosecutor may not make a motion in his or her trial regarding the specified amount or duration of the punishment or measure.

(3) If the court has accepted the statement of guilt at the preparatory hearing, the prosecutor may not change the motion of the accused regarding the imposition of the sentence or the application of the measure in his or her proceedings to the detriment of the accused.

(4) The prosecutor, indicating the legislation in his or her conversation, shall make a reasoned motion to acquit the accused if, on the basis of the result of the evidence, he or she is satisfied that

a) it is not proved that the offense was committed or that the offense was committed by the accused, or

b) childhood, pathological state of mind, coercion, threat, error, legitimate protection or ultimate necessity may be established in favor of the accused.

§ 543. (1) After the prosecutor, the victim and the property interested may speak.

2. The victim may state his position on the subject matter of the accusation and state whether he wishes the accused to be found guilty and punished.

(3) A private party may make a motion in the scope of his or her civil law claim, he or she may substantiate this, and in his or her absence, the submitted civil law claim shall be read from the file.

(4) A property interested party may file a motion in a field directly affecting his or her right or legitimate interest.

§ 544. (1) After the speeches, the defense counsel's dialogue follows.

2. In the case of several defendants, the order of the hearings shall be determined by the single Judge or the President of the Chamber.

(3) After the dialogues and speeches, there shall be room for rejoinders in the order in which they appear. An additional response may be given to the rejoinder, and the defense counsel or the accused may speak last.

(4) After the dialogues, speeches or responses, if the accused is hearing impaired, he or she shall be given the opportunity to read the minutes upon request.

§ 545. The right of the last word belongs to the accused before the final decision is made.

§ 546. (1) With the exception specified in subsection (2), the floor may not be withdrawn during the dialogue, the speech of the victim and the right to have the last word.

(2) If the speeches on the right of dialogue or the last word are intended to prolong the proceedings, the single judge or the chairman of the chamber shall warn the person concerned, he may withdraw the word again.

3. The dialogue, the statement of the victim and the rights of the last word shall not be interrupted unless they contain a criminal offense or cause disturbance.

Reopening of the evidentiary procedure

§ 547. The court shall reopen the evidentiary procedure before making a final decision if it deems it necessary due to the content of the dialogues, the speeches or the right to the last word.

Adjournment of the hearing due to the possibility of a different classification from the charge

§ 548. If the court finds after the dialogues, the speeches or the last word that the accused act may be classified differently from the indictment, the trial may be adjourned in order to prepare the defense, for the prosecutor, the accused and he listens to the defender.

Decision making and publication of the decision

§ 549. (1) Following the dialogues, the speeches and the statements made on the right of the last word, the court shall withdraw for the purpose of making a final decision. During the decision-making process, the operative part of the decision must be described and signed by the members of the court.

(2) ¹²⁰ The final decision shall be announced immediately after its adoption. The operative part of the decision given at the hearing, signed by the members of the court, shall be dealt with together with the minutes of the hearing.

(3) The operative part of the final decision shall be read out by the single judge or the chairman of the council and the persons present shall be heard standing. Exceptions may be made by the single Judge or the President of the Chamber in view of the state of health of any person present. After reading the operative part, the single Judge or the President of the Chamber shall state orally the substance of the statement of reasons.

(4) After the announcement, the single judge or the chairman of the council shall serve the operative part of the final decision on the appellants present.

§ 550. (1) If the complexity of the case, the large scope of the decision or other important reasons make it necessary, the hearing may be adjourned for eight, exceptionally fifteen days for the adoption and promulgation of the decision. The deadline for announcing the decision must be set when the hearing is adjourned.

(2) If the accused or the defense counsel did not appear at the hearing despite the proper summons, the decision may be announced in the absence of the accused or the defense counsel. There is no room for justification for this omission.

Statements of Remedies

§ 551. (1) ¹²¹ After service of the operative part of the final decision, the single judge or the chairman of the council shall declare to the person entitled to appeal that:

(a) ¹²² takes note of the final decision,

(b) file an appeal, or

(c) maintain a time limit of three working days for making the declaration.

(2) The order of the statements is as follows: the statement of the prosecutor, the private party, the property interested party, the accused and the defense counsel.

(3) Simultaneously with the provisions of subsection (1), the single judge or the chairman of the council shall provide the appellants with information on the provisions of section 583 (3), section 584 (3) and section 590 (3).

(4) In the case of a non-decisive order published by promulgation, the order of appeals shall be governed by paragraph 2, provided that if the order relates to another interested party, the other interested party may make a statement after the prosecutor.

Decision on coercive measures

§ 552. (1) If the final decision does not become final upon promulgation, the court shall immediately decide on the coercive measure of the judicial licensee affecting personal liberty.

(2) In the case of subsection (1), *in* addition to the reasons specified in Section 276 (2) *a*) and *c*) , arrest may also be ordered if the accused escapes or is absconded, taking into account the duration of the imprisonment imposed in the judgment.

(3) The court shall terminate the coercive measure of a judicial licensee affecting personal liberty and, in the event of arrest or termination of pre-trial compulsory medical treatment, shall take immediate action to release the accused if he has been acquitted, put to probation, imposed a custodial sentence, did not order correctional education or, in the case of dismissal, did not order compulsory medical treatment, and terminated the proceedings.

Closure of the hearing

§ 553. After the statements of appeal have been made and the decision on the coercive measure has been made, the single judge or the chairman of the council shall close the hearing.

Actions of the court after the decision becomes final

§ 554. (1) The single judge or the chairman of the council may decide even after the final decision has become final.

- a*) a translation of the decision to be served,
- b*) rectification of the decision; or
- c*) the release of the detention.

2. The single judge or the chairman of the board shall decide, after the final decision has become final, to determine and bear the criminal costs incurred in connection with paragraph 1.

3. The single Judge or the President of the Chamber may not decide on a matter for simplified review pursuant to paragraph 1 or 2.

LXXIX. CHAPTER

ENFORCEMENT AND SETTLEMENT OF CIVIL LAW

General provisions

§ 555. (1) The principles of the Code of Civil Procedure shall be applied to the enforcement and settlement of civil law claims by:

a) the provisions on the prohibition of testimony and the refusal to testify shall also apply to the private party and the accused in connection with the enforcement and settlement of a civil claim,

b) ¹²³ *In* the event of a breach of the duty to tell the truth and of conduct contrary to the requirement of good faith, no fine shall be imposed on the private party.

(2) ¹²⁴ The following provisions of the Code of Civil Procedure shall apply to the enforcement and settlement of civil claims:

- a*) interpretative provisions,
- b*) provisions on the value of the subject matter,

c) the provisions on the change of person of the parties, with the exception specified in Section 55 (2), with regard to the private party, if the legal successor of the victim acts as a private party in the criminal proceedings,

(d) the provisions on legal succession in respect of the accused, if the newly designated obligor in the civil action is also the defendant in the criminal proceedings,

(e) provisions on costs for costs incurred in a causal context in the exercise of a civil claim which are not criminal costs under this Act.

(3) In the course of the enforcement and settlement of a civil law claim, a reason for exclusion specified in the Civil Procedure Act and not named in this Act may also be reported against the acting judge and court. In order to settle the exclusion, this Law shall otherwise apply by:

a) the exclusion of an exclusion based on a reason specified by the Private Party in the Code of Civil Procedure and not mentioned in this Act shall be avoided,

b) in the case of exclusion based on a reason specified by another in the Code of Civil Procedure and not mentioned in this Act, the single judge or court ordering the exclusion shall establish in its decision that the reason for exclusion exists instead of issuing the exclusion.

(4) In connection with a civil law claim, his or her defense counsel may act as a representative of the accused in criminal proceedings.

(5) ¹²⁵ In enforcing and settling a civil claim, the court shall take into account the case files of its own motion.

(6) In the enforcement and settlement of a civil law claim, evidence shall have the place as specified in this Act.

Filing and withdrawing a civil claim

§ 556. (1) ¹²⁶ The victim may file a civil claim with the court of first instance at the latest in the procedural act in which he or she may have been present for the first time in accordance with the provisions of this Act. Failure to meet the deadline will not be justified.

(2) ¹²⁷ The civil claim must include

(a) an indication of the accused against whom the victim has a civil claim,

(b) a specific request for a court order, in particular the amount or amount of the claim,

c) the right to be enforced by a civil claim,

(d) the facts on which the right sought to be exercised and the application for a judgment is based; and

(e) in the case of a substantive assessment of a civil claim, the manner and place of performance.

(3) ¹²⁸ A private party may withdraw a civil claim at any time during the proceedings.

(4) In the event of the withdrawal of a civil claim, the consequences specified in the Civil Procedure Act for withdrawal of the action shall apply, unless the private party

(a) has declared at the time of the withdrawal of the civil claim that he intends to pursue it by other legal means, and

(b) within two months of the withdrawal of the civil claim, certify that the civil claim has been duly enforced by other legal means.

(5) The accused may not bring a counterclaim against the private party or set off his counterclaim.

Provisional measure

§ 557. If the object of extortion, fraud or usury is the property inhabited by the accused or used free of charge by another person with his consent, in which the victim was resident before the crime was committed, and the civil claim relates to the property may also dispose of the

property and make it available to the private party as an interim measure in the application of the private party.

Communication of a civil claim

§ 558. (1) ¹²⁹ If the submitted civil law claim is suitable for settlement, it shall be communicated to the accused.

(2) With the exception specified in subsection (3), the provisions of the Code of Civil Procedure concerning the legal effects of the filing of an application and the establishment of the legal effects of legal proceedings shall apply to the enforcement and settlement of civil law claims.

(3) The legal effects of the filing of an application and the commencement of legal proceedings specified in the Code of Civil Procedure shall not be extinguished if:

- (a) the court directs the enforcement of the civil claim by other lawful means; or
- b) the private party withdraws the submitted civil claim,

and the private party, with reference to the background of the case, duly enforces his claim by other legal means within one month from the entry into force or final of the decision ordering other legal proceedings or from the receipt of the declaration of revocation. Failure to meet the deadline will result in no justification.

Changing a civil claim

§ 559. (1) ¹³⁰ Unless otherwise provided by law, it is appropriate to change the submitted civil law claim until the decision of the court of first instance is made, if

(a) *in the event of a change in the statement of facts, the private party relies on a different or additional fact which came to his notice after the preparatory meeting for reasons beyond his control or became apparent to him for reasons beyond his control;*

(b) ^{131 in} *the event of a change in the right to be enforced or in the application for a judgment, it is justified by a fact changed in accordance with point (a) which has a direct causal link with the right or application to be enforced, or*

(c) *the change in the civil claim is justified and causally related to the modification of the charge or the establishment of the possibility of a different classification from the charge, and the altered civil claim arises from the same legal relationship.*

(2) In order to change a civil law claim, the provisions of the Civil Procedure Act concerning the change of claim at the substantive trial stage shall otherwise apply.

Directing a civil claim to another legal route

Section 560 (1) ¹³² The court shall order the enforcement of a civil law claim to another legal route if

- (a) terminate the proceedings,
- b) does not acquit the accused and does not establish liability for the violation,
- c) the enforcement of a civil claim is excluded by this Act,
- d) the private party has submitted the civil claim late,
- e) the civil claim has been submitted pursuant to § 557 together with the application for interim measures,
- f) the private party has filed a reason for exclusion specified in the Civil Procedure Act and not named in this Act against the acting judge or court, or on the basis of the exclusion notified by another the court has established a ground for exclusion specified in the Civil Procedure Act and not mentioned in this Act ,

(g) in another lawsuit brought between the private party and the accused against the same right of fact, the legal effect of the action has already been established or its subject-matter has already been finally determined,

h) the private party or the accused does not have legal capacity in civil proceedings,

i) the claim cannot be enforced in court, except in the case of limitation under civil law,

j) the civil action was not brought by the victim,

k) the private party and the accused request the approval of the agreement specified in the Code of Civil Procedure,

l) the substantive assessment of the civil claim would significantly delay the conclusion of the proceedings,

m) the substantive assessment of the civil law claim in criminal proceedings is precluded by other circumstances,

n) the civil claim does not contain the provisions of Section 556 (2) a) –c) , or

o) the merits of the civil claim cannot be determined because the court has ordered the closed processing of the personal data of the private party and the civil claim does not contain the provisions of Section 556 (2) e) .

(2) ¹³³ In the event of the cause specified in *clauses (c) to (e) , (f) to (k) and (n) to (o)* of paragraph 1, the court shall immediately order the enforcement of the civil claim , otherwise in a final decision.

(3) In the case specified in paragraph (1) (e) , the court shall send the civil claim and the application for interim measures to a court having jurisdiction and jurisdiction under the Code of Civil Procedure, together with an instruction to enforce the civil claim.

(4) The enforcement of a civil law claim shall be ordered to another legal route even if the reasons specified in subsection (1) affect only a part of the civil law claim.

LXXX. CHAPTER

JUDGMENTS OF THE COURT OF FIRST INSTANCE

Content of the final decision

§ 561. (1) The introductory part of the final decision shall also indicate the dates of the negotiations.

(2) It contains the operative part of the final decision

(a) *details of* the pre-trial detention of the accused,

b) the name of the accused and his personal data pursuant to Section 184 (2) a) –f) and, if necessary, Section 184 (2) g) ,

c) the criminal offense is covered by the Criminal Code. including the law applicable to the determination of the qualified case of the offense, the criminal or misdemeanor designation of the

(d) other provisions; and

(e) a provision for the payment of criminal costs.

(3) The reasons for the final decision shall be included

a) a reference to the charge, the classification according to the charge and, if necessary, a description of the essence of the facts of the charge,

(b) the facts established concerning the personal circumstances of the accused, from the data relating to the previous convictions of the accused, which were relevant to the decision;

c) the facts established by the court,

(d) *an* indication of the evidence on which the court based its decision and a brief statement of the reasons for which the court did not accept the evidence and why or not,

- e) the classification of the act as established by the court,
- f) the reasons for the other provisions of the decision and the rejection of the motions, in particular the motions for evidence, indicating the legislation applied,
- g) ¹³⁴ the reasons why the court - in the matter specified in Section 649 (1) and (2), which is the basis for the review procedure, deviated from the decision published in the Collection of Court Decisions of the Curia, excluding the decision on legal unity.

§ 562. (1) If neither the prosecutor, the accused nor the defense counsel has filed an appeal against the final decision communicated by way of promulgation or service, the abbreviated justification of the decision is provided in § 561 (3) *a) – c)* and *(e)* as well as an indication of the applicable legislation. If the court has taken into account the length of the criminal proceedings as an attenuating circumstance when imposing the sentence, a reference to this must be included in the abbreviated statement of reasons for the decision.

(2) If the appeal is directed only against the provision concerning the penalty or the measure, the reasons for the final decision shall also be based on those specified in Section 561 (3) (*a) to (c)* and *(e)* and Section 564 (4). can stand.

(3) If the final decision provides for more than one criminal offense, the reasons for the offense not covered by the appeal shall be those set out in Section 561 (3) (*a) to (c)* and *(e)* and Section 564 (4) and the may also consist of an indication of the legislation.

(4) If the court has accepted the accused's declaration of guilt and established the accused's guilt on this basis, the grounds of the judgment shall be as set out in Section 561 (3) *a) – c)* and *(e)* and the confession of guilt shall be may also consist of a reference to the adoption of the declaration and the legislation applicable. If the court has taken into account the length of the criminal proceedings as an attenuating circumstance when imposing the sentence, a reference to this must be included in the reasoning of the judgment accepting the statement of guilt.

(5) If the final decision concerns several defendants, the reasons shall be given

a) only with respect to an accused on the basis of paragraph (1) in writing, against whom the peremptory decision became final in the first instance,

(b) may also be made in writing pursuant to paragraph 4 in respect of an accused person in respect of whom the court has accepted a declaration of guilt.

(6) If the appeal is directed only against the issue of the judgment which is the subject of the simplified review procedure, as well as against the provision of civil law claim or termination of parental custody, the grounds of the judgment shall be provided in Section 561 (3) (*a) to (c)* and *(e)* and, in the case of a conviction, may also consist of the provisions of Section 564 (4) (*b)* , as well as the reasons for the provision challenged on appeal and an indication of the applicable legislation.

The verdict

§ 563. The court shall decide on the charge by conviction if the accused is found guilty or acquitted.

Conviction

§ 564. (1) The court shall declare the accused guilty if he finds that he has committed a criminal offense and is punishable.

(2) Contained in the operative part of the conviction

a) the decision of the court to find the accused guilty,

(b) the penalty imposed or the measure taken and any other legal consequences,

(c) special rules of conduct laid down by the court if the court places the accused under probation,

(d) if the court fails to impose the sentence.

(3) If the guilt of the accused is established by the court due to an offense committed during the trial or before the trial, the provision ordering the trial shall be revoked, the trial shall be terminated and a collective penalty shall be imposed.

(4) The reasons for the conviction shall be included

(a) *in the event of the* imposition of a penalty, the application of a measure or the omission of such a measure, the reasons for that decision, indicating the legislation applied,

(b) if the court took into account the length of the criminal proceedings as an attenuating circumstance when imposing the sentence, a reference to this as well.

§ 565. (1) If the court has accepted the statement of guilt, it shall base the accused's guilt on the admission of guilt, the acceptance of the statement of guilt and the records of the proceedings.

(2) If the court has accepted the statement of guilt at the preparatory hearing, it may not impose a less favorable punishment or apply a less favorable measure than that contained in the indictment or the motion submitted pursuant to Section 502 (1).

The acquittal

§ 566. (1) The court shall acquit the accused from the charge if

a) the act is not a criminal offense,

b) the offense was not committed by the accused,

(c) *it is* not established that the offense was committed or that the offense was committed by the accused, or

d) ¹³⁵ a ground may be established which excludes the guilt of the accused or the criminal nature of the act.

(2) The operative part of the acquittal judgment shall contain the decision of the court to acquit the accused.

(3) If the conditions for the compulsory medical treatment of an accused acquitted due to his or her abnormal state of mind exist, the court shall order the compulsory medical treatment of the accused.

4. The grounds for the acquittal shall include an indication of the reason which led the court in reaching its judgment, as set out in *points (a) to (d)* of paragraph 1 .

(5) If the grounds for dismissal are childhood or a state of mind, the court may order confiscation, confiscation of property or permanent inaccessibility of electronic data.

Order terminating the proceedings

§ 567. (1) The court shall terminate the proceedings by ordering a case decision if

a) the accused has ceased to be punishable by death, limitation, pardon or other reasons specified by law,

b) the act has been the subject of a final judgment,

(c) the prosecution has dropped the charge and there is no room for private prosecution or substitute private prosecution, or the victim has not acted as private prosecutor or substitute private prosecutor,

d) on the basis of the receipt of criminal proceedings or the result of a consultation procedure provided for in the Act on Criminal Cooperation with the Member States of the European Union, the criminal proceedings are conducted by an authority of another state,

e) the case does not fall under Hungarian criminal jurisdiction, or

(f) is being prosecuted for an offense which, in addition to the offense of more serious material importance to which he or she is charged, is irrelevant to the prosecution.

(2) The court shall terminate the proceedings by a non - decision - making order if
a) ^{136 of} the report either to the Attorney General in Section 4 (9) or to the Criminal Code. The provision specified in Section 3 (3) is missing,

b) the private motion is missing and cannot be replaced pursuant to Section 381 (4),

c) the charge was not brought by the person entitled to it, or

d) the indictment does not contain or does not contain the legal elements described in Section 422 (1), and therefore the indictment is unfit to be adjudicated on the merits.

(3) Upon detection of the reason specified in subsections (1) - (2), the court shall immediately terminate the proceedings.

(4) The operative part of the order terminating the proceedings shall contain the decision of the court to terminate the proceedings.

5. The grounds for the order terminating the proceedings shall also include an indication of the reason which led the court in drawing up the order, as set out in *points (a) to (f)* of paragraph 1 or points (a) to (d) of paragraph 2 , and the facts and circumstances on which they are based.

(6) Order terminating the non-judicial procedure

a) the introductory part also contains the provisions of Section 561 (1),

b) the operative part contains the provisions of Section 561 (2) *a) –e)* ,

c) its justification contains, as necessary, the provisions of Section 561 (3) *a) –f)* .

7. If, after the final decision has been pronounced and before it becomes final, it becomes known that the accused has died or received a pardon and no appeal has been lodged against the decision, the court shall annul the final decision or the part of the decision concerning that accused. and terminate the proceedings due to the death or procedural pardon of the accused.

§ 568. If the prosecution has dropped the charge and there may be a substitute private prosecution, the termination of the proceedings shall not be precluded by the fact that the victim could not be served with the prosecutor's statement because he was in an unknown place.

Section 569 (1) ¹³⁷ In the event of termination of the proceedings pursuant to Section 567 (1) (*a)* and (*f)* and Section (2) (*b)* , the court may, in a court order, confiscate, confiscate property or make electronic data permanently inaccessible. you can order.

(2) In the event of termination of the proceedings pursuant to Section 567 (7), the court shall maintain in force the provision of the previous court decision declaring confiscation, confiscation of property or final disclosure of electronic data.

Provision for the permanent inaccessibility of electronic data by the permanent blocking of access

§ 570. The court shall order the execution of the electronic data to be permanently inaccessible ex officio or at the request of the prosecutor's office by permanently blocking access to the electronic data, if temporary blocking of access to the electronic data has been ordered pursuant to § 337 (1), and prevention is still justified.

Adjudication of a civil claim

571. § ¹³⁸ (1) The court shall decide on the merits of a civil law claim by a judgment, grant it or reject it.

(2) If the court determines in its judgment the amount of damage or property damage caused by the criminal offense or the value of the commission of the criminal offense, the submitted civil claim shall be adjudicated on the merits up to the amount of this amount.

(3) The provisions of the Act on the Procedure of Civil Procedure concerning the limits of the substantive decision, the term of performance and its calculation shall apply to the adjudication of a civil law claim.

(4) A court may declare a provision of a judgment relating to a civil claim to be enforceable in advance in accordance with the provisions of the Code of Civil Procedure concerning preliminary enforceability.

Termination of parental responsibility

§ 572. (1) Pursuant to the provisions of the Civil Code Act concerning the termination of parental custody, a court may, on the motion of the public prosecutor's office, terminate the accused's parental custody if he or she declares the accused guilty of an intentional criminal offense against his or her child.

(2) The submission of a motion for the termination of parental custody may be initiated by the accused's child and the other parent of the accused's child at the prosecutor's office. If the prosecution does not agree with the initiative, it will immediately send the initiative to the guardianship authority to consider initiating a lawsuit for the termination of parental custody and inform the initiator accordingly.

(3) The court shall order the enforcement of a claim for the termination of parental custody to another lawful route if the adjudication of the petition would significantly delay the completion of the criminal proceedings or the substantive adjudication of the petition in the criminal proceedings is precluded by other circumstances.

Adjudication of the infringement

§ 573. (1) If, in comparison with the result of the trial, the court finds that the act which is the subject of the accusation is an offense and therefore acquits the accused, it shall adjudicate the offense.

(2) In the case of subsection (1), the court may order confiscation and adjudicate on the merits of the civil claim.

(3) If the accused has been charged with more than one criminal offense and the court finds that an offense has been committed, the court may terminate the proceedings for that offense if, in addition to the other offense charged, that offense is prosecuted. it does not matter.

To bear the cost of the crime

§ 574. (1) The court shall oblige the accused to bear the criminal costs specified in § 145 (1) if he or she is found guilty or is found liable for the commission of an offense.

2. An accused person may be ordered to pay criminal costs only in respect of the act or part of the facts for which he has been found guilty or liable.

(3) The accused may not be obliged to bear the criminal costs which - not due to his / her negligence - have been incurred unnecessarily or which other persons must be ordered to bear pursuant to law.

(4) The court shall order the accused who have been found guilty to bear the criminal costs separately. If the criminal costs or a specified part thereof cannot be separated according to the defendants convicted, the court shall jointly and severally order the defendants to pay the criminal costs.

(5) The court may release the accused from paying a part of the criminal costs disproportionately large in relation to the material gravity of the criminal offense.

§ 575. (1) If the court acquits the accused or terminates the proceedings against him, the state shall bear the criminal costs specified in § 145 (1) a) .

(2) If the accused is acquitted or the proceedings are terminated, the accused shall also be ordered to pay the costs incurred as a result of his negligence.

(3) In the event of termination of the proceedings, the court may order the accused to pay all or part of the criminal costs if the proceedings are terminated because the Criminal Code. Due

to the reason specified in the Special Part, which terminates the criminal liability depending on the conduct of the accused, the accused has ceased to be criminal.

§ 576. (1) It is borne by the state

a) the costs which the defendant is not required to reimburse under section 76 (a) , and

b) ¹³⁹ the costs incurred in connection with the fact that the accused is hearing-impaired, speech-impaired, blind, deaf-blind, or does not know the Hungarian language, or used his or her mother tongue during the proceedings.

(2) If the prosecution was represented by the prosecutor's office and the court acquits the accused, except in the case specified in Section 566 (3), or terminates the proceedings against him due to the prosecution of the prosecutor's office, the state shall - to the extent specified by law - reimburse the costs of the accused, as well as the fees and costs of his authorized counsel.

§ 577. (1) The court shall determine in its final decision, without determining the amount or determining the proportional part of the fee, who shall bear the probation lawyer's fee. The court making the final decision shall inform the legal aid service dealing with the issue of legal aid within eight days by providing the following information:

a) the decision to charge a probationary lawyer's fee,

b) the name, address, notification address, actual place of residence, service address, mother's name, date of birth, in the case of an organization, name, registered office, name of the registration body, registration number of the person liable to pay the probationary lawyer's fee.

(2) The probation lawyer's fee, which the person participating in the criminal proceedings cannot be obliged to pay, shall be borne by the state.

§ 578. (1) Upon the request submitted immediately after the final decision has become final, the single judge or the chairman of the council may grant a deferral or installment payment for the payment of the criminal costs of the state. TV. Under the conditions and within the limits specified in Section 42 (1). In the case of criminal costs not exceeding fifty thousand forints, a deferral of up to two months or a three-month installment payment may be permitted on the basis of the available data.

(2) A request for deferral or installment payment shall not have suspensory effect.

(3) The court which made the final decision shall decide on the application. There is no appeal against this decision.

LXXXI. CHAPTER

THE APPEAL

The right of appeal

§ 579. (1) An appeal against a final decision of a court of first instance may be lodged with the court of second instance.

(2) An appeal against a non-decision-making order of a court of first instance shall be subject to an appeal to the court of second instance, unless this is precluded by this Act.

(3) The rules for appealing against a judgment shall apply to the settlement of an appeal against an order, provided that in the case of a non-judgment order:

a) Section 583 (3) and Section 590 (5) and

b) other interested parties have the right to appeal.

Limits of the appeal

Section 580 (1) There is no place for appeal

a) against a petition for the termination of parental custody and against a lawful order to enforce a civil claim,

- (b) against the dismissal of an appeal notified after acknowledgment of the judgment,
- (c) on the grounds that the court has given a final decision in the absence of the accused, if the presence of the accused at the hearing was not mandatory,
- (d) against the order for reference; and
- (e) against a judicial measure which does not require a decision.

(2) If the court has accepted the accused's statement of guilt by an order, there shall be no appeal against the judgment.

- (a) a finding of guilt; or
- (b) the facts and classification of the charge due to.

(3) If there is no appeal against the order or measure of the court, the person entitled to appeal against the final decision may appeal against the order or measure of the court in his appeal against the final decision.

They have the right to appeal

§ 581. He has the right to appeal against the judgment of the court of first instance

- a) the accused,
- b) the prosecutor's office,
- c) the defense counsel, even without the consent of the accused,
- d) the heir of the accused, against a provision granting a civil claim,
- e) the accused's spouse or partner against the ordering of compulsory medical treatment, even without the accused's consent,
- f) the private party opposes the provision assessing the merits of the civil claim,
- (g) the proprietor of the property against the provision relating to him.

Notice of appeal

§ 582. (1) With whom the court of first instance notifies the judgment by promulgation, it may immediately announce its appeal or reserve three working days for this. Failure to meet this deadline is not justified.

(2) If the court of first instance notifies the non-decisive order by publication, the appeal shall be announced at the time of publication of the order.

3. An appeal may be brought against a judgment served by service within eight days. This provision shall also apply if the court of first instance communicates the operative part of the judgment by service.

(4) An appeal which was not notified at the time of publication shall be lodged with the Court of First Instance in writing or recorded in the minutes.

5. The court of first instance shall inform the accused and the defense counsel of the appeal filed by the public prosecutor's office pursuant to subsection (4).

Grounds, content and direction of the appeal

§ 583. (1) An appeal is valid for legal and factual reasons.

2. There shall be a right of appeal against any provision of the judgment and the grounds on which it is based.

(3) An appeal shall lie only

- (a) the sex and the extent or duration of the penalty or measure imposed,
- (b) a provision of the judgment which is the subject of a simplified review procedure, a provision on the application for the cessation of parental responsibility or a substantive civil action, or

c) the content of the grounds for the acquittal judgment pursuant to Section 566 (4) and the grounds for the termination decision pursuant to Section 567 (5) also against.

(4) The prosecutor's office may also appeal against the accused and in favor of the accused, the accused and the defense counsel may only appeal in favor of the accused; the prosecution must indicate in its appeal if it is directed against the accused.

§ 584. (1) The appellant shall indicate against which provision of the judgment or which part of the reasoning his appeal is lodged.

(2) If the court has found the accused guilty in several of its criminal offenses or has acquitted or terminated the proceedings against him or her on charges of several criminal offenses, the appeal shall indicate which provision he or she is infringing.

(3) The appellant may not subsequently extend his appeal pursuant to Section 583 (3).

(4) If the appeal lodged does not comply with the provisions of paragraphs 1 to 2 and its content cannot be clarified at the time of notification, it shall be deemed to have been notified against all the provisions of the judgment, with the exception of the acquittal or the dismissal provision.

(5) A new fact or new evidence may be established in the appeal only if the appellant suspects that the fact or evidence on which the appeal is based arose after the judgment was pronounced or became known through no fault of his own after the judgment was pronounced. An appeal may also include evidence which was rejected by the court of first instance.

(6) The public prosecutor's office and the defense counsel shall be obliged to substantiate the appeal in writing. The statement of reasons may be lodged with the court of first instance until the file has been lodged and with the court of second instance after the file has been lodged, at the latest on the fifteenth day before the hearing or trial.

(7) If the time limit specified in subsection (6) is missed by the public prosecutor's office, the chairman of the council shall inform the head of the public prosecutor's office thereof.

§ 585. A private party may change a civil claim in an appeal against a provision of a judgment of a court of first instance adjudicating the merits of a civil claim and in second instance court proceedings under the provisions of the Code of Civil Procedure on changes in lawsuits and related proceedings.

Observations on the appeal

§ 586. (1) Until the submission of the case file, the persons concerned by the appeal may submit observations on the appeal to the court of first instance, and after the submission of the file to the court of second instance.

(2) In the remarks of the public prosecutor's office and the accused concerned by the appeal or his or her defense counsel, he or she may invoke the ground for revocation specified in Section 607 (1) and Section 608 (1) even if he or she has not appealed.

Withdrawal of the appeal

§ 587. (1) The appellant may withdraw his appeal until the decision of the court of second instance adjudicating the appeal is made.

(2) The appeal of the public prosecutor's office may be withdrawn by the public prosecutor's office attached to the court of second instance after the submission of the case files. If the public prosecutor's office withdraws the appeal and no one else has appealed, the case files are returned to the court of first instance together with his statement.

(3) An appeal filed by another person in favor of the accused may be withdrawn by the appellant only with the consent of the accused. This provision does not apply to appeals from the prosecution.

4. A withdrawn appeal may not be re-lodged.

Actions to be taken by the Court of First Instance and the Public Prosecutor's Office following an appeal

§ 588. (1) An appeal which is excluded by law, originates from a person not entitled to it or is delayed shall be rejected by the court of first instance. An appeal lodged again in this way shall be dismissed by the court without giving any substantive reasons.

(2) If the time limit for appeal has expired for all rightholders, the single judge or the President of the Chamber of the Court of First Instance shall file the case with the Court of Appeal immediately after the final decision has been recorded in writing.

3. If an appeal is based on a procedural irregularity the circumstances of which are not apparent from the file, the single Judge or the President of the Chamber shall state that fact in the application.

(4) The public prosecutor's office attached to the court of second instance shall send the case files to the court of second instance within two months with its motion, especially in a complex or large-scale case. In exceptional cases, the head of the prosecutor's office may extend the deadline by another month.

PART FIFTEEN

THE COURT OF FIRST INSTANCE

LXXXII. CHAPTER

GENERAL RULES OF PROCEDURE FOR SECONDARY COURT PROCEEDINGS

Provisions applicable at second instance

§ 589. The provisions laid down in **Sections** Eleventh and Thirteenth to Fourteenth shall apply in appellate court proceedings with the exceptions provided for in this Part.

Extent of the review

§ 590. (1) The court of second instance, unless this Act makes an exception, shall review the judgment appealed against together with the court proceedings preceding it.

(2) Unless otherwise provided by this Act, the court shall review the merits of the judgment, the provisions of the judgment relating to the establishment of guilt, classification of a criminal offense, imposition of a sentence, application of a measure, correctness of reasoning and observance of procedural rules, who, for what reason, appealed.

(3) If the appeal has been notified solely on the basis of Section 583 (3), the court of second instance shall review only the provision or part of the judgment which is affected by the appeal.

(4) If the judgment of the court of first instance provided for several criminal offenses, the court of second instance shall review only the provision or part of the judgment relating to the criminal offense which is the subject of the appeal.

(5) ¹⁴⁰ In the case specified in subsections (3) and (4), the court of second instance shall also review the part of the judgment not subject to appeal.

a) in court proceedings at first instance, and in doing so examines the observance of the procedural rules, in case of violation of which the judgment shall be set aside pursuant to Section 607 (1) and Section 608 (1),

(b) a finding of guilt if the accused person is to be acquitted or the proceedings against him are terminated,

(c) a provision on the classification of the offense; and

(d) a provision imposing a penalty or measure.

(6) If the appeal has been filed pursuant to Section 583 (3) (b) , the court of second instance shall review the provision on the imposition of a penalty or the application of a measure pursuant to Section (5) if the finding of guilt or the commission of a criminal offense changes the provision on the classification of

(7) In the case specified in subsection (2) or if the appeal has been filed pursuant to section 583 (3) a) or b) , the court of second instance shall decide of its own motion on the matters subject to simplified review and the right of parental custody. and provisions on civil law claims.

(8) A provision of a judgment which acquits or terminates proceedings and against which no appeal has been lodged shall not be subject to review.

(9) If the judgment of the court of first instance provided for several accused persons, the court of second instance shall, within the framework of paragraphs 4 to 8, review only the provision or part of the judgment relating to the accused subject to the appeal.

10. Where several appellants have lodged an appeal in respect of the same offense and at least one appeal infringes a criminal conviction provision of the judgment of the court of first instance, the appellate court shall review the judgment under appeal and the pre-litigation procedure in accordance with paragraph 2. .

(11) The court of second instance shall acquit the accused who is not subject to the appeal, mitigate his unlawful punishment or the measure applied to him instead of punishment due to the lesser classification of his criminal offense, or annul the provision of the judgment of the court of first instance concerning him and terminate the proceedings against him. or order the court of first instance to reopen the proceedings if it decides the same in respect of the accused subject to the appeal.

(12) If the court of first instance annuls a provision of a judgment of the court of first instance concerning a defendant not subject to appeal or acquits a defendant not subject to appeal and the sentence imposed by that court on that accused has been combined, the court of second instance shall repeals.

(13) If the judgment is unfounded, the court of first instance may be ordered to apply a new proceeding pursuant to paragraph 11 if this may result in the acquittal of the accused not subject to the appeal, reduction of the punishment for a less serious offense or termination of the proceedings.

Bound to the facts of the judgment of the Court of First Instance

§ 591. (1) The court of second instance shall base its decision on the facts established by the court of first instance, unless the judgment of the court of first instance is unfounded or a new fact or new evidence has been established in the appeal and the court of second instance conducts evidentiary proceedings.

(2) The court of second instance shall not examine the merits of the judgment of the court of first instance and shall base its decision on the facts established by the court of first instance,

a) if the appeal was filed solely on the basis of Section 583 (3),

b) in the case of Section 590 (5), in respect of a provision or part of a judgment relating to an offense not covered by the appeal.

The unfoundedness and its consequences

§ 592. (1) The judgment of the court of first instance is completely unfounded if

(a) the court of first instance has not established the facts, or

(b) the facts are entirely undiscovered.

The judgment of the Court of First Instance shall be partially unfounded if:

- (a) the Court of First Instance did not establish the facts in full,
- b) the facts are partly undiscovered,
- (c) the facts established are inconsistent with the content of the evidence file held by the court,
- (d) the Court of First Instance erred in concluding from the findings of fact.

§ 593. (1) The court of second instance shall eliminate the partial unfoundedness of the judgment, in the course of which

(a) supplement or correct the facts if the correct facts can be established by the content of the documents relating to the evidence taken by the court of first instance, by a factual finding or by the evidence adduced,

(b) on the basis of the content of the case-file, the factual finding or the evidence adduced by the court of first instance, a fact other than that established by the court of first instance may be established if the accused is acquitted or partially acquitted or the proceedings are terminated,

(c) establish the guilt of the accused acquitted by the court of first instance by establishing a factual situation different from that established by the court of first instance on the basis of the content of the documents relating to the evidence taken by the court of first instance or a finding of fact.

(2) The appellate court can only assess the relation with the facts, the evidence, unlike the first-instance court, which took up evidence unless the accused in paragraph (1) based on the content or factual conclusions files concerning the evidence conducted by the Court of First Instance b) of dismiss or terminate the proceedings.

(3) The court of second instance shall review the judgment of the court of first instance on the basis of the corrected, supplemented or otherwise established facts.

(4) If the unfoundedness is obviously due to the failure to comply with the obligation set forth in Section 164 (1), the consequences of the unfounded shall not be applicable.

Evidence in second instance court proceedings

§ 594. (1) The taking of evidence in a court of second instance is partly unfounded in order to eliminate a procedural violation and is appropriate if a new fact has been established or new evidence has been relied on in the appeal.

(2) The court of second instance shall refrain from taking evidence in respect of a fact which did not affect the establishment of guilt, acquittal, termination of proceedings, classification of the criminal offense, imposition of punishment or application of the measure.

Prohibition of aggravation

§ 595. (1) The guilt of the accused acquitted by the court of first instance, the punishment of the accused or the measure applied instead of the punishment may be aggravated only if an appeal has been filed against him. This is also the case if the appellate court takes evidence and a more serious crime can be established as a result.

2. An appeal brought against the accused shall be deemed to be directed to establish his guilt, to classify his offense more severely, to aggravate his sentence or to impose a more severe measure than a measure imposed on him instead of a sentence, or to impose a penalty instead of such a measure.

(3) If the court of first instance acquits the accused of a criminal offense or terminates the proceedings against him in addition to the penalty or measure imposed in lieu of a criminal offense, the penalty imposed on the criminal offense or the measure applied in lieu of the penalty an appeal against the dismissal or termination was lodged only at the expense of the

appellant - may be aggravated only if the appeal notified on the basis of the dismissal or terminating provision of the judgment is successful.

(4) Due to the prohibition of aggravation, the court of second instance may not impose an appeal against the accused in the absence of an appeal.

(a) a penalty against a person whose case has been decided at first instance by an action taken independently,

b) imprisonment in lieu of suspension, expulsion in the public interest, fine, disqualification from driving, disqualification from driving, disqualification from attending sports events, expulsion without suspension,

c) a custodial sentence to be executed instead of a suspended custodial sentence,

(d) a longer term of imprisonment instead of a custodial sentence, even if suspended,

(e) additional penalties in excess of those imposed by the court of first instance, including custodial sentences;

f) an ancillary penalty not applied by the court of first instance,

g) deprivation of liberty instead of demotion or termination of service, even with its suspension.

(5) In the case of imprisonment for life, the determination of the earliest date of parole or the exclusion of the possibility of parole shall be considered as aggravating the punishment, and an appeal to that effect shall be deemed to have been filed against the accused.

(6) If the court of first instance has not provided for confiscation, confiscation of property or permanent unavailability of electronic data despite the provisions of law, but the facts contain the information necessary for the decision, the court of second instance may also decide on this if the accused no appeal was lodged against him.

(7) If the court of first instance has applied a legal penalty for an infringement, this legal penalty may be aggravated in the second-instance proceedings if the appeal is against the exculpatory provision or it is intended to aggravate the legal penalty applied for the infringement.

LXXXIII. CHAPTER

SETTLEMENT OF THE APPEAL

Preparation of the appeal

§ 596. (1) Chairman of the Chamber of the Court of Second Instance

(a) take steps, if necessary, to remedy deficiencies, supplement the file, obtain new files or obtain information from the Court of First Instance;

(b) return the file to the Court of First Instance if the appeals have been withdrawn,

(c) serve on the accused and the defense counsel the appeal filed by the other party and the motion of the prosecutor's office attached to the appellate court,

(d) send the grounds of appeal of the accused or defense counsel to the public prosecutor's office attached to the court of second instance, if it has been submitted to the court of second instance and has not yet been sent directly to him,

(e) examine whether the participation of the prosecutor and the defense counsel in the second instance proceedings is obligatory,

(f) examine whether it is necessary to rule on a coercive measure affecting the liberty of a judge.

2. The President of the Board shall, within two months of the receipt of the file, set a hearing, a public hearing or a hearing to hear the appeal as soon as possible.

3. The court of second instance may order evidence before the hearing and the President of the Chamber may take the necessary measures to that end.

Dismissal of the appeal, referral, stay of proceedings

Section 597 (1) The court of second instance shall dismiss the appeal if, in the cases listed in section 588 (1), the court of first instance has failed to reject the appeal.

(2) If the court of second instance has no jurisdiction or jurisdiction to hear the appeal, it shall transfer the case file to the court with jurisdiction and jurisdiction at a chamber meeting.

(3) The court of second instance may suspend the proceedings in a chamber meeting in Section 487, Section 488 (1) (*a*), (*c*) and (*d*) to (*g*) and Sections 489 to 490. For the reasons set out in

The council meeting

§ 598. (1) The court of second instance shall decide in a council session

(*a*) dismiss the appeal, refer the case, join or separate the cases, stay the proceedings,

(*b*) the acquittal of the accused or the termination of the proceedings against him,

(*c*) the dismissal of the accused person not appealed against or the termination of the proceedings against him, provided that these provisions are also adopted in the case of the accused person concerned by the appeal,

(*d*) if the court of first instance rendered its judgment in breach of procedure specified in Section 608 (1),

(*e*) if the court of first instance has terminated the criminal proceedings pursuant to Section 492,

(*f*) if the appeal was filed solely on the basis of Section 583 (3) (*b*) ,

(*g*) where an appeal against a decision of the Court of First Instance is not admissible without the taking of evidence.

(2) The court of second instance shall also decide in a Chamber if no appeal has been lodged against the judgment against the accused or the appeal against the accused is based solely on Section 583 (3) (*a*) or (*c*) and a public hearing or the appointment of a hearing is not proposed by the prosecution, the accused, the defense counsel, or the appellant.

(3) The chairman of the council may schedule a public meeting or hearing on a matter belonging to the council meeting.

(4) The chairman of the council shall notify the prosecutor's office, the accused, the defense counsel and the appellant of the appointment of the council, the date of the council meeting and inform them that they may comment on the appeal, motion or statement announced by the other party within eight days.

5. If, in the case provided for in paragraph 2, the President of the Board has not, of his own motion, held a public meeting or hearing, the information referred to in paragraph 4 shall include the possibility of a public meeting or hearing within the time limit set for submitting observations. Failure to meet this deadline is not justified.

(6) If the court of second instance determines in a chamber session that the case cannot be conducted in a chamber session, the case shall be assigned to a public sitting or hearing. The court of second instance may also make a decision in a chamber meeting in open court or at a hearing if the underlying reason is perceived in public session or at a hearing.

The public meeting

§ 599. (1) The court of second instance shall hold a public hearing to settle the appeal, unless the matter can be held in a council meeting or a hearing must be held.

(2) The court of second instance in open court

(a) *in* the event of a partial unfounded judgment of the Court of First Instance, find that the facts are complete or correct, if that is possible by the content of the case-file or the factual inference of the evidence before the Court of First Instance;

(b) hear the accused in the case in order to further clarify the circumstances of the sentence.

(3) The presentation of the matter in public session may be omitted if it is not proposed by those present.

(4) The presence of a prosecutor at a public hearing is not obligatory.

(5) An appeal may be adjudicated in the absence of the accused duly summoned even if it has been established as a result of the public hearing that it is not necessary to hear him.

The trial

Section 600 (1) The court of second instance shall hold a hearing if

a) the matter cannot be dealt with in a council meeting,

b) *the* taking of evidence is necessary,

(c) a matter relating to a council meeting or a public meeting has been referred to it by the President of the council.

(2) The victim and the appellant shall be notified of the hearing.

(3) The trial may be held in the absence of the duly summoned accused, and the appeal may be heard even if no appeal has been lodged against the accused.

(4) There is no place for justification due to the failure to hear.

§ 601. (1) At the hearing, the judge appointed by the chairman of the council shall present the case. It sets out the substance of the judgment of the Court of First Instance, the appeal and the observations thereon, and, from the case-file, the information necessary for the review. The statement of reasons for the judgment of the court of first instance may be dispensed with if it is not requested by those present and is not considered necessary by the court of second instance.

(2) The members of the court, the prosecutor, the accused, the defense counsel and the victim may request the supplementation of the presentation of the case, after which the appellants shall be allowed to submit their remarks or motions - in the case of a motion for proof, Section 584 (5). within the framework of the

3. Evidence shall be taken after the case has been presented or the motions set out in paragraph 2 have been made.

(4) Section 520 shall apply in the case of a motion for evidence submitted after the commencement of the evidentiary proceedings.

(5) After the presentation of the case or the taking of evidence, the persons entitled to do so shall hold a dialogue or speak. The appellant holds a dialogue first. If the prosecution has also appealed, the prosecutor will first announce the trial.

(6) If the court of second instance finds before the decision of the court that the act may be classified differently from the classification established by the court of first instance, it shall act in accordance with the provisions of Section 548.

Coercive measure decision

§ 602. In the event of the annulment of a judgment of the court of first instance, the court of second instance shall decide on the coercive measure of the judicial licensee affecting personal liberty in the annulment order. The court of second instance shall issue a coercive judicial measure affecting personal liberty pending the decision of the court ordering the retrial in accordance with Section 297 (4) or Section 301 (2) or, in the case of an appeal, the appellate until the decision of the court pursuant to Section 630 (5).

Measures following the completion of the second instance court proceedings

§ 603. (1) ¹⁴¹ Upon completion of the court of second instance proceedings, the court of second instance shall serve its decision.

(2) An order setting aside a judgment of a court of first instance shall be served on the appellant, the victim and the person entitled to appeal against the decision of the court of first instance, even if the operative part of the judgment has already been served on them.

(3) ¹⁴² The court of second instance shall return the files together with its decision and the minutes of the hearing to the court of first instance if no appeal has been filed against the decision of the second instance or it has been rejected by the court of second instance.

LXXXIV. CHAPTER

JUDGMENTS OF THE COURT OF FIRST INSTANCE

§ 604. (1) The court of second instance - in the cases specified in this Act - the judgment of the court of first instance

a) approves,

(b) changes or

(c) repeal, and

(ca) terminate the proceedings or

(cb) order the court of first instance to reopen the proceedings.

(2) In the event of a change in the judgment of the court of first instance, the court of second instance shall decide by a judgment or otherwise by an order.

(3) The operative part of the decision contains

(a) the name of the court of first instance which delivered the decision under appeal and the number of its decision,

(b) the decision of the court provided for in paragraph 1,

c) the personal data specified in Section 561 (2) (*b*) in the event that it has changed.

(4) ¹⁴³ of the decision's reasoning contains essence of the part and the prosecutor's office attached to the court of second instance Opinion, the judgment of the court of first instance has, we know who, why appealed, stating the reasons for his decision in court, if necessary § 561 paragraph (3) *b*) –*G*) , Section 564 (4) (a) or (*b*) , Section 566 (4) or Section 567 (5).

Upholding the judgment of the Court of First Instance

§ 605. (1) The court of second instance shall uphold the judgment of the court of first instance if the appeal is unfounded and otherwise the judgment need not be set aside and if it is not necessary, or - due to the prohibition of aggravation, limitations on the scope of review, or (2) - cannot be changed.

(2) If the court of second instance has not supplemented or corrected the facts, there shall be no place in the judgment of the court of first instance for a minor change in the penalty imposed within the statutory penalty limits.

(3) An order of a court of second instance upholding a judgment of a court of first instance shall be a final decision.

4. The reasons for the decision shall state briefly the reasons for the approval.

Reversal of the judgment of the Court of First Instance

§ 606. (1) If the court of first instance has misapplied legislation and its judgment need not be set aside, the court of second instance shall change the judgment and make a decision in accordance with the law.

(2) The court of second instance may change the judgment of the court of first instance even if it has eliminated the partial unfoundedness of the judgment of the court of first instance.

3. If the judgment of the court of first instance was based on the acceptance of a statement by the accused, the court of second instance may amend the provisions of the judgment under appeal concerning guilt, the facts of the accusation and the classification there is a need to abolish it.

(4) In the case of Section 590 (6), the court of second instance may change the provision of the judgment of the court of first instance concerning the imposition of a penalty or the application of a measure if the punishment or measure is unlawful, excessively severe or excessively mild.

Set aside the judgment of the Court of First Instance

Section 607 (1) In the case specified in Section 567 (1) and (2), the court of second instance shall set aside the judgment of the court of first instance and terminate the proceedings.

2. If the court of second instance terminates the proceedings because the accused has ceased to be a criminal, the provisions of the judgment of the court of first instance concerning confiscation, confiscation of property, final disclosure of electronic data and establishment of a civil claim shall remain in force if they are not: an appeal was lodged.

3. Where the judgment of the court of first instance provided for more than one offense, the court of second instance shall decide only on the provision of the judgment of the court of first instance relating to the offense which is the subject of the annulment.

§ 608. (1) The court of second instance shall set aside the judgment of the court of first instance by a non-decision-making order and instruct the court of first instance to retry if

a) the court was not legally constituted or the members of the council were not present at the hearing,

b) a judge excluded by law participated in the judgment,

c) the court has exceeded its jurisdiction, adjudicated a case falling within the exclusive jurisdiction of military criminal proceedings or another court,

d) the hearing was held in the absence of a person whose presence is required by law,

e) the court has terminated the proceedings due to the unlawful establishment of one of the reasons specified in Section 567 (1) *a) –b)* and *d) –e)* and (2),

f) the grounds of the judgment at first instance are completely contrary to the operative part.

(2) Paragraph (1) *d)* of the basic Regulation

(a) if the appellate court finds, as a result of a change in the classification of the offense, that the presence of a defense counsel at the first instance hearing was mandatory, the judgment shall be set aside only if the prosecution was originally charged with a criminal offense for five years; ordering the imposition of a custodial sentence of more or less seriousness, or the court of first instance has determined the possibility of a more severe classification other than the charge,

(b) there is no need to set aside the judgment for lack of defense if the court of first instance erred in classifying the act as a criminal offense punishable by up to five years' imprisonment or more,

(c) the acquittal or termination of the judgment shall not be set aside if the judgment was given by the court of first instance in the absence of the accused or of the defense counsel.

Section 609 (1) The court of second instance shall set aside the judgment of the court of first instance by a non-decision-making order and order the court of first instance to reopen the proceedings if the , and there was an irreparable procedural irregularity in the second instance proceedings which had a material effect on the conduct of the proceedings, the establishment

of the guilt, the classification of the offense, the imposition of the penalty or the application of the measure.

A breach of procedure as defined in paragraph 1 shall be deemed to exist in particular where:

- (a) the provisions on the lawfulness of evidence have been infringed after the indictment,
- (b) the persons involved in the criminal proceedings have not been able to exercise their legal rights after the prosecution or have been restricted in exercising them,
- (c) the public was excluded from the hearing without a legitimate reason,
- (d) the establishment of guilt, the acquittal, the termination of the proceedings, the act Btk. the court of first instance did not or only partially comply with its obligation to state reasons as regards the classification or imposition of the measure;
- e) the court of first instance accepted the declaration of guilt in the absence of the conditions specified in Section 504 (2).

(3) A provision of a judgment dismissing or terminating proceedings shall not be set aside if the procedural violation pursuant to subsection (1) restricted the exercise of the legal rights of the accused or the defense counsel.

(4) If the court of first instance did not provide for the seized thing, confiscation, confiscation of property or permanent unavailability of electronic data despite the provision of law, and the data necessary for the decision cannot be clarified during the appellate proceedings, the appellate court shall court of first instance in CVI. It instructs you to perform a procedure according to the chapter.

§ 610 In the event of total unfoundedness, the court of second instance shall set aside the judgment of the court of first instance by a non-decision-making order and instruct the court of first instance to re-proceed.

§ 611. (1) The reasons for the annulment order shall include the reason for the annulment, as well as the guidelines of the court of second instance regarding the repeated proceedings.

2. The court of second instance may order that the case be heard by another panel of the court of first instance or, in exceptional cases, by another court.

Provisions on other matters

§ 612. (1) ¹⁴⁴ If the interested party has filed an appeal against the confiscation order, confiscation of assets or final disclosure of electronic data of the judgment of the court of first instance, and the court of second instance has the property right of the court of first instance based on this appeal or any other appeal. , confiscation, confiscation or final disclosure of the electronic data concerning the property or the right to dispose of the electronic data, the court of first instance shall notify the property party of the communication of the decision of the court of second instance to the property party in accordance with Section 57 (4). information.

(2) If the court of second instance orders confiscation, confiscation of property or final disclosure of electronic data affecting the property rights of the property interested party, the operative part of the decision shall contain information on the property rights of the property interested person specified in Section 57 (4).

(3) If a decision on the termination of parental custody would significantly delay the completion of criminal proceedings or its substantive adjudication in criminal proceedings is precluded by other circumstances, the court of second instance shall set aside the decisive provision of the judgment of the court of first instance. directs the motion to another lawful route.

The cost of crime

§ 613. (1) The court of second instance shall establish in its decision the criminal costs incurred in the proceedings of the court of second instance and, if necessary, order its payment.

(2) The court of second instance may release the accused who has been found guilty from the payment of all or part of the criminal costs incurred in the court of second instance proceedings if the appeal of the accused or the defense counsel was successful.

Appeal against a non - decision

§ 614. (1) An appeal against a non-decision-making order made in the second-instance court proceedings, the third-instance court proceedings and the appeal against the revocation order, against which there would be a right of appeal in the first-instance proceedings, shall be governed by Sections LXXXI – LXXXIV. The provisions of this Chapter shall apply with the derogations specified in this Section.

(2) There is no appeal if the decision specified in subsection (1) has been taken by the Curia.

3. An appeal against the order referred to in paragraph 1

(a) if the order was made by a tribunal,

b) *will be* adjudicated by the Curia if the order was rendered by the panel.

(4) The panel of judges and the Curia shall adjudicate the appeal in a chamber meeting.

LXXXV. CHAPTER

APPEAL AGAINST THE DECISION OF THE COURT OF SECOND INSTANCE

Right of appeal and limits on appeal

§ 615. (1) The judgment of the court of second instance may be appealed to the court of third instance in the event of a decision of the court of second instance contrary to the court of first instance.

(2) The decision is the opposite if the court of second instance

(a) has established the guilt of a defendant or ordered the compulsory medical treatment of a defendant who has been acquitted or disposed of by a court of first instance,

b) acquitted the accused person at first instance or terminated the criminal proceedings against him,

(c) *has established* the guilt of the accused in an offense for which the court of first instance did not have a ruling. ¹⁴⁵

(3) The appeal may be appealed

(a) a decision to the contrary; or

(b) only a provision or part of a judgment of the Court of First Instance which results from an appeal against a judgment of the Court of First Instance to the contrary.

(4) ¹⁴⁶ In an appeal against a judgment of a court of second instance, the facts on which the contrary decision is based may not be challenged if:

a) an appeal against the judgment of the court of first instance has been lodged only pursuant to Section 583 (3), or

b) the decision to the contrary was based on an appeal pursuant to Section 590 (5).

(5) There shall be no appeal against a provision or part of a judgment of a court of second instance other than those specified in subsection (3).

(6) Evidence, new facts or new evidence may not be submitted in an appeal.

They have the right to appeal

§ 616. The court of second instance has the right to appeal against the final decision of the case

a) the accused,

b) the prosecutor's office,

- c) the defense counsel, even without the consent of the accused,
- (d) the accused's spouse or partner against the imposition of involuntary medical treatment, even without the accused's consent.

PART SIXTEEN

THE THIRD COURT PROCEDURE

LXXXVI. CHAPTER

GENERAL RULES OF THIRD COURT PROCEEDINGS

§ 617. In provisions of third-instance court proceedings, the provisions relating to second-instance court proceedings shall apply mutatis mutandis with the exceptions provided for in this Part.

Extent of the review

§ 618. (1) The court of third instance

(a) a judgment of a court of second instance

(aa) a decision to the contrary on appeal,

(ab) the provision or part resulting from the review of the judgment of the Court of First Instance in relation to the contested decision to the contrary, and

(b) first instance and second instance court proceedings

it appeals regardless of who appealed for what reason.

(2) The court of third instance shall decide of its own motion on the issues subject to the simplified review, as well as on the provisions concerning the right of parental custody and the civil law claim.

(3) ¹⁴⁷ If the court of third instance finds the appeal pursuant to Section 615 (3) to be well-founded, it shall also review the part of the judgment not affected by the appeal.

a) those specified in Section 590 (5) a) –c) ,

b) *also* those specified in Section 590 (5) (d) , if the appeal pursuant to Section 615 (3) (b) infringed a provision other than the provision on the imposition of a sentence or measure and the establishment of a guilt or the classification of a criminal offense changes the relevant provision.

4. A provision of a judgment which acquits or terminates proceedings and against which no appeal has been lodged shall not be subject to review.

Bound to the facts of the judgment under appeal

§ 619. (1) The court of third instance shall base its decision on the facts on the basis of which the court of second instance made its judgment, unless the judgment of the court of second instance is unfounded with regard to the contrary decision appealed from the appeal.

(2) There shall be no evidence in court proceedings at third instance.

3. If the judgment of the court of second instance in relation to the decision to the contrary is unfounded and the correct facts can be established on the basis of the documents concerning the evidence taken by the court of first instance or the court of second instance, or the incorrect factual conclusion the court of third instance shall supplement or correct the facts of its own motion.

(4) ¹⁴⁸ If the appeal has been filed solely on the basis of Section 615 (3) (b) or Section 615 (4), and in respect of an offense not covered by the appeal, the court of third instance does not examine the merits of the judgment of the court of second instance and bases its decision on the facts on which the court of second instance is based.

LXXXVII. CHAPTER
SETTLEMENT OF THE APPEAL

General provisions

Section 620 (1) The court of third instance shall adjudicate the appeal in the cases specified in Section 621 (1) at a council meeting, otherwise in a public session.

(2) The participation of a defense counsel in third-party court proceedings is mandatory. If the accused does not have a lawyer, the President of the Chamber shall appoint a lawyer immediately after the appeal reaches the court of third instance.

Council meeting and public meeting

§ 621. (1) The court of third instance shall decide in a council session

(a) if the appeal is unfounded because the judgment under appeal is unfounded,

b) if the court of first instance or the court of second instance has rendered its judgment in breach of the procedural rules specified in Section 608 (1).

(2) The court of third instance shall decide in a chamber even if no appeal has been lodged against the judgment against the accused and the opening of a public hearing is not proposed by the prosecutor's office, the accused, the defense counsel or the appellant.

(3) ¹⁴⁹ If the president of the council is not set in the case of paragraph (2) own a public session, information on the Council session also covers setting in that, during the period within which to submit its observations propose the setting of a public meeting. Failure to meet this deadline is not justified.

(4) The presence of a prosecutor and a defense counsel at a public hearing shall be mandatory.

Decision on coercive measures, measures after the appeal has been settled

§ 622. (1) In the event of annulment of a judgment of a court of first instance or a court of second instance, the court of third instance shall decide on coercive measures of a judicial licensee affecting personal liberty in an order of annulment.

(2) ¹⁵⁰ After the appeal has been settled and the decision has been served, the court of third instance shall return the file, together with its decision and the minutes of the proceedings at third instance, to the court of second instance or to the court ordering the new proceedings.

LXXXVIII. CHAPTER
DECISIONS OF THE COURT OF FIRST INSTANCE

Upholding the judgment of the appellate court

§ 623. The court of third instance upholds the judgment of the court of second instance if the appeal is unfounded and otherwise the judgment need not be set aside and if it is not necessary, or - because of the prohibition of aggravation, limitations on the scope of review, or § 605 (2) - cannot be changed.

Reversing the judgment of the appellate court

§ 624. (1) The court of third instance changes the judgment of the court of second instance and makes a decision in accordance with the law if the court of second instance has applied legislation incorrectly and its judgment need not be set aside.

(2) The court of third instance may change the judgment of the court of second instance even if it has eliminated the partial unfoundedness of the judgment of the court of second instance.

Set aside the judgment of the appellate court

Section 625 (1) The court of third instance shall set aside the judgment of the court of second instance and the court of first instance and terminate the proceedings in the cases specified in Section 607 (1).

2. The court of third instance shall set aside the judgment of the court of second instance and order the court of second instance to reopen the proceedings if the court of second instance

a) with a procedural violation specified in Section 608 (1),

b) breach of the prohibition on aggravation brought it.

3. In addition to setting aside the judgment of the court of second instance, the court of first instance shall set aside the judgment of the court of first instance and order the court of first instance to reopen the procedural irregularity referred to in paragraph 2 (*a*) .

(4) The court of third instance shall set aside the judgment of the court of second instance and, if necessary, the court of first instance and order the court of second instance or the court of first instance to reopen the proceedings if it does not know the unfounded judgment pursuant to Section 619 (3). to eliminate.

PART SEVENTEEN

EXAMINATION OF AN APPEAL AGAINST THE INVALIDITY ORDER OF THE COURT OF FIRST INSTANCE

§ 626. In proceedings for the appeal of an order of a court of second instance or a court of third instance, the provisions relating to the procedure of a court of third instance shall apply *mutatis mutandis*.

The right of appeal and the right of appeal

§ 627. (1) Order of the court of second instance annulling the judgment of the court of first instance and instructing the court of first instance to reopen proceedings, and order of the court of third instance annulling the judgment of the court of second instance or judgment of the court of second instance and judgment of the court of first instance or an order directing the court of first instance to reopen proceedings if the annulment order is

a) a procedural violation specified in Section 608 (1),

b) a breach of procedure specified in Section 609 (1), or

c) total unfounded for the reason specified in Section 592 (1),

d) ¹⁵¹ the reason specified in Section 625 (4)

was due to.

(2) An appeal may be lodged against an annulment order of a court of second or third instance even if the annulment order was made in violation of the procedural rules specified in Section 608 (1).

3. An appeal against a decision of a court of second or third instance

a) the accused,

b) the prosecutor's office,

c) the lawyer, even without the consent of the accused.

(4) A person who has lodged an appeal against a judgment with a view to its setting aside and to a new court order shall not be entitled to appeal under paragraph 3 if the set aside was made on the grounds set out in the appeal.

5. Where an annulment order of a court of second or third instance concerns several defendants in a criminal offense, an appeal filed by any claimant shall suspend the enforceability of the annulment decision in respect of all defendants.

General rules for dealing with an appeal

§ 628. (1) If the annulment order

- (a) *by the tribunal, the appeal shall be delivered by the panel;*
- (b) *brought by the adjudication panel, the appeal to the Mansion at a council meeting.*

2. The appeal shall not be withdrawn.

(3) There is no appeal if the annulment order was made by the Mansion.

Preparation of the appeal and court decisions

§ 629. (1) The chairman of the council shall, within one month from the **receipt** of the case, convene a council to adjudicate the appeal by the nearest possible deadline.

(2) The court adjudicating the appeal shall, in the cases specified in this Act, set aside the order contested by the appeal.

(a) *uphold, or*

(b) *set aside and order the court of second or third instance to conduct the second or third instance proceedings or to reopen the proceedings.*

(3) The court hearing the appeal shall decide on the subject of the appeal not by a final decision.

4. The decision referred to in paragraph 2 and the rejection of the appeal shall not be subject to appeal.

Upholding and revoking the annulment order

§ 630. (1) The court hearing the appeal shall uphold the order annulling it if the appeal is unfounded and otherwise the order revoking it need not be set aside.

(2) The court hearing the appeal shall set aside the order annulling the order and order the appellate or third-instance court to conduct the second-instance or third-instance proceedings if the appellate or third-instance court violated the rules of procedural law or unreasonably ruled placement.

(3) In the case specified in Section 627 (2), the court adjudicating the appeal shall annul the decision contested by the appeal and instruct the court which made the decision to reopen the proceedings.

4. The grounds for the annulment order shall state the reasons for the annulment and the instructions of the court hearing the appeal on the retrial.

(5) After the decision has been made, the court entitled to adjudicate the appeal shall decide on the coercive measure of the judicial licensee affecting personal liberty.

To bear the cost of the crime

§ 631. Criminal costs incurred in the course of proceedings under this Chapter shall be borne by the State.

PART EIGHTEEN

THE REPEATED PROCEDURE

General provisions

§ 632. (1) In the event of the annulment of a court decision or its annulment by the Constitutional Court, the procedure shall be repeated.

(2) In repeated proceedings, the court shall adjudicate the case taking into account the reasons and reasons for the decision annulling it or the decision of the Constitutional Court annulling it.

(3) In the review of a judgment given in a retrial, the court of second or third instance shall not be bound by the grounds and reasons set out in the annulment decision, even if the facts have not changed.

(4) ¹⁵² The accused may not be ordered to pay the criminal costs incurred in the retrial, unless they have been incurred as a result of his negligence.

Repetition of the proceedings at first instance

§ 633. (1) The provisions of Parts Thirteen to Fourteenth concerning the preparation of the hearing and the court hearing at first instance shall apply mutatis mutandis with the exceptions provided for in this § and § 634.

(2) There shall be no place for a preparatory meeting in a repeated procedure.

(3) After the commencement of the hearing, the single judge or the chairman of the chamber shall present the annulment decision of the court of second instance or the court of third instance or the annulment decision of the Constitutional Court, the annulment or annulment decision of the court of first instance or the court of second instance. the essence of the minutes of the trial and the indictment.

(4) If the prosecution has amended the charge after the annulment of the decision of the court of first instance, the prosecutor shall explain the essence of the amended charge.

(5) If the accused does not testify, the single judge or the chairman of the council may also describe or read out the essence of the testimony made at the hearing on which the decision annulled or annulled by the Constitutional Court was annulled.

(6) Instead of the examination of a witness or the hearing of an expert, the essence of the record of the testimony of the witness made at the hearing on the basis of the annulled or annulled decision of the Constitutional Court or the expert's opinion submitted therein may be described or read.

7. Paragraph 6 shall not apply if the judgment of the court of first instance was set aside because the unfounded nature of the judgment could not be remedied in the proceedings before the court of second instance.

(8) Paragraph 7 shall not preclude the description or reading of the essence of a testimony or expert opinion which does not relate to an unfounded part of the facts of the judgment.

§ 634. (1) If no appeal has been filed against the accused, in the repeated proceedings it is not possible to establish the guilt of the acquitted accused or to impose a punishment less favorable than the punishment imposed in the annulled judgment or to apply a measure less favorable than the punishment.

(2) If the Constitutional Court annuls the judgment, it shall not be possible to establish the guilt of the acquitted accused in the repeated proceedings, or to impose a punishment less favorable than the punishment imposed in the judgment or to apply a measure less favorable than the measure applied instead of punishment.

Paragraph 1 shall not apply if:

a) the judgment of the court of first instance was set aside for a reason specified in Section 608 (1) (a) to (c) or (e) or Section 610,

b) the judgment of the court of first instance was set aside pursuant to Section 609 for the reason specified in Section 567 (1) (c) ,

(c) on the basis of new evidence in the retrial, the court finds a new fact which requires a more severe penalty, provided that the prosecution so requests,

d) *due to* the extension of the accusation by the prosecutor's office, the guilt of the accused must also be established in another criminal offense,

(e) the judgment of the court of first instance was set aside in the review proceedings on the basis of a motion for review notified to the defendant.

(4) In the case of subsection (3), the guilt of the accused may not be established, a less favorable punishment may be imposed or a measure less favorable than the measure applied instead of the punishment may be applied if the court of second instance has placed an injunction against the accused pursuant to Section 590 (11). repealed.

Repetition of second or third instance court proceedings

§ 635. (1) If the court of third instance or the Curia annuls the decision of the court of second instance and instructs the court of second instance for new proceedings, or the Constitutional Court annuls the decision of the court of second instance, the provisions of Part Fifteen shall apply to the proceedings of the court of second instance.

(2) If the Curia annuls the decision of the court of third instance and instructs the court of third instance to reopen the proceedings, or the Constitutional Court annuls the decision of the court of third instance, the provisions of Part Sixteen shall apply to the proceedings of the court of third instance.

Repetition of the extraordinary appeal procedure

§ 636. (1) If the Constitutional Court annuls the decision of the Mansion during the review procedure, the procedure of the Mansion shall be annulled in accordance with Article XC. The provisions of this Chapter shall apply.

(2) If the Constitutional Court annuls the decision of the Curia made on the basis of the legal remedy announced in the interest of legality, the procedure of the Curia shall be governed by Article XCII. The provisions of this Chapter shall apply.

(3) ¹⁵³ If the Complaints Board of the Legal Unity annuls the decision made during the review procedure of the Curia, the procedure of the Curia shall be governed by Article XC. The provisions of this Chapter shall apply, provided that the Trial Chamber institutes proceedings for unity. In a repeated review procedure, the decision challenged in the review application may not be changed against the accused and may only be annulled if there is a need to dismiss the defendant or to terminate the proceedings.

PART NINETEEN

EXTRAORDINARY REMEDIES

LXXXIX. CHAPTER

THE COVERAGE

Reasons for renewal

§ 637. (1) In the case of criminal proceedings terminated by a final court decision of a court, there is a place for retrial if

(a) new evidence is adduced of a fact, whether or not which has arisen in the main proceedings, which makes it probable that:

(aa) the accused shall be released, a substantially lesser penalty shall be imposed, or a measure shall be imposed instead of a penalty, or criminal proceedings shall be terminated, or

(ab) the guilt of the accused shall be established, or a substantially more severe penalty shall be imposed, a penalty shall be imposed instead of a measure, or a measure substantially more severe than a measure applied instead of a penalty shall be applied,

(b) several final decisions have been taken against the accused for the same act,

c) the accused is not mentioned in the final decision with his / her true identity and this cannot be remedied by correcting the decision,

(d) false or falsified evidence was used in the main proceedings,

e) in the main proceedings, a member of the court, the public prosecutor's office or the investigating authority has breached his or her duty in a manner contrary to criminal law,

f) the President of the Republic has decided to terminate the criminal proceedings against the accused by grace,

(g) the case in the main proceedings is governed by Articles CI to CII. It was completed chapter by chapter.

2. New evidence within the meaning of paragraph 1 (a) shall be deemed to be the testimony of a person who, in the main proceedings, has refused to testify in the exercise of his immunity.

In the case of points (d) and (e) of paragraph 1, a retrial shall be possible only if:

(a) the commission of the offense identified as a ground for reopening has been established by a final decision or the absence of evidence has precluded such a decision, and

(b) the offense has materially affected the decision of the court.

(4) There shall be no obstacle to the retrial if the prosecution for the offense referred to in subsection (3) (a) has been omitted for a reason which excludes the perpetrator's criminal liability or the criminal nature of the act or for a reason which terminates the criminal liability.

(5) In the case of points (f) and (g) of paragraph 1 , if the defendant is available , a retrial shall be mandatory.

§ 638. (1) There is no place for a retrial if the court has terminated the proceedings because the prosecution has dropped the charge.

(2) Renewal of a lawsuit against the accused shall be valid only in his lifetime and only within the limitation period.

(3) A retrial shall not be precluded by the fact that the sentence of the accused has been served, nor shall a retrial in favor of the accused be terminated by the fact that the accused has ceased to be punishable.

(4) Only a provision of a final court decision of a court made in a civil law claim or a right of parental custody may be reopened in accordance with the rules of the Code of Civil Procedure.

The motion for renewal

§ 639. (1) The prosecutor's office may submit a motion for renewal of proceedings against the accused.

(2) In favor of the accused

a) the public prosecutor's office,

b) the defendant,

c) the defender,

d) the legal representative of the accused,

e) the defendant's spouse or partner against the ordering of compulsory medical treatment,

(f) after the death of the accused, a direct relative, brother, spouse or life partner

may file a motion for renewal.

(3) The defendant and the defense counsel may file a petition for renewal based on Section 637 (1) (g) within one month from the day on which he became aware of the final decision terminating the main proceedings. [154](#)

(4) The request for reopening of proceedings shall indicate the main case against which the reopening of proceedings is directed, the reason for the motion of appeal and the facts and evidence on which the reopening of proceedings is based. In the motion for renewal based on Section 637 (1) (g) , the date of becoming aware of the final decision terminating the main proceedings must also be probable.

(5) The motion for renewal shall contain the contact details of the petitioner for service, the motion for renewal based on Section 637 (1) (g) *and* the actual place of residence of the accused.

(6) If an authority or official becomes aware of a circumstance within the scope of its official jurisdiction on the basis of which a re-appeal may be filed, it shall inform the public prosecutor's office in the court deciding on the admissibility of the re-appeal.

§ 640. (1) A motion for renewal may be withdrawn until the commencement of the counseling session of the court of second instance on the admissibility of litigation.

2. The defendant may also withdraw a request for renewal made by another rightholder in his favor, unless

(a) submitted by the public prosecutor's office,

(b) was brought against the order for compulsory medical treatment.

(3) If the motion for renewal is withdrawn, the petitioner shall be ordered to pay the incurred criminal costs. If the motion for renewal is withdrawn by the prosecution, the criminal costs are borne by the state.

Renewal investigation

§ 641. (1) If the reopening investigation is ordered by the prosecutor's office, the provisions of Part Ten shall be applied to the investigation in accordance with the nature of the reopening proceedings.

2. If a retrial investigation is ordered by a court, the provisions of Part Ten shall apply to the investigation, subject to the nature of the retrial procedure, with the following exceptions:

(a) the court shall send the investigation order and the files to the general investigating authority,

b) during the retrial investigation, the court exercises the management power specified in Section 26 (3) a) –c) and g) –h) ,

(c) the time limit for the reopening of investigations shall be two months, which may be extended by the court twice, not exceeding two months each,

(d) the general investigative authority shall return the case file to the court after the reopening investigation has been completed.

(3) Arrest, preliminary compulsory medical treatment, criminal supervision shall not be ordered.

(4) In the course of a retrial investigation, the concealed assets shall be the LV. They may be applied in accordance with the provisions of this Chapter. The use of covert devices subject to judicial authorization shall be authorized by the court as set out in Part Twelve. If the retrial investigation is ordered by a court, the court may not instruct the general investigating authority to use a disguised device subject to judicial authorization. If, in the main proceedings, a disguised device has already been used against the person concerned during the investigation and the use of a disguised device has been re-authorized during the retrial investigation, the period of use of the disguised device shall be added together and the specified period shall be calculated accordingly.

Prosecution proceedings

§ 642. (1) A petition for renewal from another right holder shall be submitted in writing or recorded in the minutes at a public prosecutor's office operating next to the court entitled to decide on the admissibility of the renewal.

(2) The prosecutor's office shall refrain from sending a petition for renewal of a lawsuit from an unauthorized person to the court and shall inform the submitter of the petition thereof in writing.

(3) The public prosecutor's office shall send the petition for renewal submitted by the other right holder together with his or her observations to the court within one month.

(4) If the public prosecutor's office submits a motion for reopening of proceedings, attach it to it or, if this is not possible, indicate the means of proof on which the reopening of proceedings is based.

(5) In order to send the court files of the main proceedings, the public prosecutor's office shall immediately contact the court of first instance in the main proceedings if they are necessary for making the statement specified in subsection (3) or submitting the petition for renewal. In that case, the time limit laid down in paragraph 3 shall run from the receipt of the court files in the main proceedings by the Public Prosecutor's Office.

(6) If necessary in order to clarify the preconditions for a retrial and to obtain new evidence, the prosecutor's office shall order a retrial investigation before sending the retrial request. In that case, the time limit laid down in paragraph 3 shall run from the completion of the retrial.

Permissibility of renewal

§ 643. (1) If in the main case the district court has acted at first instance, the court of first instance, if the court of first instance has acted at first instance, the adjudication panel shall decide on the admissibility of the retrial.

(2) The court shall adjudicate the petition for renewal of proceedings.

(3) Upon receipt of the motion for renewal, the court shall, if it has not been attached by the public prosecutor's office, obtain the files of the main case.

(4) ¹⁵⁵ If the motion for renewal has been submitted to the court, the court shall send it to the public prosecutor's office together with the court files of the main proceedings in order to take the measures specified in Section 642. The prosecution returns the files of the main case together with its statement to the court within one month. If the public prosecutor's office has ordered a reopening investigation pursuant to Section 642 (6), the time limit shall be calculated from the performance of the reopening investigation.

(5) The court shall serve the statement of the public prosecutor's office on the petitioner. The accused must be served with the petition for renewal submitted by another and the prosecution statement made to it.

(6) The persons specified in subsection (5) may comment on the petition for reopening of proceedings or on the statement of the public prosecutor's office within fifteen days from the date of service.

(7) In the context of the admissibility of a retrial in connection with Section 637 (1) (a) , it shall be assessed whether the pleas raised by the petitioner as a basis for the retrial may be suitable for proving their reality. take a decision in accordance with paragraph 1 (a) (aa) or (b) .

(8) If a decision on the admissibility of a retrial requires the search for a means of proof, the court shall order a retrial investigation.

§ 644. (1) If the court finds the motion for reopening to be thorough, it shall order the reopening of the case by a non-decisive order and, with the exception of paragraph (2), order the case to be repeated.

(a) send it to the court of first instance in the main proceedings; or

(b) *referred to* the court having jurisdiction and jurisdiction.

(2) Pursuant to Section 637 (1) (g) , a retrial shall be ordered only in respect of second-instance or third-instance court proceedings if, in the absence of the accused, only second-instance or only third-instance court proceedings have been conducted.

(3) If the court of § 637 paragraph (1) *b*) orders the retrial on the basis of, you can also put the judgment in the main proceedings aside, or under the *perújítással* part and § 567 paragraph (1) *b*) may terminate the proceedings pursuant to

(4) If the court orders the reopening of proceedings pursuant to Section 637 (1) (*f*) , it may itself set aside the final decision in the main proceedings, or the part thereof, which is contested by the reopening of the proceedings, and make a decision in accordance with law.

(5) Simultaneously with the order for the reopening of the proceedings, the court may suspend or interrupt the execution of the sentence or measure imposed in the main proceedings or the execution of the provisions of the final court decision, or order the necessary coercive measure.

(6) A court shall reject a motion for renewal which is unfounded or excluded by law, which arises from a person who is not entitled to it, or which is late. The court shall also reject the request for renewal if the petitioner or the accused has become inaccessible in the case of a request for renewal based on Section 637 (1) (g) .

(7) The court shall communicate the decision rejecting the petition for renewal to the person who submitted the petition for renewal and, if the petition was not submitted by the prosecutor's office, also to the prosecutor's office. The decision rejecting the request for renewal submitted by another shall also be communicated to the accused.

(8) The court shall reject the petition for re-submission of the same re-submitted with the same content as before.

(9) In the event of a rejection of a motion for reopening of proceedings, the petitioner shall be ordered to pay the criminal costs incurred, and in the case of a motion submitted by another person for the benefit of the accused, provided that the accused could have withdrawn under this Act. If the rejected motion for renewal is filed by the prosecution, the criminal costs are borne by the state.

§ 645. (1) There is no appeal against the order of reopening of proceedings.

(2) The petitioner may appeal against the rejection of the motion for reopening of the appeal, however, he may not invoke a new ground for reopening of the appeal.

(3) The court may dismiss the appeal against the final non-decision-making order without substantive reasons.

(4) An appeal against the order of the tribunal shall be adjudicated by the adjudication panel, and an appeal against the order of the adjudication board shall be adjudicated by the Curia.

(5) Paragraphs LXXXI to LXXXIV provide, *inter alia*, for an appeal and an appeal. The provisions of this Chapter shall apply *mutatis mutandis*.

Conducting the renewal of the lawsuit

§ 646. (1) In the case of ordering a retrial, the provisions of Parts Eleven, Thirteenth and Fourteenth shall apply to the conduct of the retrial proceedings with derogations from the nature of the retrial.

(2) There shall be no place for a preparatory meeting in the renewal procedure.

(3) The court may suspend, interrupt or order the execution of the sentence or measure imposed in the main proceedings or the execution of the provisions of the final court decision, or order the necessary coercive measure.

(4) The court shall serve the summons on the summons together with the summons to a hearing, if this has not been done before.

(5) Instead of the indictment, the court shall describe the essence of the judgment contested by the retrial and the order ordering the retrial at the hearing.

(6) During the reopening of the proceedings

(a) the extent of the proof is determined solely by the reason for the reopening of the proceedings, and

(b) no proof may be required which would result in a change in the defendant's burden if the application for renewal was made in favor of the defendant.

§ 647. (1) If the court finds that the retrial is thorough, it shall set aside the order terminating the judgment or proceeding in the main case, or the part thereof contested by the retrial, and make a decision in accordance with law.

(2) The court shall reject the renewal if

(a) finds it unfounded; or

(b) during the reopening of proceedings ordered pursuant to Section 637 (1) (g) , the accused became inaccessible.

3. If the penalty imposed in the main proceedings has been included in the total penalty and the comprehensive penalty judgment must be set aside due to the thoroughness of the retrial, the court shall also set aside the total penalty judgment and, if the conditions are met, continue the total penalty proceedings, provided that it does not exceed its competence under Section 839 (1); otherwise, it sends the case file to the court competent to conduct the overall criminal proceedings.

4. If the application for reopening of the proceedings has been made in favor of the accused, the provisions relating to the prohibition on aggravation shall apply *mutatis mutandis* to the adoption of the new decision.

(5) If the court finds that the retrial is well founded,

(a) re-examine the civil action on the merits at the request of the public prosecutor's office, the accused or a private party,

(b) on the motion of the public prosecutor's office or the accused, re-decide on the termination of parental custody.

(6) Decisions taken after the reopening of proceedings has been subject to appeal in accordance with the general rules.

XC. CHAPTER

THE REVIEW

Grounds for the review

648. § 156 Review against a final decision of the court

a) for violating the rules of substantive criminal law,

b) due to a procedural violation,

c) *by a decision of* the Constitutional Court or a human rights body established by an international treaty,

d) in case of deviation from the decision of the Curia published in the Collection of Court Decisions

there is room.

§ 649. (1) A motion for review may be submitted due to a violation of the rules of substantive criminal law if the court

- (a) in breach of the rules of substantive criminal law
- (aa) established the guilt of the accused,
- ab) ordered the involuntary medical treatment of the accused,
- (ac) rescued the accused or
- (ad) terminated the proceedings;
- b) *due to* the illegal classification of the crime, or due to the Criminal Code. in violation of another rule
- (ba) imposed a penalty for an offense,
- (bb) the unlawful measure taken;
- c) the Criminal Code. Notwithstanding the ground for exclusion contained in Section 86 (1), he suspended the execution of the sentence.

(2) A motion for review due to a procedural violation may be submitted if the court makes its decision

- a) *in the* absence of jurisdiction,
- b) ¹⁵⁷ the private motion, the report, or the Chief Prosecutor's Office pursuant to Section 4 (9) or the Criminal Code. In the absence of the provision specified in Section 3 (3),
- c) not on the basis of an accusation made by the person entitled to it,
- d) *with* a procedural violation specified in Section 608 (1), or
- (e) breach of the prohibition on aggravation brought it.

(3) A motion for review may be submitted on the basis of a decision of the Constitutional Court if the Constitutional Court has ordered the review of criminal proceedings completed by a final decision.

(4) A motion for review may be submitted on the basis of a decision of a human rights body established by an international treaty if the human rights body established by an international treaty has found that the conduct of the proceedings or a final court decision Hungary submitted to the jurisdiction of a legal body.

(5) A decision of a human rights body established by an international treaty shall also be subject to review if the human rights body established by an international treaty has established a violation of a provision of an international treaty which violates a procedural rule not attackable.

(6) ¹⁵⁸ In the event of a deviation from the decision of the Curia published in the Compendium of Court Decisions, a petition for review may be filed if the deviation resulted in a violation of the substantive criminal law rules specified in paragraph 1 or a procedural violation specified in paragraph 2.

Limitations of the review

Section 650 (1) ¹⁵⁹ There is no place for review

- a) against a provision or part of a final decision of a court of third instance due to a violation of the rules of substantive criminal law,
- b) against a decision of the Mansion taken on the basis of the legal unity procedure, during a review or on the basis of a legal remedy announced in the interest of legality,
- (c) if the infringement can be remedied by a simplified review procedure.

(2) The facts established by the final decision in the application for review may not be challenged.

(3) Only a final decision of a court in a matter of civil law or parental custody shall be subject to review in accordance with the rules of the Code of Civil Procedure.

(4) A decision of an international human rights body shall not be subject to review if it has found a violation only of the requirement to adjudicate the case within a reasonable time.

The motion for revision

§ 651. (1) The prosecutor's office may submit a motion for review against the accused.

(2) In favor of the accused

a) the public prosecutor's office,

b) the defendant,

c) the defender,

d) the legal representative of the accused,

e) the defendant's spouse or partner against the ordering of compulsory medical treatment,

f) after the death of the accused, a direct relative, brother, spouse or life partner

submit a motion for revision.

(3) In the case specified in Section 649, Paragraphs (3) - (5), the Attorney General shall submit the motion for review *ex officio*.

(4) If an authority or official person, within the scope of his or her official powers, finds that an offense has been committed against the accused on the basis of which review proceedings have taken place, he or she shall inform the Attorney General.

§ 652. (1) ¹⁶⁰ The review petition shall indicate the decision against which the review petition is directed and the reason and purpose of the submission of the petition. In the case of Section 649 (6), the decision of the Curia published in the Collection of Court Decisions and the part of it from which the final decision contested by the review differs shall be indicated.

(2) The request for review shall include the contact details of the petitioner for service.

(3) A petition for review may be filed against the accused within six months from the notification of the final decision.

(4) There is no time limit for filing a motion for review in favor of the accused.

(5) The submission of a motion shall not be precluded by the fact that the sentence of the accused has been served or that the accused has ceased to be punished.

(6) Each right holder may submit a petition for review only once, unless the submission of a new petition for review is based on Section 649 (3) - (5).

(7) A request for review with the same content may be submitted only once.

The review procedure

§ 653. (1) The rules of third-instance court proceedings shall be applied to the conduct of the review procedure with the exceptions provided for in this Chapter.

(2) ¹⁶¹ An application for review may be made to the court of first instance in the main proceedings or to the court whose proceedings are affected by the application for review.

(3) The court shall submit the petition for review together with the files of the main proceedings to the Curia within one month.

(4) The Attorney General shall submit his petition for review, together with the case file of the main case, directly to the Curia.

§ 654. (1) The motion for review may be withdrawn until the meeting of the Curia held for the purpose of making a decision.

2. The defendant may also withdraw a request for review made by another rightholder in his favor, unless

(a) submitted by the public prosecutor's office,

(b) was brought against the order for compulsory medical treatment.

(3) A defense counsel may withdraw a motion for review submitted by him or her only with the consent of the accused.

(4) If the motion for review is withdrawn, the Curia shall terminate the review procedure.

§ 655. (1) The motion for review - with the exception specified in this Act - shall be adjudicated by a council of the Curia consisting of three professional judges at a council meeting or a public session.

(2) If the review is directed against the decision of the Curia, the motion shall be adjudicated by a panel of five professional judges, with the exception of a motion which is excluded by law, from a person who is not entitled to it, or a late motion.

(3) The participation of a defense counsel in the review procedure is mandatory.

(4) The Curia shall appoint a lawyer if the accused does not have a lawyer and, if necessary, shall invite him to formulate a motion for review.

(5) If the seconded defense counsel does not submit the motion within one month or is incomplete, he or she may be subject to a fine.

§ 656. (1) The chairman of the council shall invite the submitter of the petition to supplement the petition within one month, if it is not possible to establish why the final decision is considered infringing.

(2) The Curia shall reject the motion for review if

a) review is excluded by law,

(b) it has been submitted by an unauthorized

c) late,

d) the motion for review, except in the case of Section 655 (5), has not been submitted or has been resubmitted incompletely despite the invitation specified in Section (1),

e) the petitioner has become unavailable.

(3) The Curia shall examine the existence of the reasons specified in subsection (2) ex officio during the proceedings.

(4) The Curia may reject a petition re-submitted by the same right holder or re-submitted with the same content without substantive reasons.

§ 657. (1) If there is no place to reject the petition for review and the prosecution was represented by the prosecutor's office in the main case, the Curia shall send the petition together with the files of the main case to the Prosecutor General's Office for a statement.

(2) The Public Prosecutor's Office shall return the files of the main case together with its statement to the Curia within one month.

(3) The Curia shall send the statement of the public prosecutor's office to the submitter of the petition for review. The accused must be sent the petition for review submitted by the other and the prosecution statement made to it.

(4) The persons specified in subsection (3) may comment on the motion for review or the statement of the public prosecutor's office within fifteen days from the date of service.

(5) The public prosecutor's office may invoke the reason specified in § 649 (2) a) –d) in its statement and in the remark of the defendant or his defense counsel who has participated in the review, even if he has not submitted a motion for review.

§ 658. (1) The Curia shall inform the Constitutional Court of the commencement of the review procedure if a constitutional complaint has been filed against the final decision-making decision or the legislation on which the final decision-making decision is based.

(2) The Curia shall suspend the proceedings until the end of the legal unity procedure, if during the examination of the motion for review the procedural council initiates a legal unity procedure.

§ 659. (1) In the review procedure there is no place for repeated comparison of the evidence, different assessment and taking of evidence, the factual situation established in the final final decision shall prevail when adjudicating the review petition.

2. The motion for review shall, subject to the exceptions provided for in paragraphs 3 to 4, be examined in the light of the law in force at the time when the contested decision is adopted.

(3) In the case specified in Section 649 (3), the motion for review shall be adjudicated by disregarding the anti-constitutional legislation or by basing the decision of the Constitutional Court.

(4) In the case specified in Section 649 (5), the motion for review shall be assessed in disregard of legislation contrary to the international treaty promulgated by law or on the basis of a decision of an international human rights body.

(5) The Curia shall review the final final decision - with the exception specified in paragraph (6) - only in the part challenged with the motion for review and only on the grounds specified in the motion for review.

(6) Pursuant to Section 649 (2), the Curia shall override the contested decision even if the petition was not submitted for this reason.

(7) The motion for review shall not have suspensory effect, however, the Curia may suspend or interrupt the execution of the penalty or applied measure imposed in the final final decision or the execution of the provisions of the final final decision until the motion is considered.

§ 660. (1) The Curia shall assess the motion for review - with the exception specified in paragraph (2) - at a council meeting.

(2) The Curia shall decide on the motion for review in open session if

(a) the accused or the defense counsel so requests within eight days of service of the application for review lodged against the accused, or

(b) the President of the Council deems it necessary for other reasons.

§ 661. (1) The presence of the defense counsel at the public hearing and, if the prosecution was represented by the prosecutor's office, of the chief prosecutor or his representative is obligatory.

(2) ¹⁶² The accused and the rightholders listed in Section 651 (2) (d) - (f) shall be notified of the public hearing .

3. Notice shall be given in time for service at least eight days before the public hearing. A public hearing shall not be precluded if the notice could not be served because the addressee is in an unknown place.

(4) After the opening of the public hearing, the Curia shall explain the essence of the petition for review and the contested decision, as well as everything from the content of the file that is necessary for the examination of the petition for review.

(5) After the submission of the case, the submitter of the review petition, the prosecutor, the defense counsel and the other entitled persons listed in Section 651 (2) c) –f) may speak within the framework of the review petition. There is room for an answer after the speeches. The defendant has the last right to speak.

Decision taken during the review procedure

§ 662. (1) The Curia shall maintain the decision challenged with the review motion in force by a non-decisive order, if

(a) the final decision proposed for review complies with the law, or

(b) *there has been* a breach of procedure which has not had a material effect on the substance of the case.

(2) The Curia shall amend the decision challenged by the appeal and shall make a decision in accordance with the law if the court in the main case

a) has established the guilt of the accused or ordered his compulsory medical treatment for a violation of the rules of substantive criminal law,

b) the unlawful classification of the criminal offense or the Criminal Code. imposed an unlawful penalty, applied an unlawful measure for violating another rule,

c) ¹⁶³ a Btk. Has suspended the execution of the sentence despite the grounds for exclusion set out in Section 86 (1), or

(d) has taken its decision in breach of the prohibition on aggravation.

(3) The Curia may act in accordance with paragraphs (1) and (2) if the review procedure has been conducted on the basis of a decision of the Constitutional Court or a human rights body established by an international treaty.

(4) In the case of a motion for review filed against the accused, the Curia may also change the contested decision in favor of the accused.

§ 663. (1) The Curia shall annul the decision contested by the motion for review and instruct the court having jurisdiction and jurisdiction to re-prosecute if

a) the accused was acquitted or the proceedings were terminated due to a violation of the rules of substantive criminal law,

b) it is not possible to make a decision pursuant to Section 662 (1) or (2) on the basis of the files, or

(c) in the case of a review initiated by a decision of a human rights body established by an international treaty, the decision must be repeated in accordance with the international treaty promulgated by law, even if the international human rights body has established a violation that would otherwise render the contested decision it should not be repealed.

(2) The Curia - with the exception specified in Section 662 (1) (*b*) - annuls the decision challenged with the application for review and terminates the proceedings, instructs the court with jurisdiction and competence to re-prosecute, and sends the case files to the prosecutor's office, if in the main proceedings the court made the final decision in a case with a procedural violation specified in Section 649 (2) *a) –d)*.

(3) If the Curia instructs the court to reopen the proceedings, it shall issue binding instructions regarding the conduct of the new proceedings in the annulment order.

(4) The Curia shall instruct the court of second or third instance to reopen the proceedings if

a) the reason for the review arose in the proceedings of the court of second or third instance,

b) a decision in accordance with the law may be made by repeating the proceedings of the court of second or third instance.

(5) If the Curia annuls the decision contested in the application for review and the accused is detained, he shall decide on the issue of detention.

§ 664. (1) The criminal costs incurred during the review proceedings, including the fees of the defense counsel assigned to formulate the review petition, shall be borne by the submitter of the petition in case of rejection of the review petition, except in the case of a review initiated by the prosecutor's office. In other cases, the criminal costs are borne by the state.

(2) ¹⁶⁴ After settling the motion for review, the Curia shall deliver its decision. The Curia shall return the case file, together with its decision and the minutes of the meeting, to the court which made the decision challenged in the application for review or which it has ordered for a new proceeding.

XCI. CHAPTER

CONSTITUTIONAL COMPLAINT PROCEDURE

§ 665. (1) A court seised of a case at first instance may suspend or interrupt the execution of the punishment or applied measure imposed in the final final decision or the execution of the contents of the final final decision until the end of the proceedings of the Constitutional Court.

(2) The court of first instance in the case shall inform the Constitutional Court of the suspension or interruption of the execution of the punishment or applied measure imposed in the final decision or the execution of the contents of the final decision.

(3) At the request of the Constitutional Court, the court of first instance in the case shall suspend or interrupt the execution of the punishment or applied measure imposed in the final final decision or the execution of the final final decision and inform the Constitutional Court thereof.

4. There shall be no appeal against the order provided for in paragraph 3.

XCII. CHAPTER

REMEDY FOR LEGALITY

§ 666. In the case of a legal remedy announced in the interest of legality, the XC. The provisions of this Chapter shall apply with the exceptions set out in this Chapter.

§ 667. (1) In the interests of legality, the Attorney General may file a legal appeal against a final decision of a court in violation of the law and a final non-decision.

(2) There is no place to lodge an appeal if

a) the decision was made by the Curia,

(b) the infringement can be remedied by reopening, review or simplified review procedure.

(3) There is no time limit for notifying an appeal.

Settlement of legal remedies

§ 668. (1) If there is no place to reject a legal remedy announced in the interest of legality, the Council of the Curia shall adjudicate it in a public session.

(2) The Attorney General, the accused and his counsel shall be notified of the public hearing. If the defendant in the main proceedings did not have a lawyer, the Mansion will appoint a lawyer for the defendant.

(3) The accused and the defense counsel may make remarks on the appeal filed in the interest of legality.

(4) A public hearing may not be held in the absence of the Prosecutor General or his representative.

(5) At the public hearing, the Attorney General or his representative, the accused and his counsel may speak and, depending on the nature of the proceedings, make motions.

Decision taken on the basis of a legal remedy

§ 669. (1) If the Curia finds the legal remedy announced in the interest of legality to be thorough, it shall establish in its judgment that the contested decision is unlawful, otherwise it shall reject the legal remedy by ordering it.

(2) In the event of a violation of the law, the Curia may acquit the accused, refrain from compulsory medical treatment, terminate the proceedings, impose a lesser penalty or apply a lesser measure, or set aside the contested decision in order to take such a decision and, if necessary, procedure.

(3) Except in the cases specified in subsection (2), the decision of the Curia may establish only a violation of the law.

(4) The criminal costs incurred during the appeal procedure shall be borne by the state.

XCIII. CHAPTER
LEGAL UNIT PROCEDURE

§ 670. (1) The provisions of the Act on the Organization and Administration of Courts relating to legal unity proceedings shall apply to legal unity proceedings with the exceptions provided for in subsections (2) - (5).

(2) If the outcome of the unity proceedings may affect other extraordinary appeal proceedings pending before the Curia, the Curia shall suspend the extraordinary appeal proceedings until the decision on unity is taken.

(3) If, as a result of the guidelines given in principle, the provision of a final final decision affected by a decision on legal unity establishing the criminal liability of the accused is unlawful, the Unity Council shall repeal the unlawful provision and dismiss the accused or terminate the proceedings. If the accused is detained, the detention will also be lifted.

(4) The reasons for the unity decision shall also include the reasons for dismissing the accused and terminating the proceedings.

(5) The decision on legal unity shall also be communicated to the accused who has been acquitted or against whom the proceedings have been terminated.

(6) ¹⁶⁵ A complaint of legal unity may be filed pursuant to the provisions of the Act on the Organization and Administration of Courts.

(7) ^{166 In} legal entity complaint proceedings, there shall be no place for the suspension or interruption of the enforcement of the penalty or measure imposed in the final decision or the execution of the contents of the final decision.

(8) ¹⁶⁷ There is no need to annul the decision of the Curia challenged by the Unity Complaint if the Unity Complaints Board finds that the decision contested in the review proceedings deviated unreasonably from the decision published in the Curriculum Court Collection, however, § 649 (1) and (2), there is no place in the review procedure to change or annul the contested decision.

XCIV. CHAPTER
SIMPLIFIED REVIEW

§ 671. A simplified review procedure may be conducted if the court in the main proceedings, notwithstanding the mandatory provision of the law, did not provide or did not provide in accordance with the law on the following issues:

1. determining the degree of execution of a custodial sentence,
2. imprisonment suspended for the probation period Btk. On the order of its enforcement pursuant to Section 87 (b) ,
3. revoking the order for the execution of the suspended custodial sentence,
4. the provision on parole,
5. conditional leave in accordance with the Criminal Code. Pursuant to Section 40 (1),
6. the inclusion of pre-trial detention and criminal supervision,
7. work to be carried out as work in the public interest,
8. the occupation from which he prohibits the accused,
9. retrospective calculation of driving disqualifications,
10. the place of prohibition,
11. in the event of a ban on attending sports events, the definition of a sports association or sports facility,
12. confiscation, confiscation of property or permanent inaccessibility of electronic data, seizure, release of lock,

13. termination of testing,
14. on the order of probation supervision,
15. on the cost of crime,
16. the recidivism of the sentenced person,
17. Temporary dismissal from a correctional institution is subject to the provisions of the Criminal Code. Pursuant to Section 121 (3), or
18. costs incurred in a causal context in the enforcement of a civil claim, other than criminal costs.

The simplified review procedure

§ 672. (1) In simplified review proceedings, the provisions of this Act shall apply with the exceptions provided for in this Chapter.

(2) During the simplified review procedure, the court which made the final decision, or the court of first instance in the main proceedings, shall act within one month of the final decision becoming final. If the court has acted in a council, the chairman of the council may also act in the simplified review procedure.

(3) The simplified review procedure shall be initiated ex officio or at the request of the public prosecutor's office, the accused, the defense counsel or another interested party. The court may terminate the proceedings if the petitioner has withdrawn the petition.

(4) ¹⁶⁸ An application for a simplified review procedure to the detriment of the accused, property or other interested party may be submitted within six months from the notification of the final decision, or a simplified review procedure against the accused, property or other interested party ex officio - the final decision within six months of its notification.

5. The simplified review procedure shall be completed within six months of its initiation, after which, except as provided in paragraph 6, no decision may be taken which is less favorable to the accused or to any other interested party.

6. The simplified review procedure may be initiated or continued beyond the time limits set out in paragraphs 4 and 5 if:

(a) the confiscation or permanent inaccessibility of the electronic data is ordered because the possession of the thing endangers public security or is contrary to law, or the disclosure or disclosure of the data published on the electronic communications network constitutes a criminal offense; or

(b) confiscation, confiscation of property shall be provided for in connection with seizure or detention.

§ 673. (1) The court shall decide on the basis of the case files if it is necessary to hear the prosecutor, the accused or the defense counsel, and shall hold a public hearing, if he or she takes other evidence.

2. The simplified review procedure may also be conducted by a court clerk, but shall not be entitled to hold a public hearing or hearing.

(3) In the simplified review procedure, there is no need to suspend the procedure.

(4) If the petitioner did not appear at the public hearing or hearing, he shall be deemed to have withdrawn his petition.

(5) If the court holds a hearing, there shall be no place for a preparatory hearing.

(6) The hearing of the accused may not be waived if the court

(a) provides for the subsequent amendment of the provision on parole,

b) prescribes special rules of conduct in connection with the order of probation supervision or decides to violate the code of conduct of probation supervision,

(c) decide to order the execution of the suspended custodial sentence,

(d) decide to terminate the trial.

7. After the opening of the public hearing or the hearing, the single Judge or the President of the Chamber shall, to the extent necessary, explain the decision in the main proceedings and the circumstances which justified the ex officio opening of the simplified review procedure.

8. If the simplified review procedure has been carried out on the basis of a motion, the petitioner shall, at a public hearing or hearing, explain the substance of the motion for a simplified review procedure and indicate the evidence in support of the motion.

Decision and appeal under the simplified review procedure

§ 674. (1) On the basis of the simplified review procedure, the court shall, if necessary, annul the unlawful provision of the decision made in the main proceedings in accordance with the law.

(2) The court shall reject the petition if it is unfounded. The court shall terminate the proceedings if it finds in the ex officio proceedings that the conditions for initiating the proceedings are not met.

(3) The court shall reject a late, excluded by law or a motion from a person who is not entitled to it, without substantiating it. If a motion from an unauthorized person is rejected, the court will initiate the proceedings of its own motion if the legal conditions for the proceedings are met.

(4) The court shall decide on the matter which is the subject of the simplified review procedure by an order.

(5) ¹⁶⁹ The decision of the court may be appealed by the person who is entitled to make a motion to initiate the proceedings, or in the circle concerning him or her, whose decision affected his or her rights or obligations.

(6) The court of second instance shall set aside the decision of the court of first instance in the simplified review procedure and reject the motion if the conduct of the procedure is precluded by law. The court will do so even if the petition was submitted by an unauthorized person and there is no place to conduct a simplified review procedure of its own motion.

(7) There is no place for a court of third instance in a simplified review procedure.

§ 675 The criminal costs shall be borne by the state if, during the proceedings, it is established that the final final decision on a matter subject to the simplified review procedure was not or was not provided in accordance with the law. In the event of a rejection of a motion to conduct a simplified review procedure, the criminal costs shall be borne by the petitioner, and in the case of a motion by the prosecutor's office, by the state.

PART TWENTY

SPECIAL PROCEDURES

XCV. CHAPTER

CRIMINAL PROCEEDINGS AGAINST YOUTH

§ 676. In criminal proceedings against a juvenile, the provisions of this Act shall apply with the exceptions provided for in this Chapter.

The purpose of criminal proceedings against a juvenile

§ 677. Criminal proceedings against a juvenile shall be conducted in such a way as to ensure the juvenile's social integration and to ensure that the juvenile does not commit another crime by promoting the juvenile's upbringing and physical, intellectual, moral and emotional development.

Scope of the procedure

§ 678. (1) Criminal proceedings against a juvenile shall have a place against a person who has reached the age of twelfth at the time of the commission of the offense, but not the eighteenth.

(2) If a juvenile is prosecuted for several criminal offenses, including an offense committed before the age of fourteen and after the age of fourteen, criminal proceedings against the juvenile shall be subject to the law applicable to the juvenile who has reached the age of fourteen.

(3) There is no place for criminal proceedings against a juvenile if the accused is being prosecuted for several criminal offenses and at least one of them has been committed after reaching the age of eighteen. This provision shall also apply if the juvenile has been put to the test for an offense committed after the age of eighteen and the case has had to be joined in proceedings for an offense committed as a juvenile under section 486.

(4) In the case of several defendants, the court shall adjudicate the case of the adult accused together with the case of the juvenile, if it is related to the case of the juvenile.

(5) Criminal proceedings against a juvenile shall be subject only to public prosecution, and in the case of criminal offenses to be prosecuted for private prosecution, the prosecutor's office shall act.

Protection of minors

§ 679. During the proceedings, the court, the prosecutor's office and the investigating authority shall continuously investigate whether a circumstance arises in connection with the juvenile which justifies the signaling obligation or the obligation to initiate official proceedings specified in the Child Protection and Guardianship Administration Act.

The court

Section 680 (1) In criminal proceedings against a juvenile, the court of first instance shall act in a council if

(a) the offense is punishable by a term of imprisonment of up to eight years or more, or

(b) the single Judge has referred the case to the Trial Chamber.

(2) In criminal proceedings against a juvenile, the panel of the court of first instance shall consist of a professional judge and two judges.

(3) The single judge and the chairman of the council shall be professional judges.

(4) In court proceedings against a juvenile a

(a) before *the* indictment, the investigating judge at first instance and the chairman of the panel at second instance,

(b) after indictment, at first instance by the single Judge or the President of the Chamber, at second instance and, with the exception of the Curia, by a member of the Chamber at third instance

a judge appointed by the President of the National Judicial Office.

(5) In criminal proceedings against a juvenile only as a judge

a) teacher,

(b) a psychologist, or

(c) in the context of family, child and youth protection services, guardianship administration, healing, caring for, employing, developing, caring for, educating, caring for or providing social assistance, working directly for the settlement of the child's fate, or having a university or college degree working person
can participate.

(6) The rights and obligations of a professional judge and a judge shall be the same during the judgment. The provisions on the exclusion of a judge shall also apply to the President.

The prosecutor

§ 681. In criminal proceedings against a juvenile, a prosecutor appointed by the superior prosecutor's office shall act.

The defender

§ 682. (1) The participation of a defense counsel in proceedings against a juvenile is mandatory.

(2) The presence of a defense counsel is obligatory with the participation of the juvenile before the prosecution

- a) *at the* interrogation of a suspect,
- b) confrontation,
- c) *for* recognition on presentation,
- d) on-the-spot questioning,
- (e) a demonstration experiment; and
- (f) at a hearing in proceedings for the enforcement of a judicial licensee affecting personal liberty.

(3) ¹⁷⁰ Except in the cases provided for in subsection (2), the defense counsel shall be subsequently informed of the procedural act with the participation of the juvenile if the defense counsel was not present and was not notified.

The proof

§ 683. (1) In criminal proceedings against a juvenile, the evidence also extends to the examination of circumstances relevant to the knowledge of the juvenile's special needs and environment (hereinafter: individual assessment of the juvenile). Means of individual assessment of the juvenile in particular

- a) the environmental study,
- (b) the probation supervisor's opinion or the summary probation supervisor's opinion,
- c) the expert opinion,
- d) the testimony of the probation officer,
- (e) the testimony of the juvenile's legal representative or other person caring for the juvenile.

(2) The legal representative of the juvenile or another person providing care for the juvenile shall co-operate in the individual assessment of the juvenile.

(3) The court, the prosecutor's office and the investigating authority may also order an expert examination of the maturity or intellectual development of a juvenile who has reached the age of fourteen at the time of the commission of the criminal offense.

4. At the latest before the final decision is taken, arrangements shall be made for the re-assessment of the juvenile to be re-assessed if the procedure reveals that the circumstances on the basis of which the juvenile has been individually assessed have changed significantly or for more than two years. a means of proof has been obtained.

§ 684. (1) Immediately after the interrogation of a juvenile as a suspect, the environmental study shall be obtained, which contains data on the investigation of the circumstances specified in law and in § 683 (1). The environmental study also includes a crime prevention risk assessment of the juvenile's vulnerability.

(2) The environmental study shall be prepared by the probation officer.

(3) The probation officer is obliged and entitled to get acquainted with all the data that are necessary for the preparation of the environmental study.

(4) The probation supervisor shall hear the juvenile and the legal representative of the juvenile, or another person providing care for the juvenile, obtain a pedagogical opinion and reveal the history of child protection.

(5) The probation officer may inspect the files and request information from the accused, the victim, witness, helper and other interested parties, the guardianship authority, the child welfare service and the preventive probation officer.

(6) In order to prepare the environmental study, the probation officer may use the assistance of a body of the police established for the performance of general police tasks.

7. The provisions relating to the expert shall also apply to the probation officer carrying out the environmental study, provided that Articles 194 to 195 apply. § 197 (2) - (5) and 199–200. § does not apply to the probation officer.

Summary probation supervisor opinion

§ 685. (1) If a pre-trial protest has been ordered against the juvenile in the course of his or her protection, the prosecutor's office shall order the prosecutor's office and then the court to obtain a summary opinion of the probation officer.

(2) In addition to the provisions of Section 203 (1) - (2), the summary opinion of the probation officer shall contain summary findings concerning the results of the implementation of the preventive guardianship ordered by the guardianship authority against the juvenile.

3. In the summary opinion of the probation officer, the probation officer shall propose the imposition of a specific code of conduct or obligation on the accused and, even in the absence of a court or prosecutor's order, shall state that the accused undertakes to comply with the prospective code or conduct. whether and whether the victim is able to perform and whether the victim consents to compensation.

(4) A probation officer who performs or has performed the previous probation of a juvenile is not excluded from the preparation of the summary opinion of the probation officer.

(5) If the conditions set forth in Section 683 (4) are met, the court or the prosecutor's office may examine the pre-trial probation officer as a witness. If the summary probation supervisor's opinion is prepared by the previous probationer, a hearing shall be held pursuant to Section 196 (2).

6. The provisions relating to the probation officer's opinion shall apply to the summary probation supervisor's opinion, subject to the derogations provided for in paragraphs 1 to 5.

Examination of foresight

§ 686. In order to examine the ability of a juvenile who has reached the age of twelve years of age but not less than the age of fourteen to The experts draw up a joint opinion.

Duration of the investigation

§ 687. (1) The investigation shall be completed within one year from the interrogation of the juvenile suspect, if proceedings are pending against the juvenile for a criminal offense punishable by up to five years' imprisonment.

(2) If an investigation into an offense punishable by a term of imprisonment of more than five years is pending against a juvenile, his or her term shall not be extended beyond two years from the hearing of the suspect.

The arrest

§ 688. (1) In the case of the reasons established in § 276 (2), the arrest of a juvenile is only appropriate only if it is necessary due to the special material weight of the criminal offense.

(2) Arrest shall cease if it lasts

(a) one year for a juvenile under the age of fourteen at the time the offense is committed,

(b) two years in the case of a juvenile who was fourteen years of age at the time the offense was committed;

except in the case of an arrest warrant ordered or maintained after the final decision has been pronounced, and where an appeal against an annulment order of a court of second or third instance is pending or a retrial is pending.

(3) The court shall decide on the place of execution of the arrest in accordance with the provisions of law, taking into account the personality of the juvenile and the nature of the offense charged against him or her.

(4) ¹⁷¹ The court shall decide on the temporary placement of a juvenile in accordance with the provisions of the law at the motion of the prosecutor's office, there is no appeal against this decision. A juvenile under the age of fourteen may not be placed temporarily.

(5) During the period of arrest, the court may change the place of execution of the arrest at the motion of the prosecutor's office, the accused or the defense counsel, ex officio after the indictment.

Order of coercive measure before indictment

§ 689. (1) An adult person providing care for a juvenile, if he or she is not the same as the legal representative, shall be notified of the meeting held in the proceedings related to the coercive measure of a judicial licensee affecting personal liberty.

(2) The legal representative and the adult person caring for the juvenile may also speak at the meeting.

(3) The decision on a coercive measure of a judicial licensee affecting personal liberty shall also be communicated to the adult person providing care for the juvenile.

Conditional prosecution suspension

Section 690 (1) A conditional suspension of a prosecutor pursuant to Section 416 may be applied against a juvenile if

(a) the investigation is pending for an offense punishable by no more than eight years' imprisonment, and

(b) *given* the nature of the offense, the manner in which it was committed and the identity of the suspect, the conditional suspension is expected to lead to the juvenile's progress in the right direction.

(2) If there is a conditional suspension of the prosecutor's office against the juvenile, the prosecutor's office shall conduct the proceedings in accordance with the provisions of the Criminal Code. He shall be suspended for a period of one to three years within the framework of the sentence imposed by his special part.

(3) The public prosecutor's office shall order the obtaining of the opinion of a probation officer before the conditional suspension of the prosecutor's office if he or she wishes to prescribe a special code of conduct in order to facilitate the purpose of probation supervision.

4. In the probation officer's opinion, the probation officer shall propose the imposition of a specific code of conduct or obligation on the accused and, even in the absence of a prosecution order, shall state whether the accused undertakes to comply with the prospective code of conduct or obligation. and whether the victim consents to compensation.

(5) The obligation specified in Section 419 (2) (c) may be imposed only on a juvenile who is 16 years of age at the time of the decision on the conditional suspension of the prosecutor, even if other conditions are met.

The preparatory meeting and the hearing

Section 691 (1) The public shall be excluded from the preparatory meeting and the hearing, except in the cases specified in Section 436 (4), if this is necessary in the interests of the juvenile.

(2) The court may order that the part of the hearing to be held in the absence of the juvenile which may adversely affect the juvenile's development in the right direction. The essence of the trial thus conducted shall be communicated to the juvenile at the latest before the evidentiary procedure is declared complete.

§ 692. (1) In criminal proceedings against a juvenile, a public prosecutor and a prosecutor may not represent the prosecution.

(2) A candidate lawyer may not act as a deputy lawyer before a court as a defense counsel for a juvenile.

§ 693. (1) The presence of a juvenile at the preparatory meeting and at the hearing is obligatory.

(2) If a decision-making decision may be made at the preparatory meeting, the environmental study, the probation officer's opinion and the summary probation supervisor's opinion shall be presented at the preparatory meeting.

(3) The prosecutor may not make a motion for a specific extent of the correctional education measure in the dialogue held at the hearing.

(4) If the court acts in a chamber of first instance, before the vote, the chairman of the council shall inform the presidents of the decision that may be made, provide information on the jurisdictions necessary for the decision, the sexes and their extent, and the measures.

(5) The court shall order correctional education in a conviction.

(6) The decision on a coercive measure of a judicial licensee affecting personal liberty and the final decision shall also be communicated to the adult person caring for the juvenile.

693 / A. § 172 If the court finds the juvenile accused guilty of an intentional criminal offense or finds him or her liable for the commission of an offense, he or she may also order the adult person to take care of the juvenile accused at the time the offense is incurred.

Different rules for special procedures and special procedures

§ 694. (1) In proceedings for the execution of a sentence, the legal representative may request the holding of the trial without the consent of the juvenile.

2. In the case of an absent minor, Articles CI to CII. No preparatory meeting or hearing may be held under the provisions of this Chapter.

(3) In order to impose a uniform measure instead of several correctional facilities, Articles 839 to 840 § shall apply mutatis mutandis.

(4) In the course of special proceedings pursuant to Sections 841 and 842, the court may also order correctional institution education instead of imposing a punishment on a juvenile.

XCVI. CHAPTER

MILITARY CRIMINAL PROCEEDINGS

§ 695. The provisions of this Act shall apply in military criminal proceedings with the exceptions provided for in this Chapter.

Scope of military criminal proceedings

§ 696. (1) Military criminal proceedings have a place

- a)* any criminal offense committed by a member of the Hungarian Armed Forces,
- b)* military offenses committed by the police, the Parliamentary Guard, the penitentiary organization, the professional disaster management body and a professional member of the civilian national security services during their actual service, as well as other offenses committed at the place of employment or in connection with the service ,
- c)* a criminal offense under Hungarian criminal jurisdiction committed by a member of the Allied Armed Forces in Hungary and on that person's floating facility or aircraft of Hungarian sovereignty outside the borders of Hungary.

in case of.

(2) Military criminal proceedings shall cover all criminal offenses committed by the accused if one of them results in military criminal proceedings and segregation is not possible.

(3) In the case of several accused persons, military criminal proceedings are appropriate if the offense of one of the accused persons is subject to military criminal proceedings and it is not possible to separate the proceedings, given the close connection of the facts. This provision also covers the organist and the accomplice.

(4) In the case of several defendants, the court shall adjudicate the case of the juvenile together with the case of the soldier in the military criminal proceedings, if it is related to the case of the soldier. In this case, the provisions on criminal proceedings against the juvenile shall apply *mutatis mutandis* to the juvenile.

The court

§ 697. (1) In a matter belonging to military criminal proceedings, the military council of the tribunal designated in the Act on the Names, Seat and Determination of Jurisdiction of Courts shall act in the first instance.

(2) Unless otherwise provided by this Act, the military council of the Metropolitan Judgment Panel shall act in the second instance in a matter belonging to military criminal proceedings. Other councils of the Metropolitan Court of Appeal may also act in the second instance on the issue of the admissibility of a retrial, and in the case of ordering a retrial, in the review of a judgment rendered in a retrial.

(3) A military judge may also act in matters related to non-military criminal proceedings.

Composition of the court

§ 698. (1) The military council of the tribunal as a court of first instance

- (a)* *act in* a panel of one professional judge and two presidents
 - (aa)* if the offense is punishable by a custodial sentence of up to eight years or more,
 - (ab)* Section 20 (1) 2–18. in the case of the offenses set out in paragraph 1, or
 - (ac)* if the case has been referred to a single Judge,
- (b)* act as single Judge in cases other than those referred to in point (*a*) .

(2) The court of first instance may also act in a chamber consisting of a professional judge and two judges if it finds that the offense charged against it may be more serious than the indictment.

(3) In military criminal proceedings, a military judge shall act as a professional judge at first instance and second instance, and a military judge shall act as a deputy at first instance. In the presence of sittings, the chairman of the council is a military judge.

(4) If a juvenile accused participates in military criminal proceedings and the court acts in a first instance council, one of the members of the court shall be a military officer who also meets the condition specified in Section 680 (5).

(5) In military criminal proceedings, except in the case of paragraph (6), the officer may not be of a lower rank than the accused. The advice is usually given by the Criminal Code. It shall be formed from the seat of the body specified in Section 127 (1), at which the accused performed service at the time of the commission. In the interests of justice, this rule may be departed from.

(6) In proceedings against an accused of the rank of general, if a council of elected military presidents cannot be formed in court pursuant to subsection (5), any military officer of the rank of general may act in the matter.

(7) During the judgment, the rights and duties of a professional judge and a military officer shall be the same. The provisions on the exclusion of a judge also apply to the military chief.

Jurisdiction of the court of first instance

§ 699. (1) The area of jurisdiction of the military council of a tribunal designated for military criminal proceedings is established by the Act on the Name, Seat and Determination of the Area of Jurisdiction of Courts.

(2) The military council of the Metropolitan Court is competent to adjudicate a criminal offense committed outside the borders of Hungary.

(3) The reason for jurisdiction described in Section 21 (3) shall not be applicable in military criminal proceedings.

The prosecution

§ 700. (1) In military criminal proceedings, the task of the prosecutor's office shall be performed by the prosecutor's office appointed by the chief prosecutor. In military criminal proceedings, a military prosecutor or a prosecutor appointed by the Chief Prosecutor for military criminal proceedings shall act.

(2) The prosecutor's office shall conduct the investigation

(a) committed by a soldier

aa) for a military offense,

(ab) for a military offense, if he has committed another offense in connection with it, or if segregation is not possible in the case of several defendants,

ac) for a non-military offense,

b) ¹⁷³ Chief and Deputy Chief of the Defense Forces, Director General and Deputy Chiefs of the Military National Security Service, Chief and Deputy Chief of the National Police, Director General and Deputies of the Counterterrorism Center, Deputy Chief and Deputy Chief of Staff of the National Defense Service, Parliamentary national commander and deputies, director general and deputies of the National Directorate General for Disaster Management, directors and deputies of civil national security services, soldiers serving in other bodies - Section 696 (1) b) with the exception of a soldier commanded or reassigned among bodies other than those listed in point 1, and for a military offense committed by a scholarship holder and a dual-status student of a higher education institution

c) for a criminal offense under Hungarian criminal jurisdiction committed by a member of the Allied Armed Forces in Hungary and on a Hungarian floating facility or aircraft of Hungarian sovereignty located outside the borders of Hungary,

(d) if there is a ground for refusal in respect of the master,

(e) if the soldier's service has in the meantime ceased.

(3) The Prosecutor's Office may also act in a matter not related to military criminal proceedings.

(4) ¹⁷⁴ If a criminal offense subject to military criminal proceedings is detected by a non-military investigating authority or a non-military investigating authority becomes aware of such a criminal offense, it shall immediately inform the prosecutor's office of the commission of the acts specified in Section 375 (4).

(5) Military criminal proceedings are only open to public prosecution, and in the case of a criminal offense to be prosecuted for private prosecution, the prosecutor's office shall act.

(6) In military criminal proceedings, a deputy prosecutor and a public prosecutor may not represent the prosecution.

The Military Investigating Authority

§ 701. (1) If the investigation is not carried out by the prosecutor's office, the commander responsible for the personnel shall act as the investigating authority.

(2) The commander may also exercise the authority of the investigator through the investigative body or the investigating officer assigned to perform this task.

(3) If the body under the command of the commander does not have an investigative body or an investigating officer, and if it is prevented from performing its duties or excluded from the proceedings, the commander shall conduct the investigation in person or appoint an investigative body or investigating officer you can ask.

(4) A person whose incumbent is the Chief of Service may not act as an investigating officer.

§ 702. (1) The investigation shall be conducted by the commander to whom the accused belongs to the service subordinate at the beginning of the criminal proceedings.

(2) If the place of service of the accused has changed after the commission of the act on which the proceedings are based, the investigation shall be conducted by the commander to whose service the defendant belonged at the time of the commission of the criminal offense.

(3) ¹⁷⁵ If the commander finds during the investigation that the accused does not fall within his or her investigative competence in the case of one or more criminal offenses, he or she shall refer the matter to the prosecutor's office or the competent military investigating authority within three days.

§ 703. (1) In the event of a conflict of jurisdiction, the commander conducting the investigation shall be appointed by the prosecutor's office supervising the investigation.

(2) The commander responsible for the place of the offense shall transfer the case of the perpetrator who became known during the investigation of a criminal offense committed by an unknown perpetrator to the incumbent personnel commander for further action, informing the prosecutor's office at the same time.

Witness protection

§ 704. (1) A witness performing military service may, in particularly justified cases, request his command or transfer to another place of service. The application is decided by the prosecution before the prosecution and then by the court. The witness may appeal against the rejection of the application.

2. The command or transfer shall be carried out by the staff body within seventy-two hours of notification of the decision.

Coercive measures

§ 705. (1) ¹⁷⁶ If the detention of a soldier has been ordered by a non-military investigating authority due to a criminal offense falling within the scope of military criminal proceedings, the accused shall be handed over to the competent prosecutor's office within twenty-four hours.

(2) Detention ordered during a commander's investigation shall be carried out in a police detention center.

(3) An arrest may be ordered against a soldier even if he is being prosecuted for a military offense or other offense punishable by imprisonment at the place of employment or in connection with the service and cannot be released on official or disciplinary grounds.

(4) An arrest ordered for the reason specified in subsection (3) shall be terminated upon termination of the accused's employment.

(5) If a criminal member of the Hungarian Armed Forces is ordered to be subject to criminal supervision during which the court has ordered the accused not to leave the area assigned to him, the commander or another foreman in case of obstruction shall observe compliance with this restriction.

Ensuring the rights of the defense

§ 706. The accused shall be granted immunity from service during his or her actual service if he or she participates in a procedural act in which his or her presence is permitted or required by this Act.

Command investigation

§ 707. (1) The investigation shall be directed and supervised by the commander.

(2) The investigating officer shall act during the investigation on the instructions of the commander.

(3) If the commander has taken measures to conduct other proceedings, he or she shall report this to the prosecutor's office.

(4) During the commander's investigation, the commander or the investigating officer acting on the matter may provide information to the press.

§ 708. (1) The commander has the exclusive decision-making power:

1. the exclusion of the investigating officer,
2. ordering an investigation,
3. ordering that the report be supplemented,
4. referral of the report,
5. rejection of the application,
6. stay of proceedings,
7. termination of the procedure,
8. secondment of the defense counsel, revocation of the secondment of the defense counsel, exemption from the secondment of the defense counsel,
9. determination of the fees and costs of the seconded counsel,
10. secondment, exclusion, dismissal of the expert,
11. determination of the expert's fee,
12. assessing the reference of the witness and the expert to the immunity,
13. examination of the application for a certificate,
14. the detention of the accused and the termination of the detention,
15. ordering research and search,
16. ordering and terminating the seizure,
17. ordering the obligation to retain data recorded by means of a computer system,
18. the application and lifting of non-judicial detention,
19. ordering the lead-in,
20. initiating a measure within the competence of the prosecutor's office,

21. within eight days of the submission of the complaint, to have the complaint upheld or to submit the complaint for consideration,

22. suspension of the execution of the decision pursuant to Section 367 (2).

(2) The measure specified in Section 31 (4) shall be taken by the commander.

§ 709. (1) The commander shall immediately inform the prosecutor's office if

(a) the imposition of a coercive measure which does not fall within its competence,

(b) the termination of the arrest, pre-trial detention or criminal supervision considers it necessary.

(2) The commander shall submit a complaint against the decision made during the investigation, as well as a complaint against the suspicion, if he does not uphold it, to the prosecutor's office.

(3) An oral complaint during an investigation shall be made in writing.

Adjudication of the offense in disciplinary proceedings

§ 710. (1) The prosecutor's office shall reject the report or terminate the proceedings and send the case files to the person exercising disciplinary authority if the purpose of the punishment can be achieved by disciplinary punishment due to a military offense.

2. If the military investigating authority sees an opportunity to prosecute the offense, it shall immediately submit the files to the prosecutor's office for a decision pursuant to paragraph 1. The public prosecutor's office shall take a decision and take action in accordance with paragraph 1 within three days of receipt of the file or return the file to the commander for further investigation.

(3) The investigation shall be ordered or the proceedings shall be continued if the complainant has filed a complaint against the decision rejecting the report, the suspect or his or her defense counsel and there is no other reason for rejecting the report or terminating the proceedings. The complainant or suspect must be warned of this in the decision.

(4) If the public prosecutor's office has referred the adjudication of a criminal offense to disciplinary proceedings, the person exercising disciplinary authority may impose disciplinary punishments specified therein in proceedings in accordance with the provisions of the laws regulating employment.

(5) The decision imposing a disciplinary sanction shall also be served on the public prosecutor's office.

§ 711. (1) A person who has been punished or his or her counsel may request a judicial review of a decision or order imposing disciplinary punishment made on the basis of a complaint that cannot be challenged with a complaint or a disciplinary proceeding. An application for judicial review may be made within three days of notification of the decision or order. Until the motion is adjudicated, the punishment cannot be carried out.

(2) ¹⁷⁷ The petition shall be submitted to the person exercising disciplinary authority imposing the punishment, who shall send it together with the case file to the military council of the competent tribunal within one day. The motion may be withdrawn until the hearing begins.

(3) The court

a) acts as a single judge,

b) adjudicate the motion at the hearing,

(c) notify the person exercising disciplinary authority and the public prosecutor's office of the date of the trial.

(4) The disciplinary authority and the prosecutor may speak at the hearing. If a statement is to be made in writing, the statement must be submitted to the court before the trial begins.

(5) The court shall adjudicate the petition by an order.

(6) A motion which is excluded by law, is late or comes from an unauthorized person shall be rejected by the court. The motion, which has been resubmitted in this way, will be rejected by the court without substantive reasons. The motion must also be rejected before the hearing is scheduled.

(7) The court

(a) uphold the decision or order if the motion is unfounded;

b) reduces the level of punishment or applies less severe punishment,

(c) annul the decision or order imposing the sentence if an acquittal or termination of the proceedings would be required in the event of a criminal trial.

(8) The provisions concerning an appeal against an order written in Section 579 (2) shall apply to an appeal against a decision of a court pursuant to subsection (7).

The mediation procedure

§ 712. In military criminal proceedings, mediation proceedings are governed by the Criminal Code. There is no place for a criminal offense against property committed to the detriment of an organ specified in Section 127 (1).

Proceedings before the court

§ 713. In military criminal proceedings, the duties of the court shall be performed by the military judge of the tribunal as an investigating judge prior to the indictment. An appeal against a decision of a military judge as an investigating judge is adjudicated by the Second Chamber of the Tribunal.

Termination of the procedure

§ 714 of the Criminal Code. The prosecutor's office shall terminate the proceedings before the indictment and the court shall terminate the proceedings before the indictment for the reason terminating the criminal liability specified in Section 131.

Rules of procedure

§ 715. (1) If the court acts in a council consisting of presidents, before the vote the chairman of the council shall provide information on what decision may be made, provide information on the jurisdictions necessary for the decision, the sexes and their extent, and the measures.

(2) In the military council, the lower-ranking judge shall vote before the higher-ranking rank. In the case of the same rank, the person who stepped into the rank later shall vote first. If the date of promotion is identical, the younger shall vote first. The chairman of the council shall vote last.

§ 716. (1) If the court finds, in comparison with the result of the trial, that the act which is the subject of the accusation is an offense committed at the place of employment or in connection with the service, and therefore acquits the accused, the case files shall be to the person exercising disciplinary authority for the purpose of conducting proceedings.

(2) If the service of a soldier has been terminated before the case files have been sent to the person exercising disciplinary authority, the violation shall be adjudicated by a court.

(3) In the case of subsections (1) and (2), the court may order confiscation and adjudicate on the merits of the civil claim.

§ 717. The court of second instance shall set aside the judgment of the court of first instance by a non-decision-making order and instruct the court of first instance to reopen the proceedings even if the court has acted in accordance with this Chapter in a matter not related to military criminal proceedings.

Interpretative provision

718. § ¹⁷⁸ For the purposes of this Chapter, the commander responsible for the investigation acting as an investigating authority shall also mean the manager entitled to investigate the commander pursuant to law.

XCVII. CHAPTER

PROCEDURE FOR EXEMPTION PERSONS

Immunity based on immunity

§ 719. (1) A person with the immunity specified in law may be questioned as a suspect, coercive measures may be applied against him or her and charges may be brought only after the immunity has been suspended. In the event of an act of a person enjoying immunity, a coercive measure under this Act may be imposed on him or her.

(2) If in criminal proceedings there is evidence that a person with immunity may be questioned, coerced or prosecuted, the decision of the person entitled to waive immunity shall be proposed. The motion for waiver of immunity is made by the Attorney General before the indictment, then by the court in private prosecution and private prosecution cases. In the event of an action being taken, the motion shall be tabled without delay.

(3) Criminal proceedings shall be suspended at the same time as the submission of the motion.

(4) If the petition has been rejected by the person entitled to waive immunity, the proceedings shall be terminated immediately by a decision of the prosecutor's office or by a non-decision-making order of the court.

(5) Unless otherwise provided by law, the termination of proceedings for such a reason shall not preclude the conduct of criminal proceedings after the waiver of immunity.

Exemption based on international law

Section 720 (1) The provisions of Section 719 shall apply, with the exceptions contained in this Section, in the case of persons enjoying an exemption based on international law.

(2) The prosecution of persons enjoying immunity under international law is governed by an international treaty or, failing that, by international practice. In the case of international practice, the resolution of the Minister of Justice shall be obtained in agreement with the Minister responsible for foreign policy.

(3) No action may be brought against a person enjoying an exemption under international law until the exemption has been suspended.

(4) A request for the suspension of an exemption based on international law shall be submitted by the court through the Minister responsible for justice, the Attorney General directly to the Minister responsible for foreign policy.

§ 721. (1) If a person enjoying immunity acts as a private prosecutor or a substitute private prosecutor, the court shall suspend the proceedings at the same time as the submission to the Minister responsible for foreign policy through the Minister of Justice. If the court has granted an exemption on the basis of a resolution of the Minister responsible for foreign policy, the proceedings shall be terminated.

(2) If, in addition to the cases of Section 720 and (1), it becomes necessary for a person enjoying immunity under international law to participate in criminal proceedings, the Chief Prosecutor shall prosecute before the indictment, then the Minister of Justice without suspending the procedure, to the Minister responsible for foreign policy.

3. The purpose of a referral under paragraphs 1 and 2 shall be to take a resolution on the existence of immunity under international law and to take the necessary measures to waive

immunity from criminal jurisdiction. If, on the basis of a resolution of the Minister responsible for foreign policy, immunity cannot be established or a declaration of waiver by the sending State is available, the person concerned may take part in the criminal proceedings.

XCVIII. CHAPTER

PROCEEDINGS BEFORE A COURT

§ 722. In the event of a court case, the provisions of this Act shall apply with the exceptions provided for in this Chapter.

Bringing a case to court in case of an act

§ 723. The prosecutor's office may bring the accused before a court within fifteen days from the commission of the crime if

- a) the offense is punishable by a penalty not more severe than ten years' imprisonment,
- b) the case is simple to judge,
- c) the evidence is available; and
- d) the accused has been convicted of an offense.

Prosecution in case of confession

§ 724. The prosecutor's office may bring the accused before a court within one month of being questioned as a suspect if

- a) the conditions specified in Section 723 a) – c) are met, and
- b) the accused has admitted the commission of the offense.

Coercive measures

Section 725 (1) If the conditions specified in Section 723 are met, detention may also be ordered for the purpose of bringing a case to court.

(2) A coercive measure of a judicial licensee concerning personal liberty ordered before being brought before a court shall last until the end of the trial held on the day of the trial.

(3) If the court returns the case files to the prosecutor's office, it shall, in accordance with the general rules, decide on a motion to extend, order or terminate the coercive measure of a judicial licensee affecting personal liberty.

(4) If the court adjourns the hearing, it shall decide, in accordance with the general rules, on the maintenance, ordering or termination of the coercive measure affecting the personal liberty of the judge.

Investigation and prosecution

§ 726. (1) The prosecutor's office shall notify the suspect if he wishes to bring him to court.

(2) The public prosecutor's office shall immediately appoint a lawyer if the suspect does not wish to appoint a lawyer.

(3) The public prosecutor's office may also use the investigating authority to comply with paragraphs (1) - (2).

(4) The prosecutor's office shall provide the personal data of the suspect suitable for identification, the description of the act which is the subject of the trial, and its Criminal Code. shall draw up a note containing its classification and the list of means of proof.

(5) ¹⁷⁹ The prosecutor's office shall serve the record pursuant to paragraph 4 on the suspect and the defense counsel at the latest at the beginning of the trial.

(6) The public prosecutor's office shall ensure the inspection of the case files by applying Section 100, at the latest until the commencement of the court hearing.

Preparation for the hearing

§ 727. (1) ¹⁸⁰ In the case of bringing a case before a court, LXXV – LXXVII. The provisions of this Chapter shall not apply.

(2) If the public prosecutor's office informs the court that it intends to bring the suspect to court, the court shall immediately set a deadline for the trial.

(3) The public prosecutor's office shall bring the suspect to justice, summon the defense counsel and ensure that the means of proof are available at the trial.

(4) The prosecutor's office shall ensure that the defense counsel can consult the detained suspect before the trial.

(5) The Public Prosecutor's Office shall also ensure that those present, whose presence is obligatory and whose presence is permitted by this Act, are present at the hearing.

(6) The public prosecutor's office may also use the investigating authority to comply with paragraphs (3) to (5).

The trial

§ 728. (1) In the event of being brought before a court, the participation of the defense counsel in the court proceedings is mandatory.

(2) Before the commencement of the trial, the prosecutor's office shall, if this has not been done before, hand over to the court the record pursuant to Section 726 (4), the investigation files and other means of material evidence.

(3) The prosecutor shall present the accusation orally.

(4) After the indictment has been filed, the court shall return the files to the public prosecutor's office if

a) in the case specified in Section 723, more than fifteen days have elapsed from the commission of the criminal offense to the submission to the court,

b) in the case specified in Section 724, more than one month has elapsed from the interrogation of the suspect to the court,

c) the offense is punishable by a heavier penalty than ten years' imprisonment, or

d) the means of proof are not available.

§ 729. (1) The court may adjourn the hearing once, for a maximum of fifteen days.

(2) If it is necessary to search for additional means of proof compared to the result of the evidence taken at the hearing and therefore the hearing cannot be resumed within fifteen days or without another adjournment, the court shall return the files to the prosecutor's office.

(3) The prosecutor's office may amend the charge if the conditions for bringing to justice the offense according to the amended charge also apply. Otherwise, the court returns the files to the prosecutor's office.

(4) No appeal shall be lodged against the return of files to the Public Prosecutor's Office.

Second instance court proceedings

§ 730 An appeal against a judgment and order of the court of first instance shall be adjudicated by the court of second instance within two months of the arrival of the case.

XCIX. CHAPTER

SETTLEMENT PROCEDURE

Section 731 (1) A LXV. The provisions of this Act shall apply to court proceedings conducted on the basis of an agreement specified in this Chapter, with the exceptions provided for in this Chapter.

(2) The participation of a defense counsel in court proceedings conducted on the basis of a settlement shall be mandatory.

Preparatory meeting

Section 732 (1) At the preparatory hearing, the prosecutor shall describe the essence of the charge and the motions pursuant to Section 424 (2).

(2) After presenting the indictment and the motions, the court shall inform the accused of the consequences of approving the settlement, in particular of the provisions of Section 735 (2) and Section 738 (1) and (3).

(3) The court shall then summon the accused to state whether he admits his guilt in accordance with the settlement and waives his right to a trial.

(4) Before making the statement, the court shall allow the accused to consult with counsel.

5. If the accused pleads guilty in accordance with the settlement and waives his right to a trial, the court shall examine, on the basis of that fact, the case file and, if necessary, the hearing of the accused and the answers to questions to the defense counsel, whether they exist.

(6) Before deciding on the approval of the settlement, the prosecutor and the defense counsel may speak.

Conditions for approval of the agreement

§ 733 The court approves the settlement if

- (a) the conclusion of the agreement in accordance with Articles 407 to 409; §,
- (b) the content of the agreement in accordance with Articles 410 to 411. §,
- (c) the accused understood the nature of the settlement and the consequences of approving it,
- (d) there is no reasonable doubt as to the defendant's ability to set off and his admission on a voluntary basis,
- (e) the accused's statement of guilt is clear and supported by the case file.

Refusal to approve the settlement

§ 734. (1) The court shall refuse to approve the settlement if

- a) the indictment and the motions pursuant to Section 424 (2) deviate from the settlement included in the minutes,
 - (b) the accused did not plead guilty at the trial in accordance with the settlement or waived his right to a trial,
 - (c) the conditions for approving the settlement are not met,
 - d) the accused has not fulfilled the obligations undertaken in accordance with Section 411
- (1) e) ,
- (e) a classification different from that of the charge appears to be identifiable.
- (2) There is no appeal against an order of a court refusing to approve a settlement.

3. If the court has refused to approve the settlement, the proceedings shall be conducted in accordance with Articles 506 to 508. §. In this case, the agreement is not binding on the prosecution or the accused.

Procedure for approval of the settlement

§ 735. (1) If the conditions for the approval of the settlement are met and there is no place for refusing the approval, the court shall approve the settlement at the preparatory hearing.

(2) There is no appeal against a court order approving a settlement.

§ 736. (1) If the court has approved the settlement, the proceedings shall be conducted in accordance with Articles 504–505, with the exceptions specified in paragraphs (2) - (7). §.

(2) The court shall base the guilt of the accused on the admission of guilt, the approval of the settlement and the case file.

(3) In a judgment, the court may not deviate from the facts and classification of the accusation and from the motions specified in Section 424 (2) (*b*) and (*c*) .

(4) The court may not dismiss the civil claim.

(5) In addition to the provisions of Section 561 (3) (*b*) –*c*) and (*f*) , it shall be sufficient to refer to the charge based on the settlement, the approval of the settlement and the applicable legislation in the reasoning of the judgment .

(6) If all the accused in the case have not reached an agreement with the prosecutor's office, or if the court has not approved all the agreements reached between the prosecutor's office and the accused, the court shall declare the accusation in accordance with paragraphs 2 to 5. unanimously, by negotiation.

(7) If other conditions for separation exist, the court may separate the matter which is the subject of the approved settlement in order to render a judgment.

§ 737. (1) If it is necessary to hold a hearing after the approval of the settlement, the court shall describe the essence of the settlement after the commencement of the hearing.

(2) The court may set aside the order approving the settlement after obtaining the statement of the prosecutor and the accused, if, in comparison with the result of the evidence, it considers that the settlement could have been refused due to a change in the facts or classification.

(3) If the court annuls the order approving the settlement,

a) the agreement is not binding on the prosecution or the accused,

b) the court decides, at the request of the public prosecutor's office, the accused or the defense counsel, to repeat the evidence taken in the absence of the accused, and

c) the public prosecutor's office, the accused and the defense counsel may submit their motions within fifteen days without the restrictions specified in Section 520 (1) - (3).

Second instance court proceedings

§ 738. (1) There is no place for appeal

a) a finding of guilt,

b) the facts and classification of the accusation established pursuant to Section 736, Paragraphs (2) - (3),

c) the sex, amount or duration of the penalty or measure established pursuant to Section 736 (3), and

d) any other provision of the judgment established pursuant to Section 736 (3) due to.

2. An appeal may, within the limits of paragraph 1, establish a new fact and rely on new evidence.

3. In proceedings at second instance, evidence may be taken within the limits laid down in paragraphs 1 to 2.

(4) The court of second instance may change the provision of the judgment under appeal concerning the finding of guilt only if it can be established without holding a hearing that the accused is acquitted or the proceedings are terminated.

5. The court of second instance shall set aside the judgment of the court of first instance and order the court of first instance to institute new proceedings if:

a) the court of first instance approved the settlement notwithstanding any of the reasons specified in Section 734 (1),

b) the court of first instance did not act in accordance with Section 732 (1) - (4),

(c) the defendant should be released or the proceedings should be terminated and paragraph 4 shall not apply.

(6) The court of second instance shall set aside the judgment of the court of first instance and send the case files to the public prosecutor's office if the public prosecutor's office is in accordance with LXV. In the absence of the legal preconditions set out in this chapter, he initiated the proceedings.

(7) There is no appeal against the annulment order of the court of second instance.

8. The provisions of this Chapter shall not apply to a repeated procedure.

CHAPTER C.

PROCEDURE FOR SENTENCING

§ 739. (1) In the case of proceedings for the execution of a sentence, the provisions of this Act shall apply with the exceptions provided for in this Chapter.

(2) The execution of a sentence is a final decision. The provisions of the judgment shall apply to the execution of a sentence, unless otherwise provided by this Act.

Conditions for serving a sentence

§ 740. (1) The court shall, on the motion of the prosecutor's office or ex officio, in the case of a criminal offense not punishable by a term not exceeding three years' imprisonment, by failing a trial, impose a criminal sentence on the basis of case files if

a) the case is simple to judge,

b) the accused is released or detained in another case, and

c) the purpose of the sentence can be achieved without trial.

(2) The court in the execution of a sentence

a) may impose a suspended custodial sentence, work in the public interest, a fine, a ban on an occupation, a ban on driving, a ban, a ban on attending a sporting event or an expulsion,

b) impose demotion, termination of service, relegation to rank and extension of waiting time against a soldier, or

c) *may carry out* reparation, probation or reprimand.

(3) The court shall also impose a criminal offense in the case of a criminal offense not punishable by a term not exceeding five years' imprisonment if:

a) the conditions set out in points (*a*) to (*c*) of paragraph 1 are met; and

b) the accused has admitted the commission of the offense.

Sentencing

§ 741. (1) The court shall deliver the sentence within one month after the arrival of the case.

(2) The court shall impose the punishment listed in Section 740 (2) or the application of a measure in the execution of a sentence.

a) may also exercise probation in the event of the imposition of a suspended custodial sentence, the imposition of reparation or probation,

b) *may order* confiscation, confiscation of property or permanent disclosure of electronic data,

c) grant the civil claim or instruct the enforcement of the civil claim by other legal means,

d) repeal the provision for probation,

e) *provide* for the joinder, separation, stay of proceedings and termination of proceedings.

(3) The operative part of the sentence shall contain

a) the provisions of Section 561 (2), and

b) a warning of the provisions of §§ 742 and 744.

(4) The justification for the execution of the sentence shall contain the established fact, the reference to the accusation and the existence of the conditions of the sentence, as well as the indication of the applied legislation.

(5) If the execution of a sentence has been proposed by the prosecutor's office, the execution of a sentence may also be made by a court clerk.

Motion for a hearing

Section 742 (1) There is no appeal against the execution of a sentence.

(2) The prosecutor, the accused, the defense counsel, the private party, the property interested party and other interested parties may request a hearing within eight days from the service of the criminal record.

(3) If the execution of a sentence has been requested by the prosecutor's office, the prosecutor may not request a hearing on the grounds that the court has acted in accordance with this Chapter.

(4) A private party may request a hearing in connection with a provision adjudicating a civil law claim, a property interest and other interest in the provision of criminal proceedings concerning him or her.

(5) A motion to hold a trial shall have suspensory effect on the execution of the sentence or measure imposed in the execution of the sentence or on the fulfillment of the contents thereof, with the exception specified in Section 746 (2) and (3).

The preparatory meeting and the hearing

§ 743. On the basis of the motion of the prosecution, the accused, the defense counsel, the private party and other interested parties to hold a hearing, or if the defendant could not be served with the sentence, the court shall decide in accordance with LXXVI. It shall hold a preparatory meeting in accordance with Chapter 7 and shall conduct the procedure in accordance with Articles 744 to 746. With the exceptions specified in §, it will continue in accordance with the general rules.

§ 744. (1) The petitioner may withdraw the motion to hold a hearing until the beginning of the preparatory meeting.

(2) A petition for the holding of a hearing announced by another in favor of the accused may be withdrawn by the petitioner only with the consent of the accused, this provision shall not apply to the motion of the prosecutor's office.

(3) The presence of the person proposing to hold the hearing at the preparatory meeting is obligatory. If he does not appear at the preparatory meeting and does not save himself with good reason, in advance, without delay, he shall be deemed to have withdrawn the motion.

§ 745. (1) Before the commencement of the preparatory hearing, the court shall declare to the petitioner whether it maintains its motion for a hearing.

(2) If the accused present at the preparatory hearing upholds the defense's motion to hold a hearing, Section 744 (3) shall not apply in the absence of the defense counsel.

(3) The court shall invite the petitioner to supplement the motion to hold a hearing if it is not possible to determine why he or she considers the execution of the sentence to be prejudicial.

(4) A motion to hold a trial shall not be deemed to be filed if the accused or the defense counsel proposes only to grant a postponement or installment payment or to correct the execution of the sentence.

§ 746. (1) After the commencement of the preparatory hearing, the court shall describe the essence of the motion for the execution of a sentence and the holding of a trial.

(2) If the motion to hold a trial has infringed only the provision on confiscation, confiscation of property, permanent non-disclosure of electronic data or criminal costs, the court shall decide only on this issue.

(3) If the motion to hold a hearing infringed only the provision relating to the civil claim, the court shall annul that provision and order the enforcement of the civil claim by other lawful means.

(4) Except in the case of paragraphs (2) to (3), the court shall annul the execution of the sentence at the preparatory hearing. There is no appeal against this order.

5. In the absence of a request against the accused, the court may impose a less favorable penalty or apply a less favorable measure if new evidence emerges at the hearing and on the basis of this the court establishes a new fact which requires a more serious classification or significant less favorable penalties or measures should be imposed.

CI. CHAPTER

PROCEDURE AGAINST A LONG LOAD

§ 747. (1) The fact that a person who is reasonably suspected of having committed a criminal offense or the accused has become inaccessible shall not be an obstacle to the conduct of criminal proceedings.

(2) In the case of proceedings against a defendant in absentia, the provisions of this Act shall apply with the exceptions provided for in this Chapter.

(3) An accused person who is absent shall be prosecuted and subsequently prosecuted if:

(a) the person reasonably suspected of having committed the offense or the accused has escaped, absconded during the proceedings, or can reasonably be expected to have become otherwise inaccessible in order to avoid criminal proceedings,

(b) the measures taken to trace the accused have not been successful within a reasonable time; and

(c) it is justified by the material gravity of the offense or by the judgment in the case.

The condition set out in paragraph 3 (b) may be established if:

(a) evidence has been obtained in order to locate the accused, data-gathering activities have been carried out or, if the conditions are met, disguised means have been used,

(b) the investigating authority, the public prosecutor's office or the court has issued a circular or, if the conditions are met, an arrest warrant, and

(c) the circular or arrest warrant did not produce results within 15 days of its issuance.

(5) If the conditions for conducting proceedings against the absent accused are not met, the court or the public prosecutor's office shall suspend the proceedings.

(6) The participation of a defense counsel in proceedings against an absent person shall be mandatory.

Investigation and prosecution

§ 748. (1) If the person reasonably suspected of committing a criminal offense or the contact details of the suspect are unknown and the conditions for conducting proceedings against the absent accused exist, the prosecutor's office shall register the person suspected of committing the criminal offense or the suspect as absent. There is no appeal against the decision.

(2) If the absent accused does not have a lawyer, the prosecutor's office shall appoint a lawyer for him in the decision pursuant to subsection (1).

(3) The prosecutor's office or the investigating authority shall only be liable for the absence of the accused

a) decision pursuant to paragraph (1)

- b) a decision suspending or terminating the proceedings,
- (c) information on the prosecution to deliver.

4. Failure to communicate the suspicion, provided that the conditions set out in paragraph 1 are met, shall not prevent the prosecution. If the prosecution requests that the proceedings be conducted in the accused's absence in the indictment, the indictment shall contain, in addition to the provisions specified in Section 422, a detailed description of the circumstances listed in Section 747 (3) and (4).

Court proceedings against the absent accused

§ 749. (1) The court shall act against the absent accused upon the motion of the prosecutor's office to that effect.

(2) There shall be no place for a preparatory meeting in respect of an absent person.

§ 750. (1) If the prosecutor's office has brought charges against an absent accused and the contact details of the accused become known before the commencement of the trial, the court shall inform the prosecutor's office. The provisions of Parts Thirteen to Fourteenth shall apply to further proceedings before the Court.

(2) If the accused becomes inaccessible after the indictment and the conditions for conducting proceedings against the absent accused are met, the court shall inform the prosecutor's office thereof.

3. If the public prosecutor's office does not request that the trial be resumed against the absent accused within fifteen days of receiving the information, the single judge or the chairman of the council shall suspend the proceedings. The suspension of the proceedings does not prevent the prosecution from submitting its motion at a later date.

(4) If the court assigns a defense counsel to the accused in absentia, the trial shall be continued by presenting the material of the previous trial.

(5) Paragraphs 1 to 4 shall apply mutatis mutandis to second-instance and third-instance court proceedings.

§ 751. (1) If the measures taken to trace the accused resulted in a decision of the court of first instance, the court shall continue the trial by presenting the material of the previous trial and, if necessary, reopen the evidentiary proceedings pursuant to § 547.

(2) If the measures taken to trace the accused have resulted in a final decision of the court of first instance, the accused may lodge an appeal within the time limit open for appeal.

§ 752. (1) If the measures taken to trace the accused have led to a result in the court of second instance, the court of second instance shall hold a hearing and interrogate the accused, describe the substance of the trial in the absence of the accused and, if necessary, it adds further evidence.

(2) If the measures taken to trace the accused have resulted in the court of third instance proceedings, the court of third instance, provided that there is no place for the application of Section 625 (3), shall set aside the judgment of the court of second instance and order the court of second instance to reopen the proceedings. .

(3) If the measures taken to trace the accused have resulted in the examination of the appeal against the annulment order of the court of third instance, the Curia shall annul the decision of the court of third instance and instruct the court of third instance to reopen the proceedings. Thereafter, paragraph 2 shall apply mutatis mutandis to the proceedings before the court of third instance.

(4) If the whereabouts of the accused become known after the final decision has been taken, a motion for renewal may be filed in his favor.

Section 753 (1) The provisions of Part Eighteen shall apply mutatis mutandis to proceedings repeated under this Chapter.

(2) If the accused leaves again in an unknown place during the repeated proceedings in accordance with this Chapter, the decision of the court made on the basis of the proceedings against the absent accused shall remain in force without any substantive examination. The court warns the accused of this.

3. In the cases referred to in paragraph 2, the proceedings shall be instituted by the court in whose proceedings the measures taken to trace the accused were previously successful.

CII. CHAPTER

PROCEDURE IN THE ABSENCE OF A LOADED ABROAD

§ 754. In the case of proceedings in the absence of a defendant residing abroad, the CI. The provisions of this Chapter shall apply with the exceptions set out in this Chapter.

§ 755. (1) In the absence of the accused in a known place abroad, the place of conduct of the proceedings is appropriate if

(a) a European or international arrest warrant has not been issued or is not issued because the prosecution does not propose the imposition of a custodial sentence or correctional facility in the indictment, and

(aa) did not appear despite the lawful summons, or

ab) the accused is detained abroad,

(b) a European or international arrest warrant has been issued but no transfer or extradition of the accused has taken place within twelve months of the arrest of the accused and no transfer of criminal proceedings has taken place,

(c) a European or international arrest warrant has been issued but the surrender or extradition of the accused has been refused and no criminal proceedings have been surrendered,

(d) a European or international arrest warrant has been issued and a deferred surrender or extradition of the accused has been ordered.

(2) In the absence of a defendant residing abroad, the proceedings may be conducted even in the circumstances specified in subsection (1) only if:

(a) it is justified by the material gravity of the offense or by the judgment in the case; and

(b) the accused's participation in the proceedings or his presence in the proceedings cannot be ensured by submitting an application for international criminal assistance or by the use of a means of telecommunication, or their use is not justified by the material gravity of the offense or the judgment.

§ 756. (1) If, after the indictment, it can be established that the accused is abroad and the conditions specified in § 755 (1) are met, the court shall inform the prosecutor's office thereof. If the public prosecutor's office does not request that the hearing be resumed in the absence of the accused within fifteen days of receiving the information, the single judge or the president of the panel shall suspend the proceedings. The suspension of the proceedings shall not prevent the public prosecutor's office from submitting his motion at a later date.

(2) If, after the indictment, it can be established that the absent accused is abroad and the conditions specified in Section 755 (1) are met, the court shall continue the proceedings without summoning the prosecutor's office.

(3) If the accused is detained abroad, proceedings against the accused residing abroad may be conducted only after the accused has given his or her consent. If the accused does not consent to the continuation of the proceedings, the court shall suspend the proceedings.

CIII. CHAPTER

PROCEDURE FOR DEPOSIT OF SECURITY

§ 757. (1) The provisions of this Act shall apply in criminal proceedings involving the deposit of security, with the exceptions provided for in this Chapter.

(2) Upon the motion of a defendant living abroad in a habitual way of life, the prosecutor's office and then the court may allow the deposit of a security deposit before the prosecution, provided that:

a) the law imposes a penalty not exceeding five years' imprisonment for the offense in question,

b) the defendant is foreseeable to be fined or confiscated,

c) the defendant's absence from the hearing and the proceedings does not adversely affect the interests of the proceedings, and

d) the accused has entrusted his lawyer with the duties of service agent.

(3) The provision of security shall not be permitted if the offense has caused death.

(4) An application for permission to lodge a security may be submitted by the accused or his lawyer to the trial court or public prosecutor's office.

(5) In the motion, the accused shall declare that he or she will return to the territory of Hungary if it is necessary for the execution of the imprisonment or detention imposed.

(6) The court or the public prosecutor's office shall adjudicate the motion out of turn.

(7) The court or the public prosecutor's office shall decide on the motion on the basis of the case files and, if necessary, hear the accused and the defense counsel. The court will also hear the prosecutor if necessary.

(8) The amount of the security shall be determined by the court or the public prosecutor's office, to the extent necessary to enforce the fine to be imposed on the accused, the applicable confiscation of property and the criminal costs incurred.

(9) An appeal against a decision on a motion shall have suspensory effect.

§ 758. (1) If the court or the prosecutor's office authorizes the deposit of **bail** and the accused has deposited the bail, the procedural acts and the hearing may be held in the absence of the accused and the court may terminate the proceedings against the unrepresented accused.

(2) After the security has been lodged, the court, the public prosecutor's office and the investigating authority shall notify the defendant of the trial and of the procedural steps, through the service agent.

(3) The participation of a defense counsel in criminal proceedings is mandatory.

(4) If the accused has lodged the security and has left the territory of Hungary, the provisions of the proceedings against the accused absent or in the absence of the accused abroad shall not apply in criminal proceedings.

(5) If the accused has lodged the security and left the territory of Hungary, there is no place to suspend the proceedings on the grounds that the accused is abroad.

§ 759. (1) The procedure for depositing a security shall not prevent the court or the prosecutor's office from sending a request for legal aid in accordance with the provisions of the Act on Criminal Cooperation with the Member States of the European Union or the Act on International Criminal Assistance, if necessary, to a foreign state. Procedural legal aid may cover, in particular, the performance of procedural acts, the search for means of proof, the questioning of the accused, the examination, the search, the search and the seizure.

(2) If, prior to the indictment, it is established that the accused is reasonably suspected of committing another criminal offense or is also reasonably suspected of committing another criminal offense in respect of which the prosecutor's office has authorized the deposit of security and no new security place, the prosecution orders the return of the security already

deposited to the accused. Thereafter, criminal proceedings shall be conducted in accordance with the general rules.

(3) If after the indictment

(a) the prosecution amends the charge, or

(b) the court finds that the act which is the subject of the charge may be classified differently from the charge,

and there is no place under the law to allow a security to be lodged for another offense, the court will order the return of the security already lodged to the accused. Thereafter, criminal proceedings shall be conducted in accordance with the general rules.

§ 760. (1) The security shall be transferred to the state upon the entry into force of the final decision if

a) the court finds the accused guilty,

b) the court orders the confiscation of property in the acquittal judgment,

(c) the court or public prosecutor's office terminates the proceedings and the court orders the confiscation of assets, or

(d) the court imposes a sentence in which a sentence or measure is imposed.

(2) If the court imposes a fine, confiscates property or obliges the accused to pay the criminal costs, the security provided to the state shall be used for their execution.

3. The execution of a sentence or measure other than that provided for in paragraph 2 may also be taken in the framework of legal aid in accordance with the provisions of the Act on Cooperation in Criminal Matters with the Member States of the European Union or the Act on International Criminal Assistance.

(4) If the amount of the imposed fine, confiscation of property or criminal costs exceeds the amount of the deposited security, the provisions of paragraph 3 shall also apply to the execution of the fine, confiscation of property or criminal costs up to the amount of the missing amount.

5. If the sentence or measure referred to in paragraph 3 has been executed, the security shall be returned to the convicted person after the execution has been completed, unless the court has imposed a fine in addition to the sentence or measure, confiscated property or ordered to pay the cost. In that case, the procedure referred to in paragraph 2 shall apply.

(6) If the court has upheld the civil claim, the amount of the security or, in the case of paragraph 2, the amount of the security remaining after deduction of the obligations specified therein, shall be used to satisfy the civil claim.

§ 761. (1) The security shall be returned to the accused,

(a) if the public prosecutor's office has terminated the proceedings or the time limit for the investigation has expired,

(b) if the court acquitted the defendant or terminated the proceedings against him, provided that the court has not ordered confiscation of property.

(2) If the termination of the proceedings is based on the death of the accused, the security shall be returned to the accused's heir.

(3) If the amount of the fine imposed, the confiscation of property applied or the amount of the established criminal cost exceeds the amount of the security, the amount of the difference shall be returned to the accused, unless the remaining amount is paid by the civil court. should be used to meet demand.

(4) The security remaining after the satisfaction of the civil claim shall be returned to the accused.

CIV. CHAPTER

PRIVACY PROCEDURE

general rules

§ 762. (1) The provisions of this Act shall be applied in private prosecution proceedings with the exceptions provided for in this Chapter.

(2) There shall be no place for private prosecution if the person complained against or accused

(a) you are a minor

b) soldier.

(3) In addition to the rights of the victim, the private prosecutor shall have the rights to represent the prosecution. The private prosecutor shall have the rights to represent the prosecution in respect of the charges against him. The private prosecutor may be heard as a witness in the absence of reciprocity.

(4) The burden of proving the guilt of the accused shall be on the private prosecutor.

(5) Mediation proceedings shall not take place in private prosecution proceedings.

The counterclaim

§ 763. (1) ¹⁸¹ In the case of a minor bodily injury, defamation or defamation mutually committed, the accused may bring charges against the private prosecutor (hereinafter: counter-indictment). The accused may also request that the court adjudicate in the context of a counterclaim the violation of the defamation mutually committed with these crimes.

(2) A counterclaim shall be valid until the final decision is made, even if the time limit for the submission of a private motion has expired, provided that the criminal record has not expired.

(3) In the event of a counter-indictment, the private accuser shall have the rights of the accused and shall be bound by the obligations of the accused.

(4) With regard to the counter-indictment, the representative of the private prosecutor shall be entitled to the legal status of the defense counsel, the defense counsel of the accused shall be entitled to the legal status of the representative, provided that their authority extends this.

(5) The fact that the prosecutor's office has taken over the representation of the prosecution shall not preclude the raising of a counter-indictment.

(6) In the event of a counter-indictment, the prosecutor's office may take over the representation of the counter-indictment if it has not taken over the representation of the prosecution or has withdrawn from the representation of the prosecution.

The prosecution

§ 764. (1) The prosecutor may also examine the case files in the private prosecution proceedings and may be present at the hearing.

(2) The public prosecutor's office may take over the representation of the prosecution once in the proceedings. This restriction does not apply in the case where the public prosecutor's office wishes to take over the representation of the counter-prosecution and has previously taken over the representation of the prosecution and then withdrew from representing the prosecution. If the prosecution has taken over the representation of the prosecution, it will inform the victim.

(3) If the public prosecutor's office has taken over the representation of the prosecution, the rules of private prosecution shall apply to the proceedings, including the holding of a personal hearing.

(4) If the public prosecutor's office has taken over the representation of the prosecution, the private prosecutor shall have the rights of the victim and shall be burdened with the obligations of the victim with the possibility to drop the prosecution at any time.

(5) If the public prosecutor's office has taken over the representation of the prosecution, it may not drop the prosecution, but may withdraw from the representation of the prosecution.

(6) If the public prosecutor's office has taken over the representation of the prosecution, but the prosecutor has not appeared at the personal hearing or trial, the public prosecutor's office shall be deemed to have refused to represent the prosecution.

Grounds for initiating the procedure

§ 765. (1) The procedure is initiated upon notification. The report shall state who, against what act and on what evidence the victim is seeking criminal proceedings.

(2) The report shall be made in court.

(3) In the case of reporting a private prosecutor, Section 21 (3) (*b*) *shall* not apply.

What the court will do after the report

§ 766. (1) The court

(*a*) send the report and the case file to the public prosecutor's office if they appear to establish a criminal offense for which the prosecution is represented by the public prosecutor's office,

(*b*) send the report and the file to the public prosecutor's office if it considers it necessary for the public prosecutor's office to consider taking over the representation of the prosecution;

(*c*) call on the victim to clarify the report in writing, order an investigation if the identity of the person or the offense cannot be established from the report.

(2) The court shall, if possible on the basis of the report and the content of the case file, decide to transfer the case, suspend the proceedings or terminate the proceedings.

3. Where the report has been lodged with the investigating authority or the public prosecutor's office, paragraph 1 (*a*) and (*b*) shall not apply.

(4) In *the* case of subsection (1) (*a*), the public prosecutor's office shall order an investigation into a criminal offense to be prosecuted. An investigation need not be ordered if one of the circumstances specified in Section 381 (1) *a*) –*f*) and *h*) exists. If the prosecution does not establish a criminal offense to be prosecuted as a result of the ordered investigation, it will terminate the proceedings.

(5) In the case of subsection (1) (*b*), the public prosecutor's office may decide, within eight days of receipt of the case file, to take over the representation of the prosecution for a criminal offense to be prosecuted for private prosecution. If the prosecution takes over the representation of the prosecution, it informs the victim. If the prosecution does not take over the representation of the prosecution, the case files are returned to the court within eight days.

(6) The court may order an investigation if

(*a*) the measures provided for in points (*a*) and (*b*) of paragraph 1 are not justified or do not have to be applied in accordance with paragraph 3,

(*b*) *in* the cases referred to in paragraphs 4 and 5, the file has been returned to the court.

7. The provisions of paragraphs 1 to 6 shall apply *mutatis mutandis* in the event of a counterclaim.

Investigation in private prosecution

§ 767. (1) The court may order an investigation if the identity, personal data or contact details of the person reported are unknown, and if it is necessary to search for means of proof.

2. The time limit for the investigation shall be set by the court at a maximum of two months and may be extended twice, each by a maximum of two months. The court sends the order ordering the investigation and the files to the investigating authority. The investigation shall be carried out by the general investigating authority, but may not terminate or suspend the investigation.

3. The general investigating authority shall return the files to the court after the investigation has been completed. If the identity of the unknown perpetrator could not be established on the basis of the data of the investigation, the general investigating authority shall inform the court thereof. In this case, the court terminates the proceedings.

(4) If, in the course of an investigation ordered by a court, the victim has withdrawn the report, the general investigation authority shall return the files created so far to the court.

(5) If the public prosecutor's office has taken over the representation of the prosecution before issuing a summons for a personal hearing, it may order an investigation, which shall be governed by paragraphs 1 to 4.

Duties of the court before the court of first instance

§ 768. (1) If Articles 766–767. If the measures listed in § are not justified or have been taken by the court or the prosecutor's office, the court shall hold a hearing (hereinafter: personal hearing) at which the victim and the complainant are heard and if the prosecution taken over, the presence of the prosecutor is mandatory. If there are several victims in the case, the presence of all victims at the personal hearing is mandatory. The victim's representative may be present at the personal interview.

2. If, in the event of a minor bodily injury, defamation or libel, mutually committed, both persons concerned shall take part in the personal interview as both victims and victims.

(3) If the victim does not appear at the personal interview and has not been rescued or made inaccessible with good reason, in advance, without delay, he or she shall be deemed to have withdrawn the report. The victim must be warned in this subpoena.

(4) The complainant shall be summoned with a reference to the name of the victim and the essence of the crime.

(5) If the reported foreign national, a consular officer of his / her state may also be present at the personal interview.

§ 769. (1) At the beginning of the personal hearing, the court shall establish the identity of the victim and the complainant, describe the essence of the complaint and, if the conditions for it exist, warn the complainant of the possibility of retaliation. He then attempts to reconcile the victim and the complainant.

(2) If the conciliation is unsuccessful, the victim shall continue to participate in the proceedings as a private prosecutor, as a reported accused.

(3) If conciliation is unsuccessful, the court shall ask the accused whether he or she admits the contents of the indictment and what means of proof he or she indicates in support of his or her defense.

(4) If the accused raises a counterclaim, the court shall also hear the private prosecutor as an accused. In the case provided for in Section 768 (2), the report made by the accused shall be deemed to be a counterclaim.

(5) The court shall summon the private prosecutor and, in the case of a counter-indictment, the accused to indicate the means of proof and the facts which each means of proof are used to prove. The court may set a time limit of fifteen days for this.

(6) If there are several victims in a case, it is up to them to agree which of them is to act as a private prosecutor. In the absence of an agreement, the private prosecutor is appointed by the court.

Section 770 (1) The court shall § 771 may also be performed by a court clerk, with the exceptions set out in paragraph (2), and is also entitled to make a decision pursuant to § 771 (1).

(2) The Registrar shall conduct the proceedings

a) *may* not suspend it for reasons other than those specified in Section 512 (3) (d) ,

b) on the basis of Section 492 (1) a) and h) , and on the basis of Section 492 (1) c) due to other grounds for termination of criminal liability specified by law .

§ 771. (1) The court shall terminate the proceedings if

a) the victim withdrew the report,

b) his failure to act shall be deemed to constitute withdrawal of the notification; or

c) at the personal interview, the reconciliation of the victim and the complainant is effective.

(2) The court may decide at the personal hearing on all issues to which it is entitled before the personal hearing.

(3) In the case of subsection (1), the proceedings instituted on the basis of the reciprocal indictment shall also be terminated, provided that the term for submission of the private motion has expired by the day of the personal hearing.

§ 772. (1) There is no place for appeal

a) against ordering an investigation,

b) against summons to, or notification of, a personal hearing,

c) the appointment of a private prosecutor; and

d) against a measure pursuant to Section 766 (1).

(2) The Public Prosecutor's Office is not entitled to appeal against the termination of the proceedings in the case of Section 771 (1) (c) .

The court of first instance

§ 773. (1) There is no place for holding a preparatory hearing in private prosecution proceedings.

(2) The presence of a private prosecutor at the hearing is mandatory.

(3) If the private prosecutor has a representative, the court shall notify him or her of the hearing.

(4) Simultaneously with the summons or notification, the court shall also inform the private prosecutor or his or her representative of the evidence he or she intends to take on the set deadline.

(5) If the private prosecutor does not appear at the trial and has not been acquitted or made inaccessible with good reason, in advance, without delay, he or she shall be deemed to have dropped the charge. The private prosecutor should be warned in this subpoena.

(6) A private prosecutor may not be expelled or removed from the trial in the event of repeated or serious disturbance. If the private prosecutor does not give up the disturbance and thus makes it impossible to continue the trial in the presence of him, the indictment shall be deemed to have been dropped.

§ 774. (1) After a personal hearing, no other private prosecution case may be combined with the pending private prosecution case.

(2) If the accused has been tried in a public prosecution case and another criminal proceeding is instituted against him or her, the cases may be joined if the prosecution has taken over the representation of the prosecution. In this case, the court sends the case files to the prosecutor's office for consideration of taking over the prosecution.

§ 775. (1) At the hearing, the court shall describe the essence of the accusation or counterclaim if the private prosecutor has no representative or is not present, or the accused has no defense counsel.

(2) At the hearing, the court shall hear the accused and the witness or hear the expert.

(3) If it is necessary to examine a private prosecutor as a witness, the evidentiary procedure shall begin with the examination of the private prosecutor.

(4) If, after the dialogues, the speeches or the last word, the court finds that the accused act may be classified as different from the indictment, it may adjourn the hearing in order to prepare the defense, and shall hear the private prosecutor in this regard.

§ 776. (1) The private prosecutor may drop the charge at any time. He is not obliged to give reasons for dropping the charge.

(2) The court shall terminate the proceedings if the private prosecutor has dropped the charge or his omission shall be deemed to have been dropped. Section 771 (3) shall also apply in these cases.

(3) If the public prosecutor's office has withdrawn from the representation of the prosecution and the victim is present, the court shall continue the trial. Otherwise, the court will reopen the trial at the same time as adjourning the trial, and the victim will be informed that he or she will be represented by the prosecution again.

§ 777. (1) With the exception of a decision made in the course of conducting and maintaining order, the decision shall be communicated to the private prosecutor.

(2) The decision-making decision shall be served on the public prosecutor's office if he has taken over the representation of the prosecution.

The appeal

§ 778. (1) The private prosecutor has the right to appeal against the judgment of the court of first instance.

(2) If the accusation is represented by a private prosecutor at the time of filing the appeal, the order of the appeals shall be as follows: statements by the private prosecutor, the private party, other interested parties, the accused and the defense counsel.

(3) The private prosecutor may appeal only against the accused.

(4) The court of first instance shall inform the accused and the defense counsel of the appeal filed by the private prosecutor pursuant to Section 582 (4).

(5) The private prosecutor shall give reasons for the appeal in writing.

6. If, at the time the appeal is lodged, the prosecution is represented by a private prosecutor, the court of first instance shall transmit the file directly to the court of second instance.

(7) A final final decision made in a private prosecution proceeding shall also be served by the court on the prosecutor's office previously acting in the case.

Second instance court proceedings

§ 779. (1) The court of second instance shall summon the private prosecutor to a hearing, and if the private prosecutor has a representative, the court shall notify him or her.

(2) The court of second instance shall set aside the judgment of the court of first instance in a chamber session and shall terminate the proceedings if the private prosecutor so requests until the final decision is made. Section 771 (3) is also applicable in this case.

(3) The private prosecutor has the right to appeal against the final decision of the court of second instance to the court of third instance.

(4) The private prosecutor may appeal only against the accused.

(5) If the private prosecutor has not filed an appeal against the decision of the court of first instance against the accused, the decision of the court of second instance may be appealed only due to the dismissal of the accused or termination of the proceedings.

(6) The private prosecutor shall give reasons for the appeal in writing. The statement of reasons must be lodged with the appellate court within the time-limit for lodging an appeal.

7. If the indictment is represented by a private prosecutor when the appeal is lodged, the President of the Chamber of the Court of Second Instance shall file the case directly with the Court of Third Instance.

Third instance court proceedings

Section 780 (1) If no appeal has been lodged against the judgment against the accused, the private prosecutor may propose the appointment of a public hearing.

(2) The court of third instance shall summon the private prosecutor to a public hearing and, if the private prosecutor has a representative, he shall be notified by the court.

Examination of the appeal against the annulment order of the court of second and third instance

§ 781. The private prosecutor has the right to appeal against the annulment order of the court of second instance and the court of third instance, unless he has appealed against the judgment in order to set it aside and instruct the court to reopen the proceedings and the annulment is for the reason stated in the appeal. row.

The cost of crime

§ 782. (1) If the court acquits the accused or terminates the proceedings against him, the private prosecutor shall bear the criminal costs specified in § 145 (1) and § 576 (1) (*b*) .

(2) If the prosecution was represented by a private prosecutor and the court acquits the accused, except in the case specified in Section 566 (3), or terminates the proceedings against him due to the indictment of the private prosecutor, the private prosecutor shall, within one month of the final decision becoming final - to the extent specified by law, reimburse the fees and expenses of the accused's authorized counsel incurred in the private prosecution proceedings.

3. The court of second instance shall order the private prosecutor to pay the criminal costs incurred in the second instance proceedings and to reimburse the fees and expenses incurred there specified in paragraph 2 if the private prosecutor has appealed only against the decision of the court of first instance and the court of second instance upholds the decision. .

(4) The court of third instance shall order the private prosecutor to pay the criminal costs incurred in the third-instance proceedings and to reimburse the fees and expenses incurred there specified in subsection (2) if only the private prosecutor has appealed against the decision of the appellate court. .

(5) In the case of a counter-indictment, the court may also order that the private prosecutor and the re-defendant bear the criminal costs advanced by him.

Different rules for extraordinary remedies

§ 783. (1) A private prosecutor may submit a motion for reopening of proceedings only if the accused has been acquitted or the proceedings have been terminated.

(2) The petition for reopening of proceedings shall be submitted in writing to the court entitled to decide on the admissibility of the reopening of proceedings, or shall be recorded in the minutes.

(3) The court shall send the petition for reopening of proceedings to the public prosecutor's office if on the basis of it it appears that a criminal offense for which the prosecution is represented by the public prosecutor's office can be established. The prosecution may order a retrial investigation for a crime to be prosecuted.

§ 784. (1) A private prosecutor may not submit a motion for review.

(2) If there is no need to reject the motion for review and the accusation in the main proceedings was represented by a private prosecutor, the Curia shall send the motion to the private prosecutor for a statement.

(3) The private prosecutor shall send his statement to the Curia within one month.

(4) The Curia shall send the statement of the private prosecutor to the petitioner and the accused.

5. The persons referred to in paragraph 4 may comment on the statement of the private prosecutor within fifteen days of service.

(6) The presence of a private prosecutor at a public hearing is mandatory.

§ 785. (1) In the case of a legal remedy announced in the interest of legality, the private prosecutor shall be notified of the public hearing.

(2) The private prosecutor may comment on the appeal announced in the interests of legality and speak at a public hearing.

(3) The decision on legal unity shall also be communicated to the private prosecutor.

(4) A simplified review procedure may not be initiated by a private prosecutor.

Different rules for special procedures and special procedures

§ 786. (1) A private prosecutor may not bring an accused before a court.

(2) The private prosecutor may not enter into an agreement with the accused.

(3) A private prosecutor may not request the conduct of proceedings for the execution of a criminal sentence.

(4) In proceedings for the execution of a sentence

(a) the time limit of one month for making the order shall run from the date of the personal interview,

(b) the private prosecutor may request a hearing within eight days of service of the sentence,

(c) [182](#) on the basis of a request by the private prosecutor to hold a hearing, the court shall continue the proceedings in accordance with Chapter C, subject to the exceptions provided for in this Chapter.

(5) A private prosecutor may not institute legal proceedings against a defendant who is absent or a defendant who is abroad.

(6) The private prosecutor may not request the conduct of special proceedings.

CV. CHAPTER

SUBSIDIARY PROCEDURE

General rules for private prosecution

§ 787. (1) The provisions of this Act shall be applied in the supplementary private prosecution proceedings with the exceptions provided for in this Chapter.

(2) The victim may act as a substitute private prosecutor as specified in this Act if

(a) the prosecution or the investigating authority has rejected the report,

(b) the prosecution or the investigating authority has terminated the proceedings,

(c) the prosecution has dropped the charge.

(3) [183](#) There is no need to act as a substitute private prosecutor if

a) the reported or charged juvenile,

b) the perpetrator's criminality or the criminality of the act is excluded by childhood or an abnormal state of mind,

(c) the offense did not directly infringe or jeopardize the victim's right or legitimate interest,

d) the victim is the state or a body exercising public power,

e) the investigator covered by the commission of the crime, a member of the body authorized to use concealed devices or a person who cooperates secretly can be reasonably suspected and the prosecution has rejected the report or terminated the proceedings pursuant to Section 224

(1),

f) the public prosecutor's office has rejected the application pursuant to Section 382 (1) or terminated the proceedings pursuant to Section 399 (1), or

g) the public prosecutor's office terminated the proceedings pursuant to Section 398 (2) (*e*) because it had entered into an agreement with the accused pursuant to Section 411 (3).

§ 788. (1) The legal representation of the victim is obligatory in the supplementary private prosecution proceedings.

(2) The participation of a defense counsel in the supplementary private prosecution proceedings is obligatory.

(3) In supplementary private prosecution proceedings, the victim may submit a civil law claim in the indictment at the latest.

(4) In substitute private prosecution proceedings, mediation proceedings are appropriate if the public prosecutor's office has taken over the representation of the prosecution.

(5) If there are several victims in the case, it shall depend on their agreement which of them shall act as a substitute private prosecutor. In the absence of an agreement, the substitute private prosecutor is appointed by the court.

(6) Where this Act mentions an indictment, an indictment accepted by a court shall also be construed.

§ 789. (1) The prosecutor's office may take over the representation of the prosecution from the deputy private prosecutor once in the proceedings. If the prosecution has taken over the representation of the prosecution, it will inform the victim.

(2) If the public prosecutor's office has taken over the representation of the prosecution, the substitute private prosecutor shall have the rights of the victim and shall be bound by the obligations of the victim, with the possibility that the prosecution may be dropped at any time.

(3) If the public prosecutor's office has taken over the representation of the prosecution, it may not drop the prosecution, but may withdraw from the representation of the prosecution.

(4) If the public prosecutor's office has taken over the representation of the prosecution, but the prosecutor has not appeared at the hearing, it shall be deemed that he or she has refused to represent the prosecution.

Action by the substitute private prosecutor in case of rejection of the report and termination of the proceedings

§ 790. (1) In case of rejection of the report, the victim may act as a substitute private prosecutor if

a) the prosecutor's office or the investigating authority has rejected the victim's report pursuant to Section 381 (1) (*a*) to (*c*) or (*g*) ,

b) the victim has lodged a complaint against the decision rejecting the report, which has been rejected by the public prosecutor's office, and

c) the ground for exclusion contained in Section 787 (3) does not exist.

(2) If the proceedings are terminated, the victim may act as a substitute private prosecutor if

a) the public prosecutor's office or the investigating authority proceeds pursuant to Section 398 (1) (*a*) - (*d*) and (*i*) and (2) (*a*) and (*e*) , or for other reasons terminating criminal liability specified by law eliminated

b) the victim has lodged a complaint against the decision to close the proceedings, which has been rejected by the public prosecutor's office, and

c) the ground for exclusion contained in Section 787 (3) does not exist.

§ 791. (1) If the victim has a place to act as a substitute private prosecutor pursuant to § 790, the victim may act as a substitute private prosecutor within two months from the notification of the decision rejecting the complaint.

(2) After the complaint has been rejected, the victim shall be given the opportunity to inspect the files relating to the criminal offense committed against him or her on the official premises of the prosecution. The victim must not have access to the closed files, which are separate from the files.

§ 792. (1) The victim may submit his / her application for the grant of a cost reduction within one month from the notification of the decision rejecting the complaint.

2. Where the victim has made a request pursuant to paragraph 1, the two-month time limit for acting as a substitute private prosecutor shall run from the date of notification of the final or final decision in the administrative proceedings for the grant of the benefit.

(3) If the victim has submitted an application pursuant to subsection (1), he or she shall inform the public prosecutor's office of this circumstance within eight days from the submission of the application. In the event of failure to provide information, the time limit referred to in paragraph 2 shall not apply.

§ 793. (1) If the victim wishes to act as a substitute private prosecutor, he or she shall submit an indictment to the prosecutor's office rejecting the complaint.

(2) Included in the indictment

a) those listed in Section 422 (1) (*a*) - (*c*) and (2) (*a*) ,

b) the civil claim of the victim,

c) the motion to be summoned to the hearing and to be notified; and

d) request that the testimony of witnesses whose testimony is necessary for the taking of evidence but whose personal appearance at the hearing is not justified or that appearing at the hearing be disproportionately difficult or impossible be taken.

(3) The legal representative shall also sign the indictment.

(4) Within fifteen days of its receipt, the prosecution shall forward the indictment together with the case file to the court having jurisdiction and competence in the matter.

(5) In the case of filing an indictment, Section 21 (3) (*b*) *shall* not apply.

§ 794. (1) The court shall reject the indictment by a non-decisive order if

a) the victim submitted the indictment after the expiry of the term specified by law,

b) the victim has no legal representative,

c) there is no place for acting as a substitute private prosecutor under the law,

d) the indictment does not contain the provisions of Section 793 (2) - (3),

e) in the event of a refusal to notify or the termination of the proceedings, the person entitled to suspend the exemption has refused to suspend the exemption.

2. Within fifteen days of service of the non-judicial order rejecting the indictment, the victim may re-submit the indictment if it has previously been rejected by a court pursuant to paragraph 1 (*b*) or (*d*) and the reason for the rejection no longer exists. .

(3) The court may not reject the indictment on the grounds that it does not contain the personal data of the accused listed in Section 184 (2), nor may they be established from the case file if the identity of the accused can be established beyond doubt.

4. If, during the examination of the indictment, it is established that the accused is a person enjoying immunity, the court shall first examine whether there are other cases of rejection of the indictment referred to in points (*a*) to (*d*) of paragraph 1 . If none of the cases of rejection of the indictment provided for in points (*a*) to (*d*) of paragraph 1 exists, the court shall propose a decision to suspend the immunity without suspending the proceedings. If the person entitled to suspend the exemption suspends the exemption, the court will accept the indictment. Otherwise, it shall reject the indictment pursuant to paragraph 1 (*e*) .

§ 795. (1) If the court has accepted the indictment,

a) inform the victim that he or she may continue to act as a substitute private prosecutor,

- (b) send it without delay to the defendant and the lawyer,
- (c) ensure that the means of proof are available at the hearing,
- (d) order a coercive measure.

(2) If the action of the substitute private prosecutor is based on the termination of the proceedings, the accused shall have the right to inspect the investigation files and the means of evidence after the acceptance of the indictment.

(3) If the accused did not use the Hungarian language in the proceedings, the court shall arrange for the translation of the part of the indictment concerning the accused into the language used by the accused.

Action by the substitute private prosecutor in the event of a charge being dropped

Section 796 (1) ¹⁸⁴ If the prosecution has dropped the charge, the victim may act as a substitute private prosecutor if the grounds for exclusion set out in Section 787 (3) (a) –d) do not exist.

(2) The victim may act as a substitute private prosecutor within fifteen days of receipt of the statement specified in Section 539 (3).

(3) After the indictment, the victim shall be given the opportunity to inspect the files relating to the criminal offense committed against him or her in the official premises of the court. The victim must not have access to the closed files, which are separate from the files.

§ 797. (1) The victim may submit his / her application for the grant of a cost reduction within one month from the receipt of the statement containing the indictment.

2. Where the victim has made a request pursuant to paragraph 1, the 15-day time limit for acting as a substitute private prosecutor shall run from the date of notification of the final or final decision in the administrative authority decision to grant the cost reduction.

3. If the victim has made a request pursuant to paragraph 1, he or she shall inform the court of that fact within eight days of the request. In the event of failure to provide information, the time limit referred to in paragraph 2 shall not apply.

§ 798. (1) If the victim wishes to act as a substitute private prosecutor, he or she shall announce in writing to the court that has acted in the case until then that he or she intends to represent the prosecution as a substitute private prosecutor.

(2) The legal representation shall also be signed by the legal representative.

Section 799 (1) The court shall reject the written application by a non-decisive order if

- a) the victim made the report after the expiry of the term specified by law,
- b) the victim has no legal representative,
- c) there is no place for acting as a substitute private prosecutor under the law,
- d) the notification does not contain the provisions of § 798.

2. Within fifteen days of service of the non-judicial order rejecting the written report, the victim may re-submit the report if it has previously been rejected by a court pursuant to paragraph 1 (b) or (d) and the reason for the rejection no longer exists. up.

(3) If the court accepts the report, it shall inform the victim that it may continue to act as a substitute private prosecutor.

(4) If a substitute private prosecutor appears in the proceedings, the trial shall continue. The continuity of the trial is governed by the provisions of Section 518.

§ 800. (1) If the criminal proceedings are conducted due to several criminal offenses and the prosecutor's office drops the charge in one of them, a substitute private prosecutor may act if the case in which the charge was dropped by the prosecutor's office can be separated.

2. Where criminal proceedings are instituted against several defendants for the same offense and the public prosecutor's office prosecutes one of the defendants, the provisions of paragraph 1 shall apply *mutatis mutandis*.

(3) If the court accepts the written report of the victim, it shall separate the case in which the substitute private prosecutor is acting.

(4) In connection with a separate case, the criminal proceedings shall be continued by the court which has previously acted in the case on the basis of the indictment submitted by the prosecutor's office.

Preparation for the hearing

§ 801. (1) The presence of the deputy private prosecutor and his / her legal representative is obligatory at the preparatory hearing.

(2) If the legal representative of the substitute private prosecutor fails to appear at the preparatory hearing and has not excused himself or herself with good reason, in advance, without delay, the court shall adjourn the preparatory hearing at the expense of the legal representative and impose a fine on the legal representative. The court warns the legal representative in the subpoena.

(3) If neither the deputy private prosecutor nor his / her legal representative appears at the preparatory meeting and he / she has not been acquitted for good reason, in advance, without delay, or the deputy private prosecutor could not be summoned because he / she did not announce his / her change of address, it shall be deemed that: the deputy private prosecutor dropped the charge. The substitute private prosecutor must be warned of this in the summons.

(4) At the preparatory hearing, the members of the court, as well as the accused and the defense counsel may address a question to the substitute private prosecutor.

The court of first instance

§ 802. The deputy private prosecutor shall, in court proceedings, unless otherwise provided by this Act, exercise the rights of the prosecutor's office in addition to the victim's rights and perform the functions of the prosecutor's office, including ordering a coercive measure affecting the accused's personal liberty and issuing an arrest warrant. The substitute private prosecutor may not propose the termination of the accused's parental custody and may not extend the charge.

§ 803. (1) The presence of the deputy private prosecutor and his / her legal representative is mandatory at the hearing.

(2) At the same time as the summons, the court shall also inform the substitute private prosecutor and his or her legal representative of the evidence he or she intends to take on the set deadline.

(3) If the legal representative of the substitute private prosecutor does not appear at the hearing and has not excused himself or herself with good reason, in advance, without delay, the court shall adjourn the hearing at the expense of the legal representative and impose a fine on the legal representative. The court warns the legal representative in the subpoena.

(4) If neither the deputy private prosecutor nor his / her legal representative appears at the trial and he / she is not acquitted himself / herself with good reason, in advance, without delay, or the deputy private prosecutor could not be summoned because he / she did not announce deputy private prosecutor dropped the charge. The substitute private prosecutor must be warned of this in the summons.

(5) If the legal representation of the substitute private prosecutor in the proceedings is terminated, the court shall, within eight days after becoming aware of this, summon the substitute private prosecutor to arrange for its legal representation within fifteen days. If the

substitute private prosecutor does not provide legal representation within the set time limit, the proceedings shall be terminated. The substitute private prosecutor must be warned of this.

(6) The substitute private prosecutor may submit an application for the grant of a cost reduction within eight days from the summons of the court specified in subsection (5).

(7) If the substitute private prosecutor has submitted an application pursuant to subsection (6), the fifteen-day period specified in subsection (5) shall be calculated from the notification of the final or final decision in the administrative authority case for granting the cost reduction.

(8) If the substitute private prosecutor has submitted a request pursuant to subsection (6), he or she shall inform the court of this circumstance within eight days from the submission of the request. In the event of failure to provide the information, the calculation of the time limit under paragraph 7 shall not apply.

§ 804. (1) In the event of repeated or serious disturbance of the trial, the deputy private prosecutor may not be expelled or expelled either. If the substitute private prosecutor does not stop the disturbance and thus makes it impossible to continue the trial in the presence of him, he shall be deemed to have dropped the charge.

(2) The legal representative of the substitute private prosecutor may not be expelled or expelled from the trial in the event of repeated or serious disturbance. If the legal representative does not stop the disturbance and thus makes it impossible to continue the trial in the presence, the court will adjourn the trial. In this case, the substitute private prosecutor may authorize another legal representative or request the appointment of another probation lawyer from the legal aid service. If this is not immediately possible, the court will adjourn the hearing at the expense of the disruptive legal representative.

Section 805 (1) After the acceptance of the indictment or the written report pursuant to Section 798 (1) by a court, no other private prosecution case may be joined to the pending private prosecution case.

(2) The joining of cases shall not be hindered if the accused has previously been tried in either a private or public prosecution case, but in the new criminal proceedings the accusation shall be represented by a substitute private prosecutor.

§ 806. (1) The deputy private prosecutor may drop the charge at any time. He is not obliged to give reasons for dropping the charge.

(2) The court shall terminate the proceedings if the substitute private prosecutor has dropped the charge or his omission shall be deemed to have been dropped.

(3) If the public prosecutor's office has withdrawn from the representation of the prosecution and the victim and the legal representative are present, the court shall continue the trial. Otherwise, the court will reopen the trial at the same time as adjourning the trial, and the victim will be informed that he or she will be represented by the prosecution again.

§ 807. If the court finds after the dialogues, the speeches or the last word that the accused act may be classified differently from the indictment, it may adjourn the trial in order to prepare the defense, it shall hear the substitute private prosecutor in this regard.

§ 808. (1) With the exception of a decision made in the course of conducting and maintaining order, the decision shall be communicated to the deputy private prosecutor.

(2) The decision-making decision shall be served on the public prosecutor's office if he has taken over the representation of the prosecution.

The appeal

§ 809. (1) The substitute private prosecutor and - with the consent of the substitute private prosecutor - his or her legal representative have the right to appeal against the judgment of the court of first instance.

(2) If the accusation is represented by a substitute private prosecutor at the time of filing the appeal, the order of the appeals shall be as follows: the statement of the substitute private prosecutor, the private party, other interested parties, the accused and the defense counsel.

(3) The substitute private prosecutor may appeal only against the accused.

(4) The court of first instance shall inform the accused and the defense counsel of the appeal of the substitute private prosecutor submitted pursuant to Section 582 (4).

(5) The deputy private prosecutor shall be obliged to substantiate the appeal in writing.

(6) If the accusation is represented by a substitute private prosecutor at the time the appeal is lodged, the court of first instance shall file the case file directly with the court of second instance.

(7) The court shall also send the final decision-making decision made in the substitute private prosecution proceedings to the prosecutor's office previously acting in the case.

Second instance court proceedings

§ 810. (1) The court of second instance shall summon the deputy private prosecutor and his or her legal representative to a hearing.

(2) The private prosecutor and, with the consent of the private prosecutor, his or her legal representative shall have the right to appeal to the third-instance court against the final decision of the court of second instance.

(3) The substitute private prosecutor may appeal only against the accused.

(4) If the substitute private prosecutor has not filed an appeal against the decision of the court of first instance against the accused, he may appeal against the decision of the court of second instance only due to the dismissal of the accused or termination of the proceedings.

(5) The substitute private prosecutor shall give reasons for the appeal in writing. The statement of reasons must be lodged with the appellate court within the time-limit for lodging an appeal.

(6) If the accusation is represented by a private prosecutor at the time the appeal is lodged, the President of the Chamber of the Court of Second Instance shall file the case directly with the Court of Third Instance.

Third instance court proceedings

§ 811. (1) If no appeal has been lodged against the judgment against the accused, the deputy private prosecutor may propose the appointment of a public hearing.

(2) The court of third instance shall summon the substitute private prosecutor and its legal representative to a public hearing.

Examination of the appeal against the annulment order of the court of second and third instance

§ 812. The deputy private prosecutor shall have the right to appeal against the annulment order of the court of second instance and the court of third instance, unless he has appealed against the judgment to set it aside and the court has ordered a new proceeding and the annulment has been appealed row.

The cost of crime

§ 813. (1) If the court **acquits** the accused or terminates the proceedings against him, the substitute private prosecutor shall bear the cost of the criminal costs specified in § 145 (1) and § 576 (1) (*b*) which arose after the action of the deputy private prosecutor.

(2) If the prosecution was represented by a private prosecutor and the court acquits the accused, except in the case specified in Section 566 (3), or terminates the proceedings against

him due to the indictment of the private prosecutor, the private prosecutor shall, within one month of the final decision becoming final - to the extent specified by law - reimburse the fee and costs of the accused's authorized defense counsel incurred after the action of the substitute private prosecutor.

3. A substitute private prosecutor may be ordered to pay only the criminal costs incurred in connection with the act or part of the facts and to reimburse the part of the fee and costs specified in paragraph 2 for which he has filed or made a written statement and for which the court has issued an acquittal or terminated the proceedings, except in the case specified in Section 566 (3).

(4) The court of second instance shall order the private prosecutor to pay the criminal costs incurred in the second instance proceedings and to reimburse the fees and expenses incurred therein, as specified in subsection (2), if only the private prosecutor has appealed against the .

(5) The court of third instance shall order the private prosecutor to pay the criminal costs incurred in the third-instance proceedings and to reimburse the fees and expenses specified therein specified in subsection (2) if only the private prosecutor appeals against the .

Different rules for extraordinary remedies

§ 814. (1) The deputy private prosecutor may submit a motion for reopening of proceedings only if the accused has been acquitted or the proceedings have been terminated.

(2) The petition for reopening of proceedings shall be submitted in writing to the court entitled to decide on the admissibility of the reopening of proceedings, or shall be recorded in the minutes.

§ 815. (1) The deputy private prosecutor may not submit a motion for review.

(2) If there is no need to reject the petition for review and the accusation in the main proceedings was represented by a private prosecutor, the Curia shall send the petition to the private prosecutor for a statement.

(3) The alternate private prosecutor shall send his statement to the Curia within one month.

(4) The Curia shall send the statement of the substitute private prosecutor to the petitioner and the accused.

5. The persons referred to in paragraph 4 may comment on the statement of the private prosecutor within fifteen days of service.

(6) The presence of a substitute private prosecutor and a legal representative at a public hearing shall be mandatory.

§ 816. (1) In the case of a legal remedy announced in the interest of legality, the substitute private prosecutor and his or her legal representative shall be notified of the public hearing.

(2) The deputy private prosecutor may make remarks and speak at a public hearing on the appeal filed in the interests of legality.

(3) The decision on legal unity shall also be communicated to the deputy private prosecutor.

(4) A simplified review procedure may not be initiated by a substitute private prosecutor.

Different rules for special procedures and special procedures

§ 817. (1) The deputy private prosecutor may not bring the accused before a court.

(2) The deputy private prosecutor may not request the conduct of proceedings for the execution of a criminal sentence.

(3) In proceedings for the execution of a sentence

(a) the substitute private prosecutor may request a hearing within eight days of service of the sentence,

(b) ¹⁸⁵ on the basis of a request by the substitute private prosecutor for a hearing, the court shall continue the proceedings in accordance with Chapter C, subject to the exceptions provided for in this Chapter.

(4) The substitute private prosecutor may not initiate court proceedings against the absent accused or in the absence of the accused residing abroad.

(5) The substitute private prosecutor may not request the conduct of special proceedings.

CVI. CHAPTER

PROCEDURE FOR WITHDRAWAL OF PROPERTY OR SUBSTANCE IN CASE OF DISCLOSURE OF DATA

§ 818. The provisions of this Act shall apply with the exceptions provided for in this Chapter in proceedings for the seizure of property or things related to a criminal offense and for making data inaccessible (hereinafter: proceedings for the seizure of property).

Condition of the procedure

Section 819 (1) Proceedings for the deprivation of property are appropriate if

- (a) no investigation has been initiated,
 - (b) the criminal proceedings have been terminated, or
 - (c) the criminal proceedings have been suspended because:
 - (ca) the offender is in an unknown place or abroad,
 - (cb) the offender is prevented from participating in the proceedings due to his or her long-term, serious illness or mental illness after the commission of the offense, or
 - (cc) the identity of the perpetrator could not be established in the investigation,
- and it is necessary to confiscate, confiscate property, make electronic data permanently inaccessible, or take the seized thing into state ownership.

(2) Proceedings for the forfeiture of property shall be valid following a final decision of the court if:

- (a) the recovery of property derived from the commission of the offense; or
- b) subsequent order of confiscation, confiscation of property, final disclosure of electronic data required.

(3) There is no need for an expropriation procedure,

- a) of paragraph (1) a) of the basic Regulation, the complaint was rejected because the act is not a crime,
- (b) pursuant to paragraph 1 (b) , if the proceedings have been discontinued because the act is not a criminal offense, or
- c) pursuant to subsection (2), if a simplified review procedure is appropriate pursuant to Section 671 (12),
- (d) in the case of paragraph 2 (a) , five years after the final decision of the court has become final.

Searching for property, things, data related to a crime

Section 820 (1) In the case of Section 819 (1), the public prosecutor's office or the investigating authority shall order the search for property, property or data related to the criminal offense or the clarification of the ownership of the seized property (hereinafter together: property search), if possible, that the purpose of the foreclosure proceedings is achievable and

- (a) no investigation has been initiated, or

(b) on the basis of the details of the procedure

(ba) confiscation, confiscation of property, making electronic data inaccessible, or

(bb) it is not possible to take a position on the merits of the seized thing.

(2) In the case of Section 819 (2), the prosecutor's office shall order a property search following a final decision of the court.

a) ^{186 for} the recovery of property resulting from the commission of a criminal offense, if in the case of confiscation of property, expressed in monetary amount, ordered by a final court decision

(aa) ¹⁸⁷ the execution of the confiscation of assets, according to the information of the state tax and customs authority, did not lead to results, or

(ab) prior to the final decision, the property subject to confiscation could not be secured,

(b) where confiscation, confiscation of property or permanent disclosure of electronic data may be the subject of subsequent use,

and it can be assumed that the purpose of the foreclosure proceedings can be achieved.

(3) ¹⁸⁸ In the case of subsection (2) (a) (aa) , the public prosecutor's office shall inform the state tax and customs authority of the ordering of the property search.

(4) In the case of subsection (1), the search of property shall be carried out by the investigating authority or the public prosecutor's office, in the case of subsection (2) by the property recovery body of the investigating authority.

(5) In the course of a property search ordered on the basis of subsection (1) and subsection (2) (b) , in accordance with the provisions of this Act

a) pursuit of data collection activities,

b) the acquisition of a means of proof and the performance of an act of proof,

(c) coercive measures other than coercive measures affecting personal liberty can be ordered.

(6) In the course of a search of property ordered pursuant to subsection (2) (a) , the use of concealed devices may be ordered in addition to those specified in subsection (5). Disguised assets may be used in accordance with the provisions of Part Six. The use of covert devices subject to judicial authorization shall be authorized by the court as set out in Part Twelve. If a disguised covert device has previously been used in the course of an investigation against the person concerned, and the use of covert devices subject to judicial authorization is repeatedly permitted in the search for criminal assets, the time of use of the covert devices shall be added together and The period specified in paragraph 2 shall be calculated accordingly.

(7) In order to ensure the execution of confiscation of property, expressed in monetary amounts, ordered by a final court decision in the course of property search, seizure or confinement may be ordered for the property or thing that may be subject to confiscation ordered by a final court decision.

(8) If the property interested person is in an unknown, unknown place or does not know the Hungarian language, a guardian shall be appointed for him or her.

(9) The rules of investigation shall apply mutatis mutandis to the relationship between the investigating authority, the asset recovery body of the investigating authority and the prosecutor's office, provided that the rules of investigation apply after seizure or confiscation of criminal assets, property or data. has been ordered.

§ 821. (1) The property search may last for a maximum of two years from the order.

2. The public prosecutor's office, the investigating authority or the asset recovery body of the investigating authority shall terminate the proceedings if:

(a) the purpose of the forfeiture proceedings is ruled out, is no longer expected, or

(b) the time limit for the search of assets set out in paragraph 1 has expired.

3. The termination of the procedure for the forfeiture of property shall not prevent the reopening of the search of property if a new fact or circumstance giving rise to the procedure for the forfeiture of property arises.

(4) ¹⁸⁹ In the case of Section 820 (2) (*a*) (*aa*) , the property recovery body of the public prosecutor's office or the investigating authority shall serve the decision terminating the proceedings on the state tax and customs authority.

(5) There is no appeal against the decision to terminate the proceedings.

§ 822. (1) If, on the basis of the data of the proceedings or the data of the property search, confiscation, confiscation of property, final disclosure of electronic data, state ownership of a seized thing or determination of property is subject to confiscation ordered by a final decision, the prosecutor's office makes a motion to that effect to the court.

(2) Contained in the motion of the prosecutor's office

a) the personal data of the accused or other interested party affected by the measure included in the petition, or in the case of the seizure of the seized thing into the state property, suitable for the identification of the accused person affected by the coercive measure,

b) an indication of the property, thing or data affected by the measure or coercive measure,

c) a proposal for the application of the measure or for the seizure of the seized property, together with an indication of the applicable law,

d) a description of the facts on which the motion is based.

Court proceedings

§ 823. (1) If the jurisdiction of a court cannot be established on the basis of § 21 (1) - (2) or (5), the court which, in the area of jurisdiction of the court, gives rise to the circumstance giving rise to the proceedings for the deprivation of property authority.

(2) The court shall decide on the basis of the case file and, if necessary, hold a hearing.

(3) In court proceedings, there is no place to suspend the proceedings.

(4) If the court holds a hearing, there shall be no place for a preparatory hearing.

(5) After the opening of the hearing, the chairman of the council shall, if necessary, explain the essence of the decision made in the main proceedings, after which the prosecutor shall explain the essence of the motion.

Court decision

Section 824 (1) In the case of Section 819 (1) and Section (2) (*b*) , the court shall decide on confiscation, confiscation of property or permanent inaccessibility of electronic data, or in the case of Section 819 (1) it provides for the seizure of the seized thing to the state if the motion is thorough, otherwise it rejects the motion.

(2) In the case of Section 819 (2) (*a*) , if the petition is thorough, the court shall establish that the property indicated in the petition is subject to confiscation of property ordered by a final decision. Otherwise, he rejects the motion.

(3) If the court has made its decision on the basis of the case file, there is no appeal against the decision of the court, but the prosecutor's office, other interested parties, the accused and his or her defense counsel may request a hearing within eight days of service of the order.

(4) The court shall notify the persons indicated in paragraph 3 of the hearing.

5. For the hearing under paragraph 3, Articles 743 to 745 shall apply. § the prevailing.

Section 825 (1) The prosecutor's office and other persons listed in Section 824 (3) may appeal against the decision of the court made at a hearing.

(2) The court secretary may also perform the duties of the court specified in Section 824, Paragraphs (1) - (4), but is not entitled to hold a hearing.

To bear the cost of the crime

§ 826. The court shall order the convicted person to pay the criminal costs if he finds that the property indicated in the petition is subject to confiscation of property ordered by a final decision. Otherwise, the criminal costs incurred in the foreclosure proceedings are borne by the state.

CVII. CHAPTER

PROCEDURE IN THE EVENT OF A BORDER BLOCK

§ 827. (1) The provisions of this Act shall apply to criminal proceedings instituted for the prohibited crossing of the border lock, damage to the border lock and obstruction of construction work related to the border lock (hereinafter together: criminal offense related to the border lock) with the derogation provided for in this Chapter.

2. This Chapter shall also apply to other criminal offenses committed by an accused person when they are tried in the same proceedings as a criminal offense relating to border closure.

The court

§ 828. (1) A single judge may refer a case to the council of a court if the proceedings are being conducted in addition to a criminal offense related to a border closure as well as other criminal offenses.

(2) In a matter falling within the competence of a district court, the district court of the seat of the court or the Central District Court of Pest shall act with jurisdiction over the territory of the county or the capital.

(3) ¹⁹⁰ If the accused has committed offenses within the jurisdiction of different district courts, the court which has jurisdiction to adjudicate one of the offenses under paragraph (2) shall act.

(4) The district court of the seat of the tribunal or the Central District Court of Pest, in the territory of which the defendant's address or actual residence is located, shall also have jurisdiction if the prosecutor's office prosecutes in this court.

(5) The public prosecutor's office shall ensure the inspection of the files of the proceedings by applying Section 100 in such a way that the interval specified in Section 352 (1) may be shortened or omitted.

The defender

§ 829. The participation of a defense counsel in criminal proceedings is mandatory.

Execution of the coercive measure

§ 830. (1) In ordering and implementing coercive measures affecting personal liberty, special attention shall be paid to ensuring that the interests of a person under the age of eighteen who arrives with the accused are not harmed and that the juvenile is not unnecessarily separated from his or her relatives.

(2) Before the prosecution, the public prosecutor's office, after the indictment, the court may order that the detention be carried out in an establishment for the accommodation, care and detention of persons falling within the scope of the Act on Asylum and the Entry and Residence of Third-Country Nationals. in isolation from other persons not covered by

3. If detention is carried out in the place specified in subsection (2), the prosecutor's office may, before the prosecution, after the indictment, the court order that the detention be carried out without segregation of the accused, provided that this does not involve an investigation or prejudice to the interests of a juvenile.

(4) If the court orders the criminal supervision of a defendant who is not a Hungarian citizen or who does not have a residence in Hungary,

(a) designate a reception center or community accommodation as defined in the Law on Asylum or the Entry and Residence of Third-Country Nationals, if the conditions laid down by law are met,

(b) failing that, designate another establishment for the accommodation, care and detention of persons falling within the scope of the Law on Asylum and the Entry and Residence of Third-Country Nationals, where the separation of the accused from non-criminal or arrested persons possible.

(5) A court may deviate from the provisions of subsection (4) if the proceedings against the accused are conducted in addition to a criminal offense related to border closure as well as other criminal offenses.

(6) The court may order that the arrest be carried out in an establishment for the accommodation, care and detention of persons covered by the Law on Asylum and the Entry and Residence of Third-Country Nationals, in isolation from other persons not subject to criminal proceedings.

7. If the arrest is carried out in a place specified in paragraph 6, the prosecution may, before the prosecution, or after the indictment, the court order that the arrest be carried out without segregating the accused, provided that this does not involve an investigation or to the detriment of the interests of the juvenile.

(8) Arrest may exceptionally be carried out in a police detention order of the court.

Informing the Aliens and Asylum Authority

§ 831. The prosecutor's office or the investigating authority shall inform the immigration or asylum authority competent according to the seat of the prosecutor's office or the investigating authority of the first interrogation of a suspect who is not a citizen of Hungary or does not have a residence in Hungary.

Suspension and termination of proceedings

Section 832 (1) The court may suspend criminal proceedings pursuant to Section 488 (1) (d) if it finds that asylum proceedings are pending on the basis of the defendant's application for asylum.

(2) The procedure shall be terminated if the non-Hungarian citizen who does not have a residence address in Hungary is in an unknown unknown place. The court does not decide on this by a court order.

3. Paragraph 2 shall not apply,

(a) if the offense is punishable by a term of imprisonment of up to eight years or more,

(b) if the defendant is being prosecuted for an offense other than a frontier barrier, or

(c) in proceedings at second instance, at third instance or in proceedings for annulment.

The use of language

§ 833 The accused may waive the translation of the indictment or judgment.

Criminal proceedings against a juvenile

Section 834 (1) Section 680 (1) (a) shall not apply if the proceedings against the juvenile are pending solely because of a criminal offense related to border closure. In criminal proceedings against a juvenile, he may refer the case to the single-judge council in the court of first instance.

(2) In the case of a juvenile who is not a Hungarian citizen and does not have a residence in Hungary, it is not necessary to prepare an environmental study if the proceedings against the juvenile are pending solely due to a crime related to border closure.

(3) If it is necessary to prepare an environmental study, it shall not include a risk assessment of the juvenile's vulnerability from a crime prevention point of view, contrary to Section 684 (1).

(4) If the court orders the criminal supervision of an unaccompanied minor accused, he or she may also appoint a child protection institution as a residence for the accused.

Bringing a case to court

§ 835. (1) The prosecutor's office shall bring the accused to court within fifteen days from the commission of the criminal offense or from being questioned as a suspect.

(2) After the indictment has been filed, the court shall return the files to the public prosecutor's office if

- (a) the offense is punishable by a heavier penalty than ten years' imprisonment, or
- (b) the means of proof are not available.

Criminal proceedings

Section 836 (1) The court shall **impose a criminal** sentence in the absence of the condition specified in Section 740 (1) (b) , even if the accused is subject to criminal supervision.

(2) The court shall serve the sentence within five days of the receipt of the case file by the court.

PART TWENTY - ONE

SPECIAL PROCEDURES

§ 837. (1) The provisions of this Act shall be applied in special proceedings with the exceptions provided for in this Part, provided that unless otherwise provided by law, the prosecutor's office, the convicted person and the defense counsel may appeal against the decision of the court of first instance. .

2. Special procedures:

- (a) postponement of the earliest date of conditional release in the event of life imprisonment,
- b) the overall penalty procedure,
- (c) test procedure,
- d) procedure in case of reparation work,
- (e) authorizing deferral or payment of installments to cover the criminal costs of the State.

(3) The court shall reject the motion excluded by law without substantive reasons. A motion from an unauthorized person shall be rejected by the court without substantive reasons if the legal conditions for conducting the proceedings ex officio are not met.

(4) If, on the basis of this Act, there is a need to reject the petition without substantive reasons, the court may also decide on the basis of the case files.

Postponement of the earliest date of parole in the event of life imprisonment

§ 838. (1) If a custodial sentence has been imposed in the main case, the court of first instance in the main proceedings shall decide of its own motion or on the motion of the prosecutor's office in a public sitting or hearing in a non-decisive order on the earliest date of parole.

(2) The criminal costs shall be borne by the convicted person if the court decides to postpone the earliest date of his or her parole. If the court has not ordered a postponement of the earliest date of parole, the criminal costs will be borne by the state.

The total penalty procedure

§ 839. (1) In a total penalty proceeding, the court of first instance acting in the most recently completed case shall act if the proceedings were conducted by courts of equal jurisdiction, otherwise the court of first instance with higher jurisdiction shall act.

(2) If military criminal proceedings have been pending in one of the cases, the court which conducted the military criminal proceedings shall decide on the inclusion in the total criminal penalty, unless the scope of the military criminal proceedings in the most recently completed case was established by Section 696 (3).

(3) The general punishment procedure shall be initiated ex officio or at the motion of the prosecutor's office, the convicted person or the defense counsel. The consent of the sentenced person shall be obtained for the conduct of the total punishment procedure, unless it has been requested by the convicted person. The convicted person may withdraw his or her motion or consent pending the judgment at first instance, in which case the court shall close the proceedings.

(4) The court shall determine the length of time the convicted person has served from the custodial sentences on which the custodial sentence is based and, if justified, shall suspend the execution of the custodial sentences. An appeal against the interruption of the execution of a custodial sentence shall not have suspensory effect.

(5) The court shall decide on the basis of the case files or on the basis of a public hearing, by ordering the imposition of the total punishment, by an order rejecting the motion to that effect.

(6) In the judgment, the court shall also provide for the determination of the degree of execution of the custodial sentence and the earliest date of conditional release.

(7) In the most recent proceedings pending before the court entitled to impose a total penalty, the scope of the power of attorney or secondment of the defense counsel shall also extend to the total penalty procedure.

(8) The criminal costs shall be borne by the convicted person if the total punishment has been ordered. If the custodial sentence has not been ordered, the criminal costs will be borne by the state.

§ 840. The court may, of its own motion or on the motion of the prosecutor's office, the convicted person and the defense counsel, set aside the decision made in the total punishment procedure and reopen the total punishment procedure pursuant to § 839 if it finds that or its duration was not or was not provided in accordance with the law.

Procedure in case of test

§ 841. (1) The court of first instance in the main proceedings shall, on the motion of the prosecutor's office, decide on the extension of the probation period or revoke the probation order and impose a penalty if the probationer has seriously violated the probation rules. The court shall decide on the annulment of the provision ordering the probation and the imposition of a penalty by a judgment, otherwise a non-trial order.

2. After the public hearing or the commencement of the hearing, the single Judge or the President of the Chamber shall explain the substance of the decision in the main proceedings.

(3) The criminal costs shall be borne by the convicted person if the court provides for the extension of the probation period or the annulment of the provision ordering the probation and the imposition of a penalty.

Procedure for reparation work

§ 842. (1) The court of first instance in the main proceedings shall decide on the motion of the public prosecutor's office on the basis of a public sitting or hearing.

(a) the repeal of the provision requiring the performance of reparation work and the imposition of a penalty if the sentenced person has not proved the performance of the reparation work or has seriously infringed the rules of probation;

(b) an extension of the time limit for certifying reparation work if the sentenced person proves that he was unable to perform the prescribed reparation work for medical reasons;

(c) *establishing* the cessation of the enforceability of the reparation work if there has been a lasting change in the convicted person's state of health which makes it impossible to carry out the reparation work.

(2) ¹⁹¹ The court shall decide in the case of paragraph (1) *a)* by a judgment, in the case of point *b)* by a non-judicial decision, in the case of point *c)* by a final decision.

(3) The criminal costs shall be borne by the convicted person if the court orders the repeal of the provision requiring the performance of reparation work and the imposition of a penalty.

Allow deferral or installment payment to cover criminal costs

§ 843. (1) ¹⁹² In order to pay the criminal costs belonging to the state, the single judge or the chairman of the council may authorize a deferral or installment payment in accordance with Bv. TV. Under the conditions and within the limits specified in Section 42 (1).

2. A request for deferment and payment by installments shall not have suspensory effect.

(3) The court of first instance in the main proceedings shall decide on the application on the basis of the case-file without holding a hearing. There is no appeal against this decision.

PART TWENTY - TWO

OTHER PROCEDURES RELATING TO CRIMINAL PROCEEDINGS

CVIII. CHAPTER

INDEMNIFICATION FOR UNDUE APPLIED DETENTION

Legal basis for compensation

§ 84. In the case of the conditions specified in this Act, the accused shall be entitled to compensation if his or her liberty has been unreasonably restricted or revoked in criminal proceedings or as a result thereof. Compensation is intended solely to remedy the disadvantages caused by the fact and duration of the restriction or withdrawal of leave.

§ 845. (1) Compensation is payable for arrest, preliminary compulsory medical treatment and criminal supervision in the course of which the court has ordered the accused not to leave an apartment, other premises, institution or fenced space belonging to it without permission, and for pre-trial detention if the prosecution or the investigating authority has terminated the proceedings because

a) the act is not a criminal offense,

b) the suspect did not commit the offense,

c) on the basis of the available data or means of evidence, no criminal offense has been established or a reason has been established which excludes the perpetrator's perpetration or the criminal nature of the act,

d) on the basis of the available data or evidence, it could not be established that the crime was committed by the suspect,

e) the criminal record has lapsed as a result of limitation, or

f) the act has already been finally decided.

2. Compensation shall be payable for arrest, pre-trial detention and criminal supervision as defined in paragraph 1, as well as for detention ordered prior to their order, if the court

(a) the defendant has been finally acquitted, unless he has been ordered to undergo compulsory medical treatment;

(b) has terminated the proceedings in a final judgment by reason of:

(ba) due to a statute of limitations, the accused has ceased to be punishable,

(bb) the prosecution has dropped the charge, or

(bc) the act has already been the subject of a final judgment;

(c) in a non - final order which has become final, it has terminated the proceedings because:

ca) ¹⁹³ the private motion, the report, or the Chief Prosecutor's Office pursuant to Section 4 (9) or the Criminal Code. The provision specified in Section 3 (3) was missing,

(cb) the charge was not brought by the person entitled to it, or

cc) the indictment does not or does not fully contain the legal elements described in Section 422 (1), and therefore the indictment is unfit to be adjudicated on the merits;

(d) the accused has been convicted of an offense, and

(da) used only probation, reparation or reprimand against him, or

db) failed to impose the penalty.

3. Compensation shall be payable for arrest, pre-trial detention and criminal supervision as defined in paragraph 1, as well as for detention ordered prior to their order, if the court has established the guilt of the accused and its duration exceeds the legally imposed

a) the duration of imprisonment,

b) the duration of the closure,

c) the duration of work in the public interest,

d) the number of daily items of the fine,

e) the duration of correctional education.

(4) Compensation shall be payable for imprisonment, confinement, correctional institution or compulsory medical treatment carried out on the basis of a final judgment, if the court, due to an extraordinary legal remedy,

(a) the defendant has been finally acquitted, unless he has been ordered to undergo compulsory medical treatment,

b) the defendant has been convicted of a lesser sentence,

(c) the defendant has been subjected to final probation, reparation or reprimand;

(d) has terminated the proceedings against the accused in a final judgment; or

(e) failed to order compulsory medical treatment in the case of the accused.

Section 846 (1) Compensation is also excluded in the case of the conditions specified in Section 845, if the claimant

(a) absconded, attempted to abscond or evicted or attempted to be absconded from a court, prosecutor's office or investigating authority,

(b) has been guilty of grave professional misconduct proven by any means which has the force of res judicata;

(c) sought to deceive the court, the public prosecutor's office or the investigating authority after becoming aware of the commencement of criminal proceedings, thereby giving him or her a reason to have a well-founded suspicion of a criminal offense and to arrest him, arrest, order, extend or maintain the criminal supervision provided for in

d) his arrest or criminal supervision as defined in Section 845 (1) has been ordered pursuant to Section 293,

(e) he has been acquitted, sentenced to a lesser sentence, put to probation, required to perform reparative work or reprimanded, or the proceedings against him have been discontinued, but he has withheld the facts or evidence on which the judgment in retrial is based in the main proceedings.

(2) Refusal to testify shall not in itself preclude compensation.

Section 847 (1) If compensation is claimed for a reason specified in Section 845 (1), no compensation shall be due if the continuation of the proceedings terminated by the prosecutor's office or the investigating authority is subsequently ordered, provided that the proceedings are not terminated as a result. for the reason specified in Section 845 (1).

(2) If compensation is claimed for a reason specified in Section 845 (3) (*a*) or (4) (*b*) , no compensation shall be due if, in the case of suspension of the execution of a custodial sentence, the suspended custodial sentence must be performed later.

(3) If compensation is claimed for a reason specified in Section 845 (2) (*d*) (*da*) or (4) (*c*) , no compensation shall be due if, in the case of a trial, the trial is subsequently terminated and a penalty should be imposed.

(4) If compensation is claimed for a reason specified in Section 845 (2) (*d*) (*da*) or (4) (*c*) , no compensation shall be due if the court subsequently imposes a penalty in the case of compensatory work.

(5) If compensation is claimed for a reason specified in Section 845 (2) (*a*), (*b*) or (*d*) or (3), no compensation shall be due if a final final decision is made with the accused during an extraordinary legal remedy. which does not give rise to compensation as defined in section 845 or section 846.

(6) In the case specified in subsections (1) - (5), the indemnity already paid shall be recovered by the state.

(7) In the cases specified in subsections (2) - (4), compensation may be granted pursuant to section 844 or section 845 in respect of the imprisonment to be executed or the punishment imposed. In such a case, if compensation is to be paid, the amount of compensation previously paid shall be taken into account.

The compensation procedure

§ 848. (1) A claim for compensation may be enforced in a simplified compensation procedure or in an indemnification lawsuit according to the choice of the person claiming compensation. A claim for compensation cannot be enforced in an order for payment procedure.

(2) The claim for compensation shall be enforced against the state. The state is represented by the Minister of Justice.

§ 849. (1) The person claiming compensation may enforce his or her claim for compensation within one year from the notification of the decision substantiating the compensation to him or her. Failure to meet this deadline will result in disqualification.

(2) If the accused claimant dies during the course of the compensation proceedings, his heir may request the continuation of the proceedings within six months from the death of the accused. Failure to meet this deadline will result in disqualification.

§ 850. (1) During the compensation proceedings, the Minister responsible for justice may request the provision of data in accordance with the provisions on requests for data in order to obtain data or documents referred to in the application or application or necessary to clarify the circumstances arising during the compensation proceedings. In such a case, § 263 and § 264 shall apply mutatis mutandis to the request for data.

(2) During the compensation procedure, the Minister responsible for justice may request the provision of data from the following registers within the scope of data specified by law:

- a*) criminal record system,
- b*) a register containing the personal data, address and notification address of citizens,
- (c)* a central immigration register.

(3) The court clerk in a criminal case may also perform the functions of a court in criminal proceedings.

The simplified compensation procedure

§ 851. (1) Within the framework of the simplified compensation procedure, the claimant may claim compensation in the amount calculated in accordance with the provisions of a government decree for unjustified restriction or deprivation of liberty. The purpose of the simplified compensation procedure is to reach an agreement between the minister claiming compensation and the Minister responsible for justice, on the basis of which the compensation must be paid.

(2) If the proceedings have been terminated by the public prosecutor's office or the investigating authority, the application for the simplified compensation procedure shall be submitted to the court where the public prosecutor's office ordered the arrest, pre-trial detention or criminal supervision specified in Section 845 (1). proposed. Otherwise, the application must be made to the court of first instance in the criminal case.

3. The court or tribunal shall, within one month of receipt of the request for a simplified compensation procedure, without a substantive examination, together with the decision terminating the procedure, the final decisions, the coercive measures decisions and other documents relevant to the assessment of the claim. to the Minister.

(4) The Minister responsible for justice shall, within two months of receipt of the application, examine whether the claim for compensation is well-founded on the basis of the provisions of Section 845 and whether there is no reason to exclude compensation. If, in the opinion of the Minister responsible for justice, the request is well-founded, he or she shall determine the amount of compensation for unjustified restriction or deprivation of liberty, calculated in accordance with a government decree, and shall inform the claimant thereof in writing. The information shall also state that, if the amount of compensation is accepted, the simplified compensation procedure will end with a written agreement.

(5) If, in the opinion of the Minister responsible for justice, the application is unfounded, he shall inform the claimant in writing.

6. The agreement shall be concluded in writing within five months of the request.

(7) If an agreement is concluded with the claimant, there is no place to enforce a further claim.

8. The amount of compensation shall be paid within fifteen days of the written conclusion of the agreement.

§ 852. (1) If no agreement is reached during the simplified compensation procedure within five months after the submission of the application, or in the opinion of the Minister responsible for justice the application is unfounded, the claimant shall be informed after the expiry of the time limit within two months of the entry into force of Articles 853 to 854. § may initiate an action for damages. This deadline is invalid.

(2) In the event of the commencement of an indemnity action pursuant to subsection (1), the claimant shall submit the application to the Minister responsible for justice.

(3) The Minister responsible for justice shall send the application and the files sent pursuant to Section 851 (3) to the district court or tribunal competent for the compensation action according to the seat of the Ministry responsible for justice. If it is not possible to determine from the application which court has jurisdiction over the compensation action, the Minister responsible for justice shall send the application and the files sent pursuant to Section 851 (3) to the district court competent according to its seat.

The compensation lawsuit

§ 853. (1) In an indemnification lawsuit due to unjustified restriction or deprivation of liberty
(a) compensation for damage; or
(b) damages for non-pecuniary damage
can be claimed.

(2) The provisions of the Civil Code Act concerning compensation and damages shall apply to the method and extent of compensation in compensation proceedings with the exceptions provided for in this Act.

(3) Compensation is the basis for compensation

(a) notification of the decision terminating *the* proceedings; or

(b) *the* final decision becomes final

it becomes due on the day.

(4) The fees and costs of an authorized counsel in criminal proceedings may not be enforced.

§ 854. (1) In an indemnification lawsuit, the Act on the Procedure of Civil Procedure shall be applied with the exceptions provided for in this Act.

(2) An action for damages shall be instituted by means of an application. Included in the application

a) the identity of the natural person claiming compensation,

b) if acting as a legal representative, the name, registered office, telephone number, e-mail address of the legal representative and, in the case of several legal representatives, the name of the legal representative appointed to receive official documents,

c) the amount of the claim,

d) the right to be enforced by indicating the legal basis,

e) the facts on which the right is sought and on which the action is based, and

f) evidence and motions of evidence supporting and available to substantiate allegations.

(3) If the proceedings have been terminated by the public prosecutor's office or the investigating authority, the application shall be submitted to the court where the public prosecutor's office proposed the arrest, the preliminary compulsory medical treatment or the order of criminal supervision specified in Section 845 (1). Otherwise, the application must be lodged with the court of first instance in the criminal case.

(4) The claim for damages shall be filed with the seat of the Ministry of Justice within one month of its receipt, together with the decision terminating the proceedings, final decisions, coercive decisions or other documents relevant to the assessment of the claim for damages, without any substantive examination. to the district court or tribunal having jurisdiction in the case.

(5) In order to clarify the existence of the ground for exclusion specified in Section 846 (1) a) –c) and e) or in order to clarify a circumstance arising during the indemnification lawsuit, the court may obtain a statement from the prosecutor's office or investigative authority. The statement shall contain the legal position regarding the assessment of the ground for exclusion or the circumstance arising during the compensation action, and shall be accompanied by the supporting documents.

Rules for the payment of compensation

§ 855. (1) If the state has to pay compensation and data emerged during the compensation procedure that a civil law claim has been finally held against the claimant in connection with the commission of the criminal offense on which the compensation is based, which he did not fulfill until the compensation was paid, the Minister of Justice withholds the amount of compensation. In such a case, the awarded civil claim must be satisfied from the amount of

compensation. The remaining amount of compensation must be paid upon receipt of the bailiff's statement confirming the reservation.

(2) ¹⁹⁴ If the State is required to pay compensation and it has become apparent during the compensation procedure that a confiscation of property has been ordered against the claimant in connection with the commission of the criminal offense on which the compensation is based, a fine has been imposed on the juvenile or was ordered to pay a cost and was not paid until the compensation was paid, the Minister of Justice shall contact the State Tax and Customs Authority for enforcement before the compensation is paid. The request shall contain the personal identification data of the person claiming compensation and the data related to the payment of compensation.

(3) ¹⁹⁵ Pursuant to subsections (1) and (2), the Minister responsible for justice may process data relating to civil claims, confiscation of property, fines imposed on juveniles and criminal costs, in accordance with the provisions on requests for information from the bailiff or the bailiff. may request information from the state tax and customs authority, and the bailiff may obtain or process personal data related to the compensation procedure in order to enforce a civil claim or the state tax and customs authority in order to enforce confiscation of property, juvenile fines and criminal costs. .

CIX. CHAPTER

THE REFUND

§ 856. (1) The amount paid as a fine, a fine imposed for a violation of the rules and the amount of criminal costs, together with any interest from the time of payment until the date of reimbursement, shall be reimbursed to the accused if

a) as a result of an extraordinary appeal, the final decision has been annulled by a court or annulled by the Constitutional Court and a retrial must be conducted,

b) as a result of an extraordinary legal remedy, the court annulled the final decision and sent the case files to the prosecutor's office,

(c) the defendant was acquitted or the proceedings were dismissed by an extraordinary remedy, or

(d) the decision taken as a result of the extraordinary appeal does not contain an obligation to pay a fine, a fine for an infringement or a criminal charge.

2. If the decision on the extraordinary appeal contains a lower obligation to pay a fine, a fine for an infringement or a criminal charge, the difference between the amount paid and the lower obligation shall be reimbursed to the defendant at any time from the date of payment. together with interest.

(3) In the case of confiscation of property, confiscation, and if the seized thing has become the property of the state, subsections (1) and (2) shall govern that if the court acquits the accused or terminates the proceedings against him or her, it is only appropriate if the court did not order or to a lesser extent confiscation or confiscation in the acquittal judgment or the decision terminating the proceedings. The confiscated thing, the property subject to confiscation of property, as well as the seized thing must be returned primarily in kind. If this is not possible or the confiscation concerned a sum of money, the amount shall be reimbursed on the basis of the market value at the time of confiscation or confiscation or the sum of money, plus interest at the current rate until the date of repayment.

(4) Reimbursement shall be ordered by the court *ex officio* or at the motion of the prosecutor's office, the accused, the defense counsel or any other interested party.

(5) Ha

(a) the extraordinary remedy was instituted after the death of the accused,

(b) the accused dies during the extraordinary appeal proceedings, or
(c) dies after a decision has been taken on the basis of an extraordinary appeal against the accused but before an application for reimbursement has been made,
the refund may also be claimed by the heir of the defendant.

6. Where reimbursement is claimed by the heir of the accused, paragraphs 1 to 3 shall apply to the reimbursement to the heir of the accused.

Section 857 (1) The refund

a) *in the case of a retrial*, the court which has given a final decision in the retrial proceedings or, in the case of subsections (3) and (4) of Section 644, a decision on the admissibility of the retrial,

b) *in the case of a constitutional complaint*, the court of first instance,

c) *in the case of review, legal remedy and unity proceedings*, the Mansion,

d) *in the case of a simplified review*, the court which has given final judgment in the main proceedings
order.

(2) If the reimbursement is based on Section 856 (1) (d) or (2) and the court has upheld the civil claim submitted by the victim in a final final decision made as a result of the extraordinary legal remedy, the amount of the reimbursement shall be determined by the civil court. provided that the civil claim has not yet been satisfied or has not been fully satisfied.

(3) The amount remaining after the civil claim has been satisfied shall be reimbursed to the accused.

CX. CHAPTER

GRACE IN CRIMINAL PROCEEDINGS

Initiation of the pardon procedure

§ 858. (1) The pardon proceedings for the termination of criminal proceedings shall be conducted in accordance with the provisions specified in this Chapter.

(2) Grace proceedings for the termination of criminal proceedings may be initiated upon request or ex officio.

(3) An application for pardon may be submitted by the accused, the defense counsel, the legal representative of the accused and the relative of the accused.

(4) An application for pardon shall be made in writing to the court or public prosecutor's office before which the criminal proceedings are pending.

(5) The pardon procedure may be initiated ex officio on the initiative of the court or the prosecutor's office before which the criminal proceedings are pending.

(6) In the case of a pardon initiative, or if the pardon application was not submitted by the accused, the court or the public prosecutor's office shall obtain a statement from the accused as to whether he or she consents to the conduct of the pardon proceedings. If the accused refuses his consent, the pardon proceedings cannot be conducted.

The grace process

§ 859. (1) The pardon procedure has no suspensive effect on the conduct of criminal proceedings.

(2) In court proceedings, the court or the public prosecutor's office shall, in accordance with the provisions of this Act concerning requests for data, obtain the data and documents concerning the accused which are necessary for conducting the pardon proceedings and adjudicating the pardon application or pardon initiative.

3. For the purposes set out in paragraph 2, the court or public prosecutor's office may in particular obtain:

a) an environmental study of the load,
(b) in the case of a detained detainee, the evaluating opinion of the penitentiary institution,
or

(c) a police report on public data relating to the defendant's life.

(4) Within eight days after the request for pardon or pardon initiative, criminal records files or a part thereof, as well as data and documents obtained for the purpose specified in subsection (2)

a) before the prosecution, the prosecutor's office acting with the Attorney General,

(b) after the indictment, the court to the Minister responsible for justice

puts it up.

§ 860. (1) The Attorney General or the Minister responsible for justice shall examine the pardon application or pardon initiative as well as the submitted data and documents and, if necessary, in accordance with the provisions concerning the request for data for the purpose specified in § 859 (2) request data. In such a case, § 263 and § 264 shall apply mutatis mutandis to the request for data.

(2) The Attorney General or the Minister responsible for justice may request data from the following registers in the scope of data specified in law in the pardon procedure:

a) criminal record system,

b) infringement registration system,

c) a register containing the personal data, address and notification address of citizens,

d) road traffic register,

e) central immigration register,

f) ¹⁹⁶ circular registration systems.

(3) A petition for pardon for the termination of criminal proceedings may be submitted to the President of the Republic by the Chief Prosecutor before the indictment, or by the Minister responsible for justice after the indictment.

(4) The Chief Prosecutor or the Minister responsible for justice shall submit the application for pardon, or the Minister responsible for justice, the court's pardon initiative to the President of the Republic even if he does not submit a proposal for the exercise of pardon.

§ 861. The President of the Republic shall send the decision on the pardon decision to the Minister of Justice in order to exercise the right of countersignature. The Minister responsible for justice shall inform the President of the Republic of the exercise of the right of countersignature.

§ 862. (1) If the petitioner was the Attorney General, the countersigned decision on the pardon decision and the documents of the pardon proceedings shall be sent by the Minister responsible for justice to the Attorney General. The Attorney General sends the countersigned decision on the pardon decision and the records of the pardon proceedings to the prosecutor's office before which the criminal proceedings are pending.

(2) If the petitioner was the Minister responsible for justice, the countersigned decision on the pardon decision and the documents of the pardon proceedings shall be sent by the Minister responsible for justice to the court before which the criminal proceedings are pending.

(3) If the decision on the pardon decision is not countersigned by the Minister responsible for justice, he shall record this decision on the original copy of the decision. In the absence of a counter-signature, the pardon procedure is terminated. Paragraphs 1 and 2 shall apply mutatis mutandis to the transmission of such information and pardon documents.

(4) A countersigned decision on a pardon decision or information on the termination of a pardon procedure shall be served on the accused and the applicant for a pardon by the court or public prosecutor's office before which the criminal proceedings are pending. The court or the public prosecutor's office shall serve the decision terminating the proceedings at the same time as the countersigned decision terminating the criminal proceedings. In the case of a detained defendant, the court or prosecutor's office shall send a copy of the countersigned decision on the pardon decision to the detention facility.

5. If the pardon procedure is terminated for a reason other than that specified in paragraph (3), the fact shall be established by the body or person before whom the pardon procedure is pending.

(6) If the President of the Republic has not exercised a pardon or the pardon procedure has been completed for the reason specified in subsection (3), there shall be no impediment to the submission of another application for pardon by the person entitled to it.

CXI. CHAPTER

REDUCTION OR RELEASE OF CRIMINAL COSTS AND FINES

§ 863. (1) An application for the reduction or remission of criminal costs and fines due to the state for reasons deserving special consideration shall be the defense counsel of the person liable to pay the criminal costs (hereinafter together: payable) of the state, may be submitted by the payer's representative or relative.

(2) In the case of an obligation to jointly and severally pay the criminal costs of the State, all liable persons shall submit an application. In this case too, the persons referred to in paragraph 1 shall be entitled to submit the application.

(3) An application for the reduction or remission of the payment of criminal costs due to the state shall be submitted to the court of first instance or the prosecutor's office issuing the decision to terminate the proceedings, the application for reduction or remission of the fine to the

§ 864. (1) Before submitting the application, the court, the prosecutor's office or the investigating authority shall, in accordance with the provisions concerning the request for information, obtain the data and documents concerning the payer which are necessary for conducting the proceedings and adjudicating the application.

2. The court, the public prosecutor's office or the investigating authority may, for the purposes set out in paragraph 1, request in particular the provision of the following information:

a) a certificate containing the amount of the outstanding debt and the details of the previous payment,

b) *information on the debtor's financial and income situation,*

(c) a partial environmental study of the personal and family circumstances, assets and income of the person liable for payment; and

(d) *in the case of a detained payee, an evaluation opinion of the penitentiary institution.*

(3) The court, the public prosecutor's office or the investigating authority shall submit the application, the criminal proceedings file or a part thereof, as well as the data and documents obtained for the purpose specified in subsection (1) to the Minister of Justice within eight days after their receipt.

(4) ¹⁹⁷ If the order fines mitigation or remission of an application, the court may order a fine implementation of the suspension, or in the case of Conversion of entering the order fines replaced imprisonment implementation of postponement or interruption of the Minister for Justice makes its decision.

§ 865. (1) The Minister responsible for justice shall examine the application and the submitted data and documents and, if necessary, may request the provision of data for the purpose specified in § 864 (1) in accordance with the provisions concerning data requests. In such a case, § 263 and § 264 shall apply *mutatis mutandis* to the request for data.

(2) During the examination of applications, the Minister responsible for justice may request data from the register containing the data of the personal, address and notification address of citizens.

(3) The Minister responsible for justice shall send his decision on the application to the court, public prosecutor's office or investigating authority which submitted the application. The requesting court, prosecutor's office or investigating authority shall communicate the decision on the request to the payer and to the person making the request.

PART TWENTY - THREE

FINAL PROVISIONS

Authorizing provisions

§ 866. (1) The Government is authorized to determine this in a decree

a) the tasks that the court clerk may perform in criminal proceedings,

b) the rules for conducting the preparatory procedure, proposing or authorizing the use of concealed devices, investigating the investigating authorities and cooperating between the prosecuting authority and the investigating authorities in the investigation of the prosecution, [198](#)

c) the amount to be paid under the simplified compensation procedure, the method of calculation and the rules for concluding the agreement and paying the compensation. [199](#)

(2) The Minister of Justice is hereby authorized to:

1. the rules applicable to persons involved in criminal proceedings and to procedural acts in criminal proceedings, [200](#)

2. the rules for the use of means of telecommunications in criminal proceedings, [201](#)

3. rules on the design and control of a room for the performance of a procedural act requiring the participation of a person with special needs, [202](#)

4. the rules for access to criminal proceedings in agreement with the Minister responsible for public finances, the Minister responsible for law enforcement and the Minister in charge of the National Tax and Customs Administration, [203](#)

5. the rules for the advance payment of criminal expenses in agreement with the Minister responsible for public finances, the Minister responsible for law enforcement and the Minister in charge of the National Tax and Customs Administration, [204](#)

6. the rules relating to the cost reduction of the debtor in agreement with the Minister for Public Finance,

7. in criminal proceedings, the rules on the fees and expenses of the probationer and the seconded counsel, in agreement with the Minister responsible for public finances,

8. the rules for the reimbursement of the costs of the accused and the attorney-at-law and the reimbursement of the fees of the attorney-at-law by the state, a private prosecutor or a private prosecutor in agreement with the Minister responsible for public finances, [205](#)

9. rules on the fees and expenses of persons involved in criminal proceedings and their representatives, in agreement with the Minister responsible for public finances, [206](#)

10. the rules governing the witness's expenses, in agreement with the Minister responsible for public finances,

11. [207](#) the rules concerning the fees and expenses of the consultant in agreement with the Minister responsible for public finances,

12. the rules governing the fees and expenses of the interpreter and translator in agreement with the Minister responsible for public finances,

13. the health care establishments designated to monitor the state of mind, the costs of monitoring the state of mind in a psychiatric inpatient facility and their accounting in agreement with the Minister responsible for health,

14. the rules for the implementation of criminal supervision and detention in agreement with the Minister responsible for law enforcement, [208](#)

15. in the case of bail, the rules of court deposit,

16. the arrangements for monitoring the state of mind of the detainee in agreement with the Minister for Health,

17. the rules of seizure in agreement with the Minister responsible for public finances, the Minister responsible for law enforcement and the Minister in charge of the National Tax and Customs Administration,

18. the rules of detention in agreement with the Minister responsible for public finances, the Minister responsible for law enforcement and the Minister in charge of the National Tax and Customs Administration,

19. the rules of judicial administration,

20. in the case of a detained person, the tasks assigned to the courts during the conduct of criminal proceedings and during the enforcement of decisions rendered in criminal proceedings, [209](#)

21. the rules for making a sound recording or image and sound recording of a procedural act in court proceedings, [210](#)

22. detailed rules for electronic court records management,

23. the rules governing the activities of the probation officer during criminal proceedings Regulation.

(3) The Minister responsible for law enforcement shall be authorized to:

(a) the powers and competences of the investigative authorities under its authority, in agreement with the Minister responsible for justice,

(b) in agreement with the Minister for Justice and the Minister for Public Finance, the rules for reimbursing the costs incurred in carrying out pre-trial detention and in apprehending and producing the accused,

(c) the rules of the integrated system of criminal statistics for investigating authorities and prosecutors and the detailed rules for data collection and processing [211](#)

Regulation.

(4) [212](#) The Minister responsible for national defense shall be authorized, in respect of the Hungarian Armed Forces and the Military National Security Service, and the Minister in charge of law enforcement, with regard to bodies performing law enforcement tasks under the Law on Legal Relations

(a) the directors entitled to investigate the commander, their powers and the rules governing the investigation of the commander, and [213](#)

(b) the rules for the control of criminal supervision of a soldier in agreement with the Minister responsible for justice, with regard to the Parliamentary Guard, by requesting the opinion of the Speaker of the Parliament, in a decree.

(5) The Minister responsible for health shall be authorized to communicate the rules of drug treatment, other care or drug prevention services with the Minister responsible for drug prevention and drug coordination, the Minister responsible for law enforcement and the Minister responsible for justice. in agreement with the Minister.

Entry into force

§ 867 This Act shall enter into force on 1 July 2018.

Transitional provisions

§ 868. (1) The provisions of this Act - Articles 868–876 With the exceptions specified in § - shall also be applied in criminal proceedings pending at the time of its entry into force.

(2) Except as provided in subsection (3), the proceedings shall be conducted by a court having jurisdiction and jurisdiction under the previous legislation and having the composition specified in the previous legislation, if the case was received by the court before the entry into force of this Act.

(3) If a court has acted under the force of law under a previous Act in a panel of professional judges and two presidents and acts as a single judge under this Act, it shall continue to act as a single judge after the entry into force of this Act.

(4) In the case of annulment made before the entry into force of this Act, the repeated procedure shall be conducted by the court having jurisdiction and competence pursuant to this Act, with the exception provided for in subsection (5).

(5) In the case of annulment made before the entry into force of this Act, the repeated proceedings shall be conducted by a court having jurisdiction and jurisdiction under the previous legislation if the matter was received by the court before the entry into force of this Act.

Section 869 (1) In the application of Section 14 (3) (*a*) , a judge acting as a member of the Second Chamber of the General Court shall be deemed to be excluded in criminal proceedings instituted after 30 November 2016.

(2) In *the* course of *the* application of Section 14 (3) *a*) , it shall be deemed excluded

(*a*) Section XIX of 1998 on Criminal Procedure. was a judge acting as a single judge of the tribunal in cases specified in Section 207 (6) of the Act until 30 June 2017, or in the case of extension of house arrest for more than one year, if the criminal proceedings were initiated after 22 November 2013,

(*b*) Section XIX of 1998 on Criminal Procedure. A judge acting as a member of the panel of the adjudication panel pursuant to Section 131 (3), Section 138 (3), Section 142 (4) and Section 486 of the Act was in force until 30 June 2017, if the criminal proceedings It started after November 30, 2016.

§ 870. (1) In criminal proceedings pending at the time of the entry into force of this Act, a procedural act performed prior to that, in accordance with the previous legislation, shall be valid even if this Act regulates otherwise.

(2) Deadlines in progress upon the entry into force of this Act shall be calculated in accordance with the previous legislation.

(3) ²¹⁴ After the entry into force of this Act, the investigating authority, the public prosecutor's office or the court shall refrain from adjudicating a complaint, appeal or other petition submitted on the basis of this Act and inform the petitioner if there is no complaint, appeal or the submission of another motion, or the addressee thereof, is not entitled to make a decision under this Act.

(4) The rule of this Act concerning the time limit for the submission of a request for certification shall apply in the event of failure to act after the entry into force of this Act.

(5) Proceedings suspended on the basis of previous legislation shall be conducted in accordance with this Act after the entry into force of this Act.

(6) ²¹⁵ The provisions of this Act concerning electronic communication, with the exception specified in subsection (7), shall apply in criminal proceedings instituted after 1 January 2018.

(7) ²¹⁶ The motion for summary punishment proceedings and the withdrawal of this motion may also be submitted by the convicted counsel to the court electronically in the case of criminal proceedings initiated before 1 January 2018.

§ 871. (1) The rules of this Act concerning the refusal of testimony shall be applied in proceedings initiated after the entry into force of this Act.

(2) The rules of this Act concerning the use of previous testimony may be applied in relation to testimonies for which the witness warning was issued in accordance with the provisions of this Act.

§ 872. (1) The lawfulness of the use of a disguised device shall be assessed in accordance with the provisions in force at the time of licensing.

(2) In the case of secret collection of information under the Prosecutor's Office Act, the Police Act or the National Tax and Customs Administration Act in progress at the time of entry into force of this Act, the secret information collection body shall decide within six months after the entry into force of this Act: initiate a preparatory procedure or make a complaint.

(3) For the use of concealed devices subject to judicial authorization, the period of secret collection of information subject to judicial or external authorization in criminal proceedings initiated on the basis of subsection (2) shall be included in the period specified in this Act.

§ 873. (1) ²¹⁷ The rules concerning the calculation of the order and duration of criminal supervision shall be applied starting with the first due decision made on the basis of previous legislation concerning home custody, detention or a ban on leaving home.

(2) The court shall review the necessity to maintain the prohibition on leaving the residence ordered or maintained on the basis of the previous legislation within four months after the entry into force of this Act. The rules for calculating the duration of criminal supervision shall apply after this decision.

(3) If the court has not ordered house arrest or a ban on leaving the home in addition to bail deposited on the basis of the previous legislation, the court shall order criminal supervision or return of the bail within four months after the entry into force of this Act.

§ 874. (1) The rules of this Act concerning exclusive prosecution investigations shall be applied in investigations initiated after the entry into force of this Act.

(2) If the suspect has been questioned on the basis of the previous legislation, provision shall be made for the presentation of the investigation files to the public prosecutor's office upon expiry of the term of the investigation determined or extended in accordance with the previous legislation.

(3) The rule of this Act concerning the time limit for the submission of a private motion shall apply to criminal offenses committed after the entry into force of this Act.

(4) If, on the date of entry into force of this Act, the investigating authority acts procedurally in supplementing a report ordered under the previous legislation, the investigating authority shall make a note within three days of entry into force and transmit, reject or order an investigation.

(5) The Public Prosecutor's Office shall terminate the proceedings if the period of postponement of the prosecution ordered on the basis of the previous legislation has successfully expired after the entry into force of this Act. In this case, the prosecution may order the suspect to pay all or part of the criminal costs.

(6) In the case of postponement of an indictment ordered on the basis of an earlier legislation, the proceedings shall be continued in accordance with the rules of this Act if:

a) the suspect's complaint against the postponement of the prosecution shall be adjudicated after the entry into force of this Act,

b) the suspect is interrogated as a suspect during the postponement of the prosecution for an intentional offense committed during the postponement of the prosecution, including where it

is not possible to communicate a reasonable suspicion due to the suspect's presence in an unknown place or abroad; or

(c) the suspect has seriously infringed the rules on probation or the rules of conduct laid down in the decision postponing the prosecution, or has not fulfilled or is not expected to fulfill his obligation.

(7) If, in order to postpone the prosecution, the Criminal Code Provided for in Article 180 or Section 212 (3), the proceedings shall be continued in accordance with the rules of this Act if

(a) the suspect does not and is not expected to conduct the conduct leading to the cessation of criminal responsibility, or

(b) ²¹⁸ the suspect is questioned as a suspect for the same offense committed during the postponement of the prosecution, or this is not possible due to the suspect's presence in an unknown place or abroad.

(8) The court may not terminate the proceedings,

(a) *on the* ground that the indictment submitted under the previous legislation does not contain a motion by the public prosecutor's office to impose a sentence or measure or a sex thereof, or

b) ²¹⁹ if the deficiencies of the indictment submitted on the basis of the previous legislation have not been remedied in accordance with the previous legislation, but the indictment complies with the provisions of this Act.

§ 875. (1) If the case files were received by the court before the entry into force of this Act, the court shall hold a preparatory hearing within six months after the entry into force of this Act, unless the court scheduled the hearing before the entry into force of this Act.

(2) If the court has suspended the proceedings on the basis of the previous legislation in order to conduct mediation proceedings, it shall terminate the proceedings after the termination of the mediation proceedings, if the Criminal Code. Section 29 (1) is applicable.

(3) If a court pursuant to the previous legislation He has stayed the proceedings in view of the reason for terminating the criminal record specified in Section 180 or Section 212 (3), and shall terminate the proceedings on the basis of this ground for terminating the criminal record, he may order the accused to pay the criminal costs or a part thereof.

(4) Legal unity proceedings may also be initiated in a matter completed before the entry into force of this Act or in progress at the time of entry into force.

§ 876. (1) If the court returns the case files to the prosecutor's office during the submission to the court before the entry into force of this Act, further proceedings shall be conducted after the entry into force of this Act in accordance with the provisions of this Act.

(2) If the court made its order without a hearing before the entry into force of this Act and a hearing was requested, the proceedings shall be conducted in accordance with this Act.

(3) If the non-hearing was requested by the substitute private prosecutor or the private prosecutor, the court shall decide on the basis of the previous legislation if the motion was received by the court before the entry into force of this Act.

(4) In proceedings pending at the time of the entry into force of this Act, the deputy private prosecutor shall also act on the basis of an indictment in the case of an indictment, if the indictment was submitted to the court before the entry into force of this Act.

(5) In proceedings pending at the time of the entry into force of this Act, a substitute private prosecutor may also act without a legal representative if the natural person has a substitute private prosecutor's legal examination or a member or official authorized to represent or injure the has a legal examination.

(6) Where the enforcement of a coercive measure affecting personal liberty ordered due to a criminal offense related to the border closure was commenced before the entry into force of this Act, it may be enforced after the entry into force of this Act.

(7) The court shall terminate the special proceedings initiated before the entry into force of this Act in accordance with the provisions of the previous legislation.

876 / A. § 220 Act CXXVII of 2019 on the amendment of this Act in connection with the establishment of single-stage district office procedures. Section 561 (3) (g) , Section 604 (4), Section 636 (3), Section 648 (d) , Section 649 (6), Section 652 (1) and Section 670 (6) shall apply to a court decision made on or after 1 July 2020.

Cornerary clause

Section 877 Part Six, Section 339 (2) and (3), Section 340 (1) and (2), Section 341, Section 343, Section 344 (6) § 345 (2) and (3), LV. Chapter, Section 464 (3), Section 641 (4), Section 820 (6), Section 872 and Section 879 are considered cardinal pursuant to Section 46 (6) of the Basic Law .

Compliance with European Union law

§ 878. This is the law

1. the Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union, established by the Council in accordance with Article 34 of the Treaty on European Union,

2. the Protocol of 16 October 2001 on Mutual Assistance in Criminal Matters between the Member States of the European Union, established by the Council in accordance with Article 34 of the Treaty on European Union,

3. Directive 2001/95 / EC of 3 December 2001 on general product safety,

4. Council Decision 2002/187 / JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime,

5. Council Framework Decision 2002/584 / JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States,

6. Council Framework Decision 2003/577 / JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence,

7. Council Framework Decision 2005/212 / JHA of 24 February 2005 on Confiscation of Crime-Related Proceeds, Instrumentalities and Property,

8. Council Framework Decision 2005/214 / JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties,

9. Council Framework Decision 2006/783 / JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders,

10. Council Framework Decision 2006/960 / JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union,

11. Framework Decision 2008/675 / JHA of 24 July 2008 on taking account of convictions in the other Member States of the European Union in the course of new criminal proceedings,

12. Council Framework Decision 2008/841 / JHA of 24 October 2008 on the fight against organized crime,

13. Council Framework Decision 2008/909 / JHA of 27 November 2008 on the application in the European Union of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty,

14. Council Framework Decision 2008/947 / JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions for the purpose of supervising probation measures and alternative sanctions,

15. Council Framework Decision 2008/913 / JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law,

16. Council Decision 2009/426 / JHA of 16 December 2008 amending Decision 2002/187 / JHA on the strengthening of Eurojust and the establishment of Eurojust with a view to reinforcing the fight against serious crime,

17. with regard to the strengthening of the procedural rights of persons and the promotion of the application of the principle of mutual recognition to decisions taken following proceedings without the appearance of the person concerned, 2002/584 / JHA, 2005/214 / JHA, 2006/783 / JHA, 2008 Council Framework Decision 2009/299 / JHA of 26 February 2009 amending Framework Decisions / 909 / JHA and 2008/947 / JHA

18. Council Framework Decision 2009/829 / JHA of 23 October 2009 on the application of the principle of mutual recognition to decisions by the Member States of the European Union on supervision measures as an alternative to pre-trial detention,

19. Council Framework Decision 2009/948 / JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings,

20. Directive 2010/64 / EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings,

21. Directive 2011/36 / EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings, protecting victims and replacing Council Framework Decision 2002/629 / JHA,

22. Directive 2011/99 / EU of the European Parliament and of the Council of 13 December 2011 on the European protection order,

23. Directive 2011/93 / EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse, sexual exploitation of children and child pornography, replacing Council Framework Decision 2004/68 / JHA,

24. Directive 2012/13 / EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings,

25. Directive 2012/29 / EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime and replacing Council Framework Decision 2001/220 / JHA,

26. Directive 2013/40 / EU of the European Parliament and of the Council of 12 August 2013 on attacks against information systems and replacing Council Framework Decision 2005/222 / JHA,

27. of 22 October 2013 on the right to legal assistance in criminal proceedings and proceedings related to the European Arrest Warrant, as well as on the right to inform a third party during deprivation of liberty and the right to communicate with third parties and consular authorities during deprivation of liberty / 48 / EU of the European Parliament and of the Council

28. Directive 2014/41 / EU of the European Parliament and of the Council of 3 April 2014 on the European Investigation Order in criminal matters,

29. Directive 2014/42 / EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and the proceeds of crime in the European Union;

30. Directive 2014/62 / EU of the European Parliament and of the Council of 15 May 2014 on the protection of the euro and other currencies against counterfeiting by criminal law and replacing Council Framework Decision 2000/383 / JHA,

31. Directive 2016/343 / EU of the European Parliament and of the Council of 9 March 2016 on strengthening certain aspects of the presumption of innocence and the right to be present at trial in criminal proceedings,

32. on the protection of individuals with regard to the processing of personal data by the competent authorities for the purposes of the prevention, investigation, detection, prosecution or enforcement of criminal offenses and on the free movement of such data, and repealing

Council Framework Decision 2008/977 / JHA Directive 2016/680 / EU of the European Parliament and of the Council of 27 April 2016

33. Directive 2016/800 / EU of the European Parliament and of the Council of 11 May 2016 on procedural guarantees for children suspected or accused in criminal proceedings; and

34. Directive 2016/1919 / EU of the European Parliament and of the Council of 26 October 2016 on legal aid for suspects and accused persons in criminal proceedings and for persons wanted for European Arrest Warrant proceedings
for compliance.

Repealing provision

879. § [221](#)

¹ The Act was adopted by the National Assembly on 13 June 2017. Date of announcement: June 26, 2017

² Section 4 (7) of the 2017: CXCVII. introduced by Section 508 of the Act.

³ Section 4 (8) of the 2017: CXCVII. introduced by Section 508 of the Act.

⁴ Section 4 (9) of the 2017: CXCVII. introduced by Section 508 of the Act.

⁵ Section 13 (3) of the 2017: CXCVII. Text amended in accordance with Section 521 (1) of the Act.

⁶ Section 13 (6) of the 2017: CXCVII. Text amended in accordance with Section 521 (2) of the Act.

⁷ Section 14 (1) (b) of the 2017: CXCVII. Text amended in accordance with Section 521 (3) of the Act.

⁸ Section 20 (1) (13) of the 2017: CXCVII. Text amended in accordance with Section 521 (4) of the Act.

⁹ Section 27 (1) (b) of the 2017: CXCVII. Text amended in accordance with Section 521 (3) and (5) of the Act.

¹⁰ Section 32 (1) (b) of the 2017: CXCVII. Text amended in accordance with Section 521 (3) of the Act.

¹¹ Section 36 (2) of the 2017: CXCVII. Text amended in accordance with Section 521 (6) of the Act.

¹² Section 43 (1) (e) of the 2017: CXCVII. Text amended in accordance with Section 521 (7) of the Act.

¹³ Section 45 of 2017: CXCVII. text established by § 509 of the Act.

¹⁴ Section 47 (1a) of Act 2020: LVIII. introduced by Section 383 of the Act.

¹⁵ Section 47 (1b) is amended in accordance with 2020: LVIII. introduced by Section 383 of the Act.

¹⁶ Section 49 (3) of the 2020: LVIII. Text amended pursuant to Section 389 of the Act.

¹⁷ Section 49 (4) of the 2020: LVIII. the text established by § 384 of the Act.

¹⁸ Section 49 (5) of the 2020: LVIII. the text established by § 384 of the Act.

¹⁹ Section 56 (1) of the 2017: CXCVII. the text established by § 510 of the Act.

²⁰ Section 56 (2) of the 2017: CXCVII. the text established by § 510 of the Act.

²¹ Section 56 (4) of the 2017: CXCVII. Text amended in accordance with Section 521 (8) of the Act.

²² Section 62 of 2017: CXCVII. text established by Section 511 of the Act.

²³ Section 72 (4) of Act 2017: CXCVII. introduced by Section 512 of the Act.

²⁴ Section 73 a 2020: LVIII. text established by § 385 of the Act.

²⁵ Section 84 (3) of the 2017: CXCVII. Text amended in accordance with Section 521 (9) of the Act.

²⁶ Section 101 (1) of the 2019: LXXXI. Text amended in accordance with Section 37 (a) of the Act.

²⁷ Section 104 (1) of the 2017: CXCVII. Text amended in accordance with Section 521 (10) of the Act.

²⁸ Section 104 (2) (c) of the 2017: CXCVII. Text amended in accordance with Section 521 (11) of the Act.

²⁹ Section 115 (3) of the 2017: CXCVII. introduced by Section 513 of the Act.

³⁰ Section 123 (1) (e) of the 2017: CXCVII. Text amended in accordance with Section 521 (12) of the Act.

³¹ Section 130 (1) (b) of the 2017: CXCVII. the text established by Section 514 (1) of the Act.

³² Section 131 (2) of the 2017: CXCVII. the text established by Section 514 (2) of the Act.

³³ Section 131 (5) of the 2017: CXCVII. Text amended in accordance with Section 521 (13) of the Act.

³⁴ Section 135 (1) (a) of the 2017: CXCVII. Text amended in accordance with Section 521 (14) of the Act.

³⁵ Section 149 (3) of the 2017: CXCVII. the text established by Section 514 (3) of the Act.

³⁶ Section 149 (4) of the 2017: CXCVII. the text established by Section 514 (3) of the Act.

³⁷ Section 149 (5) of the 2017: CXCVII. Text amended in accordance with Section 521 (15) of the Act.

³⁸ Section 150 (1) of the 2017: CXCVII. Text amended in accordance with Section 521 (16) of the Act.

³⁹ Section 150 (2) of the 2017: CXCVII. the text established by Section 514 (4) of the Act.

⁴⁰ § 151 a 2017: CXCVII. the text established by § 515 of the Act.

⁴¹ The subheading preceding Section 152 is 2017: CXCVII. the text established by § 516 of the Act.

⁴² § 152 a 2017: CXCVII. the text established by § 516 of the Act.

⁴³ The subheading preceding § 153 is 2017: CXCVII. Text amended in accordance with Section 521 (17) of the Act.

⁴⁴ § 153 a 2017: CXCVII. the text established by § 517 of the Act.

⁴⁵ Section 155 of 2017: CXCVII. the text established by § 518 of the Act.

⁴⁶ A 156 § a 2017: CXCVII. the text established by § 518 of the Act.

⁴⁷ A Section 157 of 2017: CXCVII. the text established by § 518 of the Act.

⁴⁸ Section 158 of 2017: CXCVII. the text established by § 518 of the Act.

⁴⁹ Section 159 of 2017: CXCVII. the text established by § 518 of the Act.

⁵⁰ A 160. § a 2017: CXCVII. Text amended in accordance with Section 521 (18) of Act.

⁵¹ Section 162 (1) of the 2017: CXCVII. the text established by Section 519 (1) of the Act.

⁵² Section 170 (1) (b) of the 2019: XXXVI. Text amended pursuant to Section 56 of the Act.

⁵³ Section 172 (3) of the 2017: CXCVII. Text amended in accordance with Section 521 (19) of the Act.

⁵⁴ Section 177 (5) of the 2017: CXCVII. the text established by Section 519 (2) of Act.

⁵⁵ Section 181 (2) (b) of the 2017: CXCVII. Text amended in accordance with Section 521 (20) of the Act.

⁵⁶ Section 234 (2) (b) of the 2018: CXVIII. Text amended pursuant to Section 36 of the Act.

⁵⁷ Section 262 (1) (a) is amended in accordance with Section 2020: LVIII. Section 390 of the Act repealed.

⁵⁸ Section 262 (1) (b) is amended in accordance with 2020: LVIII. Section 390 of the Act repealed.

⁵⁹ Section 268 (3) of the 2017: CXCVII. Text amended in accordance with Section 521 (21) of the Act.

⁶⁰ Section 295 (2) of the 2017: CXCVII. Text amended in accordance with Section 521 (22) of the Act.

⁶¹ Section 299 (2) of the 2017: CXCVII. Text amended in accordance with Section 521 (23) of the Act.

⁶² Section 299 (4) of the 2017: CXCVII. Section 519 (3) of the Act.

⁶³ Section 316 (5) of the 2017: CXCVII. the text established by Section 519 (4) of Act.

⁶⁴ Section 327 (6) is amended by 2019: LXXXI. incorporated by Section 34 of the Act.

⁶⁵ Section 331 (3) of the 2017: CXCVII. Text amended in accordance with Section 521 (24) of the Act.

⁶⁶ A Section 332 of 2017: CXCVII. the text established by Section 519 (5) of the Act.

⁶⁷ Section 332 (2) of the 2019: LXXXI. Text amended in accordance with Section 37 (b) of the Act.

⁶⁸ The opening text of Section 337 (1) is based on 2017: CXCVII. Text amended in accordance with Section 521 (25) of the Act.

⁶⁹ Section 337 (6) (c) of the 2017: CXCVII. Text amended in accordance with Section 521 (26) of the Act.

⁷⁰ The opening and closing text of Section 342 (3) is based on 2017: CXCVII. Text amended in accordance with Section 521 (27) of the Act.

⁷¹ Section 342 (3) (3) of the 2019: CXXII. Text amended pursuant to Section 168 of the Act.

⁷² Section 342 (3), point 22 of the 2017: CXCVII. Text amended in accordance with Section 522 (a) of the Act.

⁷³ Section 342 (3), point 24 of the 2017: CXCVII. Section 519 (6) of the Act.

⁷⁴ Section 342 (3), point 25 of the 2017: CXCVII. Section 519 (6) of the Act.

⁷⁵ Section 342 (3), point 26 of the 2017: CXCVII. Section 519 (6) of the Act.

⁷⁶ Section 360 (2) of the 2020: LVIII. the text established by § 386 of the Act.

⁷⁷ Section 360 (3) of the 2020: LVIII. text established by § 386 of the Act.

⁷⁸ Section 360 (4) of the 2020: LVIII. text established by § 386 of the Act.

⁷⁹ Section 360 (5) of the 2017: CXCVII. Text amended in accordance with Section 521 (28) of the Act.

⁸⁰ Section 360 (6) of the 2017: CXCVII. Text amended in accordance with Section 521 (29) of the Act.

⁸¹ Section 360 (11) of the 2017: CXCVII. Text amended in accordance with Section 521 (30) of the Act.

⁸² Section 363 (5) of the 2017: CXCVII. Text amended in accordance with Section 521 (31) of the Act.

⁸³ Section 365 (3) of the 2017: CXCVII. the text established by Section 519 (7) of Act.

⁸⁴ Section 374 (1) (e) (ea) of 2017: CXCVII. Text amended in accordance with Section 521 (32) of the Act.

⁸⁵ Section 374 (2) of the 2017: CXCVII. Text amended in accordance with Section 521 (33) of the Act.

⁸⁶ Section 374 (5) of the 2017: CXCVII. Text amended in accordance with Section 521 (34) of the Act.

⁸⁷ Section 380 (3) of the 2017: CXCVII. Text amended in accordance with Section 521 (35) of the Act.

⁸⁸ Section 381 (1) (f) of the 2017: CXCVII. Text amended in accordance with Section 521 (36) of the Act.

⁸⁹ Section 387 (1) of the 2017: CXCVII. Text amended in accordance with Section 521 (37) of the Act.

⁹⁰ Section 387 (2) of the 2017: CXCVII. Text amended in accordance with Section 521 (37) of the Act.

⁹¹ Section 387 (3) of the 2017: CXCVII. Text amended in accordance with Section 521 (37) of the Act.

⁹² Section 387 (3) (b) of the 2017: CXCVII. Text amended in accordance with Section 521 (38) of the Act.

⁹³ Section 387 (5) of the 2017: CXCVII. Text amended in accordance with Section 521 (37) of the Act.

⁹⁴ Section 389 (b) of the 2017: CXCVII. Text amended in accordance with Section 521 (39) of the Act.

⁹⁵ Section 394 (4) (d) of the 2017: CXCVII. Text amended in accordance with Section 521 (40) of the Act.

⁹⁶ Section 394 (4) (f) of the Act of 2017: CXCVII. Section 519 (8) of the Act.

⁹⁷ Section 398 (1) (g) of the 2017: CXCVII. Text amended pursuant to Section 521 (36) of the Act.

⁹⁸ Section 403 (1) of the 2019: LXXXI. Text amended in accordance with Section 38 (a) of the Act.

⁹⁹ Section 410 (4) of the 2017: CXCVII. Text amended in accordance with Section 521 (41) of the Act.

¹⁰⁰ Section 443 (1) of the 2019: LXXXI. Text amended in accordance with Section 38 (b) of the Act.

¹⁰¹ Section 446 (9) of the 2017: CXCVII. Text amended in accordance with Section 521 (42) of the Act.

¹⁰² Section 451 (7) of the 2017: CXCVII. Text amended in accordance with Section 521 (43) of the Act.

¹⁰³ Section 452 (1) of the 2017: CXCVII. Text amended in accordance with Section 521 (44) of the Act.

¹⁰⁴ Section 453 (2) of the 2017: CXCVII. the text established by Section 519 (9) of Act.

¹⁰⁵ Section 455 (4) of the 2017: CXCVII. Text amended in accordance with Section 521 (45) of the Act.

¹⁰⁶ Section 459 (1) of the 2017: CXCVII. Text amended in accordance with Section 521 (46) of the Act.

¹⁰⁷ Section 461 (1) of the 2017: CXCVII. Text amended in accordance with Section 521 (46) of the Act.

¹⁰⁸ Section 462 of 2017: CXCVII. Text amended in accordance with Section 521 (47) of the Act.

¹⁰⁹ Section 476 (1) of the 2017: CXCVII. the text established by Section 519 (10) of Act.

¹¹⁰ Section 488 (1) (f) of the 2017: CXCVII. Text amended in accordance with Section 521 (48) of the Act.

¹¹¹ Section 488 (1) (h) shall be amended in accordance with Decree 2017: CXCVII. Section 519 (11) of the Act.

¹¹² Section 488 (1) (i) is amended by Decree 2017: CXCVII. Section 519 (11) of the Act.

¹¹³ Section 488 (3) (b) of the 2017: CXCVII. Text amended in accordance with Section 521 (49) of the Act.

[114](#) Section 492 (2) (a) of the 2017: CXCVII. Text amended pursuant to Section 521 (36) of the Act.

[115](#) Section 498 (3) of the 2017: CXCVII. the text established by Section 519 (12) of Act.

[116](#) Section 506 (5) of the 2017: CXCVII. Text amended in accordance with Section 521 (50) of the Act.

[117](#) Section 524 (1) of the 2017: CXCVII. Text amended in accordance with Section 521 (51) of the Act.

[118](#) Section 527 (2) of the 2020: LVIII. the text established by § 387 of the Act.

[119](#) Section 542 (2) of the 2017: CXCVII. Text amended in accordance with Section 521 (52) of the Act.

[120](#) Section 549 (2) of the 2017: CXCVII. Text amended in accordance with Section 521 (53) of the Act.

[121](#) The opening text of Section 551 (1) is amended in 2017: CXCVII. Text amended in accordance with Section 521 (54) of the Act.

[122](#) Section 551 (1) (a) of the 2017: CXCVII. Text amended in accordance with Section 521 (55) of the Act.

[123](#) Section 555 (1) (b) of the 2017: CXCVII. Text amended in accordance with Section 521 (56) of the Act.

[124](#) Section 555 (2) of the 2017: CXCVII. the text established by Section 520 (1) of the Act.

[125](#) Section 555 (5) of the 2017: CXCVII. Text amended in accordance with Section 522 (b) of the Act.

[126](#) Section 556 (1) of the 2017: CXCVII. the text established by Section 520 (2) of Act.

[127](#) Section 556 (2) of the 2017: CXCVII. the text established by Section 520 (2) of Act.

[128](#) Section 556 (3) of the 2017: CXCVII. Text amended pursuant to Section 522 (c) of the Act.

[129](#) Section 558 (1) of the 2017: CXCVII. Text amended in accordance with Section 521 (57) of the Act.

[130](#) The opening text of Section 559 (1) is amended in 2017: CXCVII. Text amended in accordance with Section 521 (58) of the Act.

[131](#) Section 559 (1) (b) of the 2017: CXCVII. Text amended in accordance with Section 521 (59) of the Act.

[132](#) Section 560 (1) of the 2017: CXCVII. the text established by Section 520 (3) of the Act.

[133](#) Section 560 (2) of the 2017: CXCVII. Text amended in accordance with Section 521 (60) of the Act.

[134](#) Section 561 (3) (g) is amended in accordance with 2019: CXXVII. introduced by Section 242 of the Act.

[135](#) Section 566 (1) of the 2017: CXCVII. the text established by Section 520 (4) of Act.

[136](#) Section 567 (2) (a) of the 2017: CXCVII. Text amended pursuant to Section 521 (36) of the Act.

[137](#) Section 569 (1) of the 2017: CXCVII. Text amended in accordance with Section 521 (61) of Act

[138](#) Section 571 of 2017: CXCVII. the text established by Section 520 (5) of Act.

[139](#) Section 576 (1) (b) of the 2017: CXCVII. Text amended in accordance with Section 521 (62) of the Act.

[140](#) The opening text of Section 590 (5) is the 2017: CXCVII. Text as amended pursuant to Section 521 (63) of the Act.

[141](#) Section 603 (1) of the 2017: CXCVII. Text amended in accordance with Section 521 (64) of the Act.

¹⁴² Section 603 (3) of the 2017: CXC VII. Text amended in accordance with Section 521 (65) of Act

¹⁴³ Section 604 (4) of 2019: CXXVII. Text amended pursuant to Section 246 of the Act.

¹⁴⁴ Section 612 (1) of the 2017: CXC VII. Text amended in accordance with Section 521 (66) of the Act.

¹⁴⁵ Constitutional Court 6/2020. (III. 3.) AB, it is a constitutional requirement that the provisions or parts of the judgment of the court of second instance related to the decision to the contrary be reviewed without restriction on the basis of a second appeal in the third instance proceedings filed before 1 July 2018. to be criticized.

¹⁴⁶ The opening text of Section 615 (4) is the 2017: CXC VII. Text amended in accordance with Section 521 (67) of the Act.

¹⁴⁷ The opening text of Section 618 (3) is the 2017: CXC VII. Text amended in accordance with Section 521, Item 68 of Act no.

¹⁴⁸ Section 619 (4) of the 2017: CXC VII. Text amended in accordance with Section 521 (69) of the Act.

¹⁴⁹ Section 621 (3) of the 2017: CXC VII. Text amended in accordance with Section 521 (70) of the Act.

¹⁵⁰ Section 622 (2) of the 2017: CXC VII. Text amended in accordance with Section 521 (71) of the Act.

¹⁵¹ Section 627 (1) (d) of the Act of 2017: CXC VII. Act § 520 (6) of the Act.

¹⁵² Section 632 (4) is amended by 2019: LXXXI. incorporated by Section 35 of the Act.

¹⁵³ Section 636 (3) is amended by 2019: CXXVII. introduced by Section 243 of the Act.

¹⁵⁴ A 21/2020. (VIII. 4.) of Resolution AB of Article XXVIII of the Basic Law. The constitutional requirement arising from Article XC (1) and (3) is that the defense counsel must comply with Article XC of the Criminal Procedure Act 2017. may file a motion for renewal based on Section 637 (1) (g) of the Act within one month from the day on which the accused became aware that the final decision terminating the main proceedings had become final.

¹⁵⁵ Section 643 (4) of the 2020: LVIII. the text established by § 388 of the Act.

¹⁵⁶ § 648 a 2019: CXXVII. the text established by Section 244 (1) of the Act.

¹⁵⁷ Section 649 (2) (b) of the 2017: CXC VII. Text amended pursuant to Section 521 (36) of the Act.

¹⁵⁸ Section 649 (6) is amended by 2019: CXXVII. Act § 244 (2) of the Act.

¹⁵⁹ Section 650 (1) of the 2017: CXC VII. the text established by Section 520 (7) of Act.

¹⁶⁰ Section 652 (1) of the 2019: CXXVII. the text established by Section 244 (3) of the Act.

¹⁶¹ Section 653 (2) of the 2017: CXC VII. the text established by Section 520 (8) of Act.

¹⁶² Section 661 (2) of the 2017: CXC VII. Text amended in accordance with Section 521 (72) of the Act.

¹⁶³ Section 662 (2) (c) of the 2017: CXC VII. Text amended in accordance with Section 521 (73) of the Act.

¹⁶⁴ Section 664 (2) of the 2017: CXC VII. Text amended in accordance with Section 521 (74) of the Act.

¹⁶⁵ Section 670 (6) is amended in accordance with 2019: CXXVII. Section 244 (4) of the Act.

¹⁶⁶ Section 670 (7) is amended in accordance with 2019: CXXVII. Section 244 (4) of the Act.

¹⁶⁷ Section 670 (8) is amended in accordance with 2019: CXXVII. Section 244 (4) of the Act.

¹⁶⁸ Section 672 (4) of the 2017: CXC VII. the text established by Section 520 (9) of Act.

¹⁶⁹ Section 674 (5) of the 2017: CXC VII. Text amended in accordance with Section 521 (75) of the Act.

[170](#) Section 682 (3) of the 2017: CXCVII. Text amended in accordance with Section 521 (76) of the Act.

[171](#) Section 688 (4) of the 2017: CXCVII. the text established by Section 520 (10) of Act.

[172](#) A 693 / A. § 2020: LXXIV. introduced by Section 10 of the Act.

[173](#) Section 700 (2) (b) of the 2017: CXCVII. Text amended in accordance with Section 521 (77) of the Act.

[174](#) Section 700 (4) of the 2017: CXCVII. Text amended pursuant to Section 521, Item 78 of Act no.

[175](#) Section 702 (3) of the 2017: CXCVII. Text amended in accordance with Section 521 (79) of the Act.

[176](#) Section 705 (1) of the 2017: CXCVII. Text amended in accordance with Section 521 (80) of the Act.

[177](#) Section 711 (2) of the 2017: CXCVII. Text amended in accordance with Section 521 (81) of the Act.

[178](#) A 718. § a 2017: CXCVII. Text amended in accordance with Section 521 (82) of the Act.

[179](#) Section 726 (5) of the 2017: CXCVII. Text amended in accordance with Section 521 (83) of the Act.

[180](#) Section 727 (1) of the 2017: CXCVII. Text amended in accordance with Section 521 (84) of the Act.

[181](#) Section 763 (1) of the 2017: CXCVII. Text amended in accordance with Section 521 (85) of the Act.

[182](#) Section 786 (4) (c) of the 2017: CXCVII. Text amended in accordance with Section 521 (86) of the Act.

[183](#) Section 787 (3) of the 2017: CXCVII. the text established by Section 520 (11) of Act.

[184](#) Section 796 (1) of the 2017: CXCVII. Text amended in accordance with Section 521 (87) of the Act.

[185](#) Section 817 (3) (b) of the 2017: CXCVII. Text amended in accordance with Section 521 (86) of

[186](#) The opening text of Section 820 (2) (a) is amended in 2017: CXCVII. Text amended pursuant to Section 521 (88) of the Act.

[187](#) Section 820 (2) (a) (aa) of 2019: LXXXI. Text amended in accordance with Section 37 (c) of the Act.

[188](#) Section 820 (3) of 2019: LXXXI. Text amended in accordance with Section 37 (d) of the Act.

[189](#) Section 821 (4) of 2019: LXXXI. Text amended pursuant to Section 37 (e) of the Act.

[190](#) Section 828 (3) of the 2017: CXCVII. Text amended in accordance with Section 521 (89) of the Act.

[191](#) Section 842 (2) of the 2017: CXCVII. the text established by Section 520 (12) of Act.

[192](#) Section 843 (1) of 2019: LXXXI. Text amended in accordance with Section 38 (c) of the Act.

[193](#) Section 845 (2) (c) (ca) of 2017: CXCVII. Text amended pursuant to Section 521 (36) of the Act.

[194](#) Section 855 (2) of 2019: LXXXI. Text amended in accordance with Section 37 (f) of the Act.

[195](#) Section 855 (3) of 2019: LXXXI. the text established by § 36 of the Act.

[196](#) Section 860 (2) (f) is amended by Decree 2017: CXCVII. introduced by Section 520 (13) of the Act.

[197](#) Section 864 (4) is amended in 2017: CXCVII. Act § 520 (14) of the Act.

- [¹⁹⁸](#) See application 100/2018. (VI. 8.) Government Decree.
- [¹⁹⁹](#) See 138/2018. (VII. 26.) Government Decree.
- [²⁰⁰](#) See 12/2018. (VI. 12.) IM decree.
- [²⁰¹](#) See 12/2018. (VI. 12.) IM decree.
- [²⁰²](#) See 13/2018. (VI. 12.) IM decree.
- [²⁰³](#) See 12/2018. (VI. 12.) IM decree.
- [²⁰⁴](#) See 11/2018. (VI. 12.) IM decree.
- [²⁰⁵](#) See 19/2018. (VI. 28.) IM decree.
- [²⁰⁶](#) See 19/2018. (VI. 28.) IM decree.
- [²⁰⁷](#) Section 866 (2), point 11 of the 2017: CXCVII. Text amended in accordance with Section 522 (d) of the Act.
- [²⁰⁸](#) See 15/2018. (VI. 15.) IM decree.
- [²⁰⁹](#) See 9/2018. (VI. 11.) IM decree.
- [²¹⁰](#) See 12/2018. (VI. 12.) IM decree.
- [²¹¹](#) See 12/2018. (VI. 7.) BM decree.
- [²¹²](#) Section 866 (4) of the 2017: CXCVII. the text established by Section 520 (15) of Act.
- [²¹³](#) See 10/2018. (V. 30.) BM decree, 11/2018. (V. 30.) BM decree.
- [²¹⁴](#) The text of Section 870 (3) “, appeal” was amended by the Constitutional Court in Decree No. 6/2020. (III. 3.) AB with point 1 of its decision.
- [²¹⁵](#) Section 870 (6) of the 2017: CXCVII. Act § 520 (16) of the Act.
- [²¹⁶](#) Section 870 (7) of the 2017: CXCVII. Act § 520 (16) of the Act.
- [²¹⁷](#) Section 873 (1) of the 2017: CXCVII. Text amended in accordance with Section 521 (90) of the Act.
- [²¹⁸](#) Section 874 (7) (b) of the 2017: CXCVII. Text amended in accordance with Section 521 (91) of the Act.
- [²¹⁹](#) Section 874 (8) (b) of the 2017: CXCVII. Text amended in accordance with Section 521 (92) of the Act.
- [²²⁰](#) A 876 / A. § 2019: CXXVII. introduced by Section 245 of the Act.
- [²²¹](#) Section 879 of 2010: CXXX. pursuant to Section 12 (2) of the Act.