

Substantive law terms

Extreme necessity

Situation, where someone eliminates a threat directly impending to an interest protected by the Criminal Code. Action performed under these circumstances does not constitute a criminal offense, even though it otherwise would. However, extreme necessity does not apply in cases where the danger could be eliminated otherwise under the given circumstances, or if the consequences caused by it are clearly similarly serious or even more serious than the impending consequence, or if the person threatened by the danger was obliged to bear it.

Insanity

Anyone who could not identify the illegal nature of his action in the time of its commission or to control his behavior is not criminally liable for such action.

Necessary self-defense

Situation where someone eliminates a directly impending or ongoing attack against an interest protected by the Criminal Code. Action performed under these circumstances does not constitute a criminal offense, even though it otherwise would. However, the defensive action must not be clearly grossly disproportionate to the form of the attack.

Protective measure

Protective measure is a legal consequence of a criminal offense, and under certain circumstances also of an act otherwise criminal, because it provides protection also outside the scope of criminal liability. It follows the purpose of Criminal Code, it is imposed by court and its execution is enforceable by the state authorities. The current legislation distinguishes the following protective measures: protective treatment, protective detention, forfeiture of items or other asset values and protective education.

Misdemeanor

Misdemeanors all negligent criminal offenses and those intentional criminal offences, for which the Criminal Code stipulates a sentence of imprisonment with the upper limit of no more than five years.

Punishment

Punishment is a legal consequence of a criminal offense, which reflects negative legal assessment of the perpetrator and his actions and serves to achieve the purpose of the Criminal Code. Punishment is imposed exclusively by the court and its execution is enforceable by state authorities. The current legislation distinguishes the following types of punishments: imprisonment, house confinement, community service, confiscation of property, financial penalty, confiscation of items or other asset values, prohibition to perform certain activity, prohibition of stay, prohibition to attend sports, cultural and other social events, loss of honorary titles and decorations, loss of military rank and banishment.

Criminal liability of legal entities

As of 1. 1. 2012, legal entities are criminally liable for criminal offenses listed in the Act no. 418/2011 Coll. In order to establish criminal liability of a legal entity it is necessary that the act is committed on its behalf or for its benefit or within the framework of its activities. Such act may be committed either by a member of its governing body (or more precisely a person entitled to act on behalf of the legal entity) or by a person performing managerial or control function within the legal entity, or a person exercising decisive influence over the legal entity. In some cases it is also possible to hold a legal entity accountable for acts committed by an employee in the course of performance of his work duties. Only the following sentences may be imposed for crimes committed by a legal entity: dissolution of legal entity, confiscation of assets, financial penalty, confiscation of items or other asset values, prohibition to perform certain activity, prohibition to take part in public tenders, prohibition to acquire grants and subsidies and publishing the judgment. A legal entity and a natural person may be both sentenced for the same criminal act.

Criminal offense

A criminal offense is an illegal act which the law designates as criminal and which has the

characteristics stipulated in the Criminal Code.

Felony

Felonies are all criminal offenses, which are not considered as misdemeanors according to the Criminal Code.

Diminished sanity

Anyone whose ability to identify the illegality of his action or to control his actions was substantially diminished in time of committing the act on the account of a mental disorder has diminished sanity.

Especially serious felony

Especially serious felonies are criminal offenses, for which the Criminal Code prescribes a sentence of imprisonment with the upper limit of at least ten years.

Procedural law terms

Agreement on the guilt and punishment

This is an option of the public prosecutor to negotiate an agreement with the accused person in pre-trial proceedings, which contains a declaration of the accused person that he has committed the act, and also the proposed punishment or protective measure. This agreement must then be approved (or disapproved) by the court in a public session, without the need to conduct a main trial. This type of proceeding cannot be used in cases of especially serious felonies.

Review

Review is a competence stipulated in the Act on Public Prosecutor's Office designed to secure managerial and control relationships between different levels of the Public Prosecution system and also within individual Public Prosecutor's Offices in the course of performance of their jurisdiction. The closest superior Public Prosecutor's Office is entitled to review the proceeding of the closest inferior Public Prosecutor's Offices within its jurisdiction in the course of handling cases falling within their competence and to issue written instructions relating to their proceeding. The closest superior Public Prosecutor's Office can withdraw a case from the closest inferior Public Prosecutor's Office and handle it itself also in the event the closest inferior Public Prosecutor's Office is idle or if its proceeding shows undue delays.

Supervision

Supervision is a competence of the public prosecutor stipulated by the Code of Criminal Procedure designed to secure maintaining legality in pre-trial proceedings. It is a type of control activity aimed at the operation of police authorities, which is conducted regularly throughout the whole pre-trial proceedings.

Authorities involved in criminal proceedings

Authorities involved in criminal proceedings are court, public prosecutor and police authorities.

Police authorities

a) Departments of the Police of the Czech Republic,

b) General Inspection of Security Corps in proceedings on criminal offenses committed by members of the Police of the Czech Republic, members of the Prison Service of the Czech Republic, Customs officers or employees of the Czech Republic assigned to work within the Police of the Czech Republic, the Prison Service of Customs Administration of the Czech Republic, committed in relation to the performance of their work duties,

c) designated authorities of the Prison Service in proceedings on criminal offenses committed

by persons detained in custody, security detention or serving a sentence of imprisonment that were committed in prison, detention prison facilities or facilities where security detention is executed,

d) designated Customs authorities in proceedings on criminal offenses committed by violation of customs regulations and regulations of import, export or transit of goods, also in cases the offense in question was committed by members of armed forces or security corps, and additionally also offenses committed by violation of legislation governing placement and purchase of goods in European Communities member states in cases such goods are transported through the state borders of the Czech Republic, and in case of violation of revenue regulations, if the Customs authorities are in the position of revenue authority according to special legal enactments,

e) designated authorities of the Military Police in proceedings on criminal offences of armed forces and persons who committed crimes against the members of armed forces in military premises, against military premises, military material or other state property falling within the administration of the Ministry of Defense,

f) designated authorities of the Security Information Service in proceedings on criminal offenses of the Security Information Service,

g) designated authorities of the Office for International Relations and Information in proceedings on criminal offences committed by the members of the Office for International Relations and Information,

h) designated authorities of the Military Intelligence Agency in proceedings on criminal offences committed by the members of the Military Intelligence Agency,

i) designated authorities of the General Inspection of Security Corps in proceedings on criminal offences committed by the members of the of the General Inspection of Security Corps or by employees of the Czech Republic assigned to work within the General Inspection of Security Corps.

Cooperating accused person

This is a special status of the accused person granted to him by the Public Prosecutor, due to which his sentence may be extraordinarily reduced or even completely waived. A condition of attaining this status is that the accused person confesses to the act and notifies the public prosecutor within the proceedings of facts eligible to substantially contribute to clarification of a felony committed by an organized group. A condition thereof is also the consent of the accused person to be labeled as a cooperating accused person.