

50/1923 Coll. in wording applicable as of 8 April 1923 to 23 October 1948

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ACT

of 19 March 1923

on protection of the Republic

The National Assembly of the Czechoslovak Republic resolved on this Act:

TITLE I.

Plots against the Republic. (§ 1-3)

§ 1

Plots.

Person who tries:

to change the Constitution of the Republic by force, in particular with regard to independence, unity, or democratic-republican form of State;

to prevent constitutional activity of the President of the Republic, his Deputy, Legislature, Government, or the Governor of Carpathian Ruthenia by force;

to attach the territory of the Republic by force to a foreign state, or to tear off part of it away,

shall be punished for such crime by imprisonment from 5 to 20 years, under particularly aggravating circumstances by life sentence in a heavy prison.

[tags: plot against the state or its authorities, constitution of Czechoslovakia, unity of the state, democracy, a high treason]

§ 2

Preparation of plot.

Person who conspires with other person to create plots against the Republic,
person who for the same reason as above directly or indirectly conspires with foreign force or foreign authorities, in particular those of military or financial nature,
person who for the same reason as above collects military or ancillary forces, organizes it, or exercises it,
person who provides or procures for the same purpose as above ammunition or other means,

shall be punished for such a crime by imprisonment in a heavy prison from 1 to 5 years, under particularly aggravating circumstances in a heavy prison from 5 to 10 years.

[tags: plot against the state, preparation of the plot against the state, a high treason]

§ 3

Threats to the security of the Republic.

1. Person who intends to harm the Republic, puts it in danger of war, or of hostile acts of power, or of armed assault, or increases risk of such acts, shall be punished for such a crime by imprisonment from 5 to 10 years in a heavy prison, under particularly aggravating circumstances by a heavy prison from 10 to 20 years or by life sentence.
2. Person who causes or supports an armed uprising in the Republic with the intention to endanger its security from outside, shall be punished for such a crime by a heavy prison from 1 to 5 years, under particularly aggravating circumstances by a heavy prison from 5 to 20 years.
3. Person who for the purpose stipulated under Nos. (1) or (2) conspires with someone, or establishes direct or indirect contact with foreign force or foreign officials, in particular those of military or financial nature, shall be punished for such a crime by a heavy prison from 6 months up to 5 years.

[tags: threat to the security of the state, hostile act against the state, causing or supporting an armed uprising in the state, a high treason]

TITLE II.

Damage to the Republic and attacks on constitutional officials. (§ 4-12)

§ 4

Treachery.

1. An agent of the Republic who, in dealing with a foreign power, violates his/her duties, even though he/she knows that he/she will cause damage to important interest of the Republic, who destroys, removes, conceals, violates, or forges documents or other evidences of legal relations of the Republic to another state, although he/she knows that important interest of the Republic will be damaged, shall be punished for such a crime by imprisonment from 1 to 5 years, and if such crime was committed with intent to cause damage to the Republic, it shall be punished by a heavy prison from 5 up to 10 years.
2. If the crime was committed by the culprit by gross negligence, such offense shall be punished by a heavy prison from 1 month up to 1 year.

[tags: treachery, acting to the detriment of the state, espionage]

§ 5**Betrayal of state secrets.**

1. Person who discloses, directly or indirectly, to a foreign power a fact, measure, or object which the Government conceals in the important interest of the Republic or which in such an interest is to remain secret from a foreign power, person who searches such facts, measures, or objects in order to expose it directly or indirectly to a foreign power, shall be punished for such a crime by a prison from 6 months up to 5 years and if he/she has committed an act with intent to harm the Republic, by a heavy prison from 5 up to 10 years.

2. Person who, through gross negligence, causes such a fact, measure, or object to become or may become known to a foreign power, even though he/she is obliged by his/her public position to keep them confidential, or even though such an obligation was expressly imposed on him/her by his/her service or contractual relationship, shall be punished for such an offense by imprisonment from 8 days up to 6 months.

[tags: betrayal of state secrets, disclosure of state secrets, espionage]

§ 6**Military betrayal.**

1. Person who during the war provides any benefit to the enemy or causes damage to the armed forces or military actions of the Republic or its ally, a citizen of the Republic who serves in the enemy army during the war, shall be punished for such crime by a heavy prison from 3 up to 5 years, under particularly aggravating circumstances by a heavy prison from 5 to 20 years or by a life sentence.

2. The same punishment pertains to:

person who reveals to foreign authorities, directly or indirectly, facts, measures, or objects which are to remain secret for the defense of the Republic,

person who searches such facts, measures, or objects to disclose it, directly or indirectly, to a foreign power,

person who, for the purposes above, conspires with someone, or establishes direct or indirect contact with foreign force or foreign officials, in particular those of military or financial nature.

3. Person who intentionally puts the defense of the Republic in danger by disclosing to an unauthorized person, measure or object which are to be kept secret for the defense of the Republic, or by searching such facts, measures, or objects in order to disclose it to an unauthorized person, shall be punished, if there is no more severe criminal punishment available, for such a crime by prison from 6 months up to 3 years.

4. Person who, through gross negligence, causes such a fact, measure, or object to become or may become known to a foreign power, even though he/she is obliged by his/her public position to keep them confidential, or even though such an obligation

was expressly imposed on him/her by his/her service or contractual relationship, shall be punished for such an offense by imprisonment from 8 days up to 6 months.

[tags: military betrayal, military service in an enemy army, betrayal of state secrets, disclosure of state secrets, espionage]

§ 7

Penalties for some attacks on the lives of constitutional officials.

1. Homicide crime attempt ((134) of the Act of 27 May 1852, No. 117 of the Imperial Code (RGBI), (278) of the Art. V of the 1878, and (413) of the Act of 15 January 1855, No. 19 of the Imperial Code (RGBI)), the crime of intentional manslaughter ((279) of the Art. V of the 1878), as well as attempt of such crime shall be punished by a life sentence in a heavy prison if committed against the President of the Republic, or his/her deputy.

2. The same punishment applies to such acts, if committed against the Prime Minister, member of the Government, or members of Legislature while performing their powers or for such performance, or for their political activities generally, as well as in the case when such crime is committed against the Governor of Carpathian Ruthenia or member of the state court while performing their powers or for such performance.

3. Provision of Nos. (1) and (2) also applies to acts committed against the previous President of the Republic, his/her deputy, the Prime Minister, member of the Government, the Governor of Carpathian Ruthenia, and member of the state court for performance of their powers, unless such persons have been deprived of their rank as a result of a judgment of a senate, a judgment of a criminal court, or a disciplinary award.

4. Punishment pursuant to No. (1) shall apply, if applicable law does not provide for stricter punishment, to person, who cooperates in the preparation of commitment or in the committing of a murder or intentional killing of a person in the circumstances of the persons listed under Nos. (1) to (3), even if the act has not been completed. If a lower rate suggests lesser criminal nature, the penalty is a heavy prison from 10 to 20 years. However, this lower rate cannot apply to a participant, if the perpetrator is a person under the age of 20.

5. Life sentence in a heavy prison shall also be imposed to person, who has committed any of acts listed under No. (4) between the 18th and 20th year of age, or who has cooperated in the preparation of commitment or in the committing such an act at that age, even if the act was not completed. If a lower rate of participation of person younger than twenty years old suggests lesser criminal nature, the penalty is a heavy prison from 5 to 20 years.

[tags: violent assault on certain state officials, homicide, manslaughter]

§ 8**Physical damage to constitutional officers.**

1. Person who intentionally caused bodily damage to the President, or his/her deputy; person who intentionally causes bodily damage to the Prime Minister or any member of the Government while performing their powers or for such performance or generally for their activities in political life; person who intentionally causes bodily damage to the Chairman of the Legislature, to the Governor of Carpathian Ruthenia, or to the member of the state court while performing their powers or for such performance, shall be punished for such a crime by imprisonment from 6 months to 5 years.
2. If the culprit has caused severe bodily damage or death or the danger of such a result, the punishment is a heavy prison from 5 to 20 years.
3. If the culprit in cases stipulated in Nos. (1) or (2) intended to cause severe damage, the punishment is heavy prison from 5 to 20 years or a life sentence.
4. If the culprit commits the act before finishing his/her 20th year of age, the punishment in cases stipulated in Nos. (2) and (3) shall be a heavy prison from 2 to 10 years.
5. These provisions also serve to protect persons established in (7(3)).

[tags: violent assault on certain state officials, physical damage of certain state officials]

§ 9**Conspiracy to attack constitutional officials.**

Person who conspires with others with intent to commit the crime stipulated in (7) or (8) or for such acts to be committed, who intentionally supports such conspiracy or its participants in any way, shall be punished for such a crime by 1 to 5 years imprisonment.

[tags: conspiracy to assault certain state officials]

§ 10**Violence against constitutional officials or usurpation of their powers.**

1. Person who uses violence to influence performance of powers of the President of the Republic or his/her Deputy, Legislature, its Chairman, Bureau, Committee, or Commission, Government, Prime Minister, or Governor of Carpathian Ruthenia in a certain way, or to prevent their performance or obstruct it, or person who uses violence against them for performance of their powers, shall be punished for such a

crime by imprisonment from 1 to 5 years, under particularly aggravating circumstances by a heavy prison from 5 to 10 years.

2. Any person who, alone or in conspiracy with others, usurps powers reserved to the President of the Republic, Legislature, Government, Governor of Carpathian Ruthenia, staff performing criminal justice, or public administration, shall be punished for such a crime by imprisonment for 6 months to 1 year, under particularly aggravating circumstances by a heavy prison from 1 to 5 years .

[tags: violent influencing certain state officials, usurping power of certain state officials]

§ 11

Insult to the President of the Republic.

1. Person who harms honor of the President of the Republic or his/her Deputy in presence of 2 or more people by a threat of ill-treatment or by other gross dishonesty, or who makes them object of ridicule, person who expresses accusations against them, knowing that it will seriously endanger their honor, shall be punished for such a misdemeanor by imprisonment from 8 days to 6 months.

2. If the culprit commits such act in public or face to face of the President of the Republic (his/her deputy), or repeatedly in presence of 2 or more people on various occasions, or who physically abuses him/her, he/she shall be punished for such an offense by imprisonment from 1 month to 1 year.

3. Proof of truth and belief in truth are excluded.

[tags: insult to the President of Czechoslovakia or his/her deputy]

§ 12

Failure to prevent or report criminal offenses.

1. Person who fails to prevent crimes stipulated in (1), (2), (6) to (9), nonetheless he/she could have done so easily and without any risk for himself/herself or close individuals, person who learns in credible manner that such criminal act is being prepared, or that crime stipulated in (6(2)) and (6(3)) was committed, but fails to report immediately in reliable way the body or endangered individual, shall be punished for such a crime by imprisonment from 6 months to 1 year.

2. If the culprit has a special obligation to prevent or report such act or if he/she acted with the intention to support the perpetrator, the penalty is heavy prison from 1 to 5 years.

3. Failure to inform is not punishable, if the culprit learned about the act at the moment it was abandoned, unless it regards military betrayal pursuant to (6(2)) and (6(3)).

[tags: failure to prevent or report certain criminal offenses]

TITLE III.

Threatening peace in the Republic and its military security. (§ 13-26)

§ 13

Illegal armament.

1. Person who, without official authorization:
provides, maintains, or cedes to other person a cannon, machine gun, crossbow (automatic rifle), hand grenade, mortar, flamethrower, or weapon of similar effectiveness, or components necessary for the use of such a weapon, who accumulates or distributes small arms or firearms, ammunition, military explosives or poisonous gases, who forms armed groups or trains them in the handling weapons, shall be punished for such a crime by a prison sentence of 1 month to 1 year.
2. If the culprit intentionally acted for the purposes of uprising or rebellion (mutiny), he/she shall be punished by a heavy prison from 6 months to 5 years.
3. Person who participates in an armed group, knowing that its purpose is an uprising or rebellion (mutiny), shall be punished by a prison sentence from 1 to 2 years.
4. Person who fails to report immediately in reliable way the body of illegal armament (Nos. (1) to (3)), of which he/she learned in credible manner, nonetheless he/she could have done so easily and without any risk for himself/herself or close individuals, shall be punished for such an offense by a heavy prison from 8 days to 6 months.
5. If the state administration invites the population to hand over weapons by a decree, person who hands over his/her weapons to the body within the time limit set by the decree will not be punished for illegal arming.

[tags: illegal armament, supporting an armed uprising in the state, failure to report certain criminal offenses]

§ 14

Disturbance of public peace.

1. Person who publicly or in presence of several individuals or more people causes outrage against the State for its foundation, against its independence, or democratic-republican form,
shall be punished for such an offense by imprisonment from 1 month to 2 years.
2. Person who publicly incites violence or other hostile acts against individual groups of population because of their nationality, language, race, or religion, or because they are non-religious, shall be punished for such an offense by a heavy prison from 1 month to 1 year.

3. Person who publicly incites hatred against individual groups of population because of their nationality, language, race, or religion, or because they are non-religious, shall be punished for such an offense by a prison sentence from 14 days to 6 months.
4. Person who publicly incites violence or other hostile acts against individual because of his/her nationality, language, race, or religion, or because he/she is non-religious, shall be punished for such an offense by a prison sentence from 8 days to 3 months.
5. The same sentence applies to person who publicly defames the Republic, Nation, or a national minority in brutal or seditious manner in such a way that it may reduce the honor of the Republic or put the public general peace in the Republic or its international relations in danger.

[tags: disturbance of public order, incitement to violence or hatred against individuals or groups of people, public defamation of the state, nation or national minority]

§ 15

Call for non-compliance with legal obligations or for crimes.

1. Person who encourages the mass non-compliance with public law obligations imposed by law shall be punished for such an offense by a imprisonment from 14 days to 1 year.
2. Person who publicly incites a crime or offense shall be punished for such an offense by a heavy prison from 8 days to 1 year.
3. If the culprit instigated a crime stipulated in (1), (2), (7), or (8) or a military crime or mass commitment of offense pursuant to (47) to (51) of the Armed Forces Acts of 19 march 1920, No. 193 Coll. of Acts and Regulations, shall be punished for such a crime by imprisonment from 6 months to 5 years.
4. Person who publicly incites mass commitment of offense shall be punished for such an offense by prison from 3 days to 3 months.
5. The culprit is not punishable pursuant to provisions of paragraphs (2) and (4), if he/she only incited an offense or misdemeanor, to be prosecuted only based on request (private application) of a damaged person.

[tags: incitement to non-compliance with public duties, incitement to crime or offense, incitement to mass commitment of offense]

§ 16

Connivance of a crime.

1. Person who publicly praises or explicitly approves a crime or offense or otherwise demonstrates his/her consents to it;
person who publicly praises or celebrates the perpetrator for such an act;

person who, without prior agreement with the perpetrator, rewards him in any way for such an act, or, in order to demonstrate his/her consent to perpetrator's act, compensates him/her for a fine or other payment imposed on him/her by a criminal court judgment, or person who publicly collects funds to cover such a fine or compensation with the same intention;

shall be punished for such an offense by imprisonment from 8 days to 1 year.

2. If this regards a crime pursuant to (1), (2), (7), or (8), the culprit shall be punished for such a crime by imprisonment from 6 months to 3 years.

3. Person who, within 1 year after committing such a crime referred to in (7) or (8), publishes, publicly presents, exhibits, or disseminates perpetrator's picture in press or by dissemination, shall be punished, unless this happened for scientific purposes or at the request of the office for the purpose of criminal proceedings, for such an offense by a fine from 50 to 10,000 crowns or by imprisonment from 3 days to 1 month.

4. The culprit shall not be punished pursuant to paragraph (1) above if it regards an offense to be prosecuted only based on request (private application) of a damaged person.

[tags: connivance of crime or offense]

§ 17

Associations hostile to the State.

1. Person who establishes a secret organization whose purpose is to subvert the independence, constitutional unity, or democratic-republican form of the State; person who knowing the purpose of such an association, accedes to it, associates with it, participates in its activities in any way, is supporting such association or its members in their subversive efforts materially or in any other way; shall be punished for such an offense by imprisonment from 1 month to 2 years.

Secret organization also includes associations pretending having different purpose nonetheless in fact it has purpose stipulated in paragraph (1).

2. An official who becomes aware of an organization referred to in paragraph (1) or of its meetings and fails to report it in accordance with his/her duties, shall be punished for such an offense by a heavy prison from 1 to 3 months, under particularly aggravating circumstances by a heavy prison from 3 months to 1 year.

[tags: plot against the state, constitution of Czechoslovakia, unity of the state, democracy, secret organization hostile to the state, failure to report certain criminal offenses]

§ 18

Dissemination of false news.

1. Anyone who publicly communicates or otherwise disseminates false news having no sufficient reasons to consider it true, even though he/she is aware that it will cause serious worries amongst the population of a region or a place or part of this population, shall be punished for such an offense by a fine from 50 to 10,000 crowns or by imprisonment from 3 days to 3 months.
2. Anyone who publicly communicates or otherwise disseminates false news, knowing that it is detrimental to the security of the State, public security, or order, or that it increases the price of necessities, hasty, and bulk purchases or sales, or hasty and mass withdrawals of deposits, shall be punished for such an offense by imprisonment from 8 days to 3 months.
3. If the culprit knows that the news is untrue, in both cases (Nos. (1) and (2)) he/she shall be punished for such an offense by a heavy prison from 8 days to 6 months.

[tags: dissemination of false news]

§ 19

Return of members of the former royal family or support for such return.

1. A member of the former Habsburg-Lorraine ruling family and a descendant of such a member who enters or stays in the territory of the Czechoslovak Republic without the permission of the Government, whoever supports such a member in any way, or learns in a credible manner about his/her secret stay in the territory of the Czechoslovak Republic and fails to report it to a body without delay and in a credible manner, shall be punished for such an offense by imprisonment from 6 month to 1 year.
2. If the perpetrator has previously been lawfully convicted of such an act or if he/she had a special obligation to report return and stay of such a person, he/she may be punished by imprisonment from 1 to 5 years.

[tags: return of the member of the Habsburg-Lorraine ruling family, support of the member of the Habsburg-Lorraine ruling family, offailure to report certain criminal offenses]

§ 20

Gross indecency.

Person who, by gross indecency, disturbs performance of powers of the President of the Republic, his/her Deputy, Legislature, its Chairman or Bureau, Committee, or

Commission, Government, its prime Minister or Member, or the Governor of Carpathian Ruthenia, to degrade their honor, who disgraces the name of the Republic, its emblem, flag, or colors or the image of the President of the Republic, or who damages or removes them in order to degrade the honor of the Republic or of the President of the Republic, shall be punished for such a misdemeanor by imprisonment from 8 days to 6 months.

[tags: gross indecency, disgrace to national symbols]

§ 21

Inducement or assistance to or favoring military crimes.

1. Whoever induces or seeks to induce a military crime or assists in committing such a crime is punishable by a prison sentence from 6 months to 5 years.
2. The same sentence applies to person who favors the perpetrator of military crime after its commitment by providing a hiding place or help with runaway or during it.
3. In the case under No. (2) the culprit is not punishable, if he/she favored a close person.

[tags: inducement to military crime, assisting in committing military crime, favoring military crime]

§ 22

Illegal recruitment of troops.

Whoever hires a citizen of the Republic for a military service of a foreign power without the permission of the Government, or who mediates such hiring, is punishable by a prison sentence from 6 months to 5 years.

[tags: illegal recruitment of troops, military service in foreign army]

§ 23

Illegal intelligence.

Person who publishes in the press a report on strength, fitness, or stay of an army or on any other facility of the Republic or its ally introduced for defense, nonetheless it was officially prohibited or he/she could have deduced from the report or other circumstances that the publication threatens the interest of the State; whoever publishes in the press a report on emergency facilities for maintaining or restoring peace, although this has been officially prohibited; shall be punished for such an offense by imprisonment from 8 days to 6 months.

[tags: illegal intelligence, threatening the defense of the state]

§ 24**Threatening the defense of the Republic.**

1. Whoever transports weapons, ammunition, or other military material abroad despite the ban, shall be punished for such an offense by imprisonment from 1 month to 1 year.

2. Whoever, without official permission, conceives a description, plan, drawing, or photograph of some facility or measure for the defense of the Republic, whoever, without official permission, makes copies of official plans, drawings, photographs, or files of such facilities or measures, redraws them or photographs them, or has another person copied, drawn, or photographed them, whoever, without official permission, obtains or publishes the above mentioned objects for himself/herself or for someone else shall be punished, if there is no stricter punishment established by the law, for such a misdemeanor by a fine from 50 to 10,000 crowns or by imprisonment from 8 days to 6 months.

[tags: illegal export of weapons or ammunition, illegal intelligence, threatening the defense of the state]

§ 25**Threat to public administration by a public authority body.**

A public authority body which, while exercising its office, by intentional acts or intentional omission against constitutional laws or against laws and regulations issued for the implementation of constitutional laws, endangers interests of public administration; shall be punished, if no stricter penalty is established, for such an offense by penalty up to 10,000 crowns or by imprisonment up to 3 months, namely by the directly superior supervisory body of the state administration and, if no such body exists, by a body designated by the Government.

[tags: threat to public administration]

§ 26**Failure to remove or establishment of illegal monuments.**

1. The political (state police) office may order the removal of monuments, inscriptions, and other memorials placed in a public place or in such a way that they are visible from a public place if they are anti-state or if they are established to commemorate a member of families previously ruling in Austria, Hungary, or Austria-Hungary, in the German Empire, or to commemorate a member of dynasties ruling in the 1914 in the territory of the German Empire.

The same office may also ban establishment of such monuments, inscriptions, and other memorials for the future.

Monuments and memorials include in particular busts, plaques, paintings, signs, and badges.

For the purposes of this provision, a public place is defined as squares, streets, public roads, orchards, public collections, spas, schools, refreshment and entertainment premises, and other publicly accessible spaces and premises.

2. If the person to whom removal of such a monument, inscription, or memorial was ordered by final decision does not comply with such order within the time limit set; person, who regardless of the ban establishes such a monument, inscription, or memorial;

shall be punished by the political office (state police) for such a misdemeanor by fine up to 10,000 crowns or by imprisonment for up to 3 months or both. In Slovakia and Carpathian Ruthenia at places where there is no political office, the criminal award is to be issued by administrative police headquarters.

[tags: anti-state monument or memorial, monument or memorial commemorating member of ruling family, failure to remove illegal monument or memorial, establishment of illegal monument or memorial]

TITLE IV.

Final provisions. (§ 27-44)

§ 27

Effective repentance.

1. In the case of plots ((1)), their preparation ((2)), threats to the security of the Republic ((3)), or military betrayal ((6)) the culprit shall not be punished, if he/she voluntarily and not because his/her acts were discovered, abandons such acts and either submits a report to the authority in time to provide for prevention of harmful results, or prevents or remedies such results himself/herself.

2. Participant of conspiracy for plots ((2)), for threats to the security of the Republic ((3)), for military betrayal ((6)), or to attacks against constitutional officials ((9)) shall not be punished for such act, if prior any further steps beyond conspiracy occur, and not because such conspiracy has been discovered, either ensured that such acts were abandoned, or reported such conspiracy to an authority.

3. Reporting a criminal act to an authority does not relieve the person from prosecution, if such person arranged for or incited participation on such act, with intention to report it.

[tags: effective repentance]

§ 28**Sentencing.**

(1) Aggravating circumstances shall include, in particular, situations when the act was committed with a weapon, from greed, by conspired individuals, by a public authority, by a clergyman, by a school teacher, or in places or under circumstances requiring particular decency (such as public churches, offices, schools, places of worship), unless the law itself takes special account of these circumstances.

(2) Reduction of temporary punishment at large under the lower limit of penal rate and opting for imposition of its milder form is excluded for crimes stipulated in (1), (2), (6(1-3)), (7(4)) in the case of rate from 5 to 20 years. In other cases, a judge does not have this right if the act referred to in this Act was committed during the war or at a time when public order was violated to a greater extent and it was necessary to use extraordinary power to restore it, except that it was an offense of (5(2)), (6(4)), (11) and (16(1)) or for a misdemeanor (20).

(3) Otherwise, the judge may apply this right with restriction that, if the statutory rate is a heavy prison lasting at least 5 years, he/she may not impose a sentence less than 1 year's prison, and if the statutory rate is a heavy prison lasting at least 10 years, a penalty shorter than 3 years. Instead of life sentence in a heavy prison the judge may not impose a sentence less severe than 10-year heavy prison.

(4) If the crime of murder has been committed on persons and under circumstances referred to in (7), the court may only impose life sentence in a heavy prison (jail) instead of death penalty.

[tags: aggravating circumstances, mitigating circumstances]

§ 29**Monetary penalty and confiscation of property.**

1. For the crime punishable pursuant to this Act, the court may, apart of penalty at large, impose monetary penalty, in particular, if the crime was committed out of greed or with the intention of harming the Republic. Such penalty may be imposed for a misdemeanor in the amount from 50 up to 10,000 crowns, for an offense from 200 up to 50,000 crowns, and for a crime from 1,000 up to 500,000 crowns.

2. Monetary penalties and fines imposed pursuant to this Act belong to the State.

3. If the court imposes a sentence for a crime stipulated in (1) to (5) or in (6(1)) and (6(2)), it may decide that certain part of convict's property belongs to the State as compensation for damage caused by the act. For securing and enforcement of such compensation provisions of (18) on the punishment of war usury of 17 October 1919, No. 568 Coll. of Acts and Regulations apply.

[tags: monetary punishment, a fine, confiscation of property]

§ 30

Alternative punishment

Term of alternative punishment for unenforceable monetary penalty is to be established based on fault.

If the court imposed the monetary penalty as subsidiary punishment, the alternative punishment is to be imposed of the same type of the punishment as the main one.

Term of the alternative punishment shall not exceed 1 year and together with the main punishment it shall not exceed the limits of statutory rate.

If the main punishment at large of 20 years to life sentence, the alternative punishment shall not be imposed.

[tags: alternative punishment, subsidiary punishment]

§ 31

Seizure and forfeit.

(1) If the accused has in his/her possession items representing proceeds from a crime, or other items he/she purchased for it, or value of such items, the court may declare that such objects or their value are seized for the benefit of the State.

(2) Items used for committing a crime or created by a crime or acquired, or which are apparently destined to commit a crime, may be declared forfeited by the court for the benefit of the State regardless of the results of the criminal proceedings, if they endanger state security, public safety, or public order. If these items do not belong to the accused, the first instance collegiate court shall decide on such forfeit, by which the criminal proceedings are held, or in the district of which the items are located, in senate composed of 3 judges within non-public trial after hearing of the public prosecutor and participating party. Both parties may file a complaint against such decision within 3 days, on which the second instance collegiate court shall decide.

[tags: proceeds from a crime, items used for committing a crime or created by a crime, seizure, forfeit]

§ 32

Loss of honorary civil rights.

(1) If the court imposes a punishment for a crime established herein for at least 1 year of duration, it shall, at the same time, impose subsidiary punishment that the convict shall lose honorary civil rights. The same sentence shall be imposed by the court if it considers it fit in the case of a crime with punishment shorter than 1 year, if a crime was committed from low and dishonest motives.

(2) Loss of honorary civil rights means:

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1. permanent loss of honors, orders and badges of honor, public services, ranks and functions, academic ranks and professions for which such rank represents a condition, as well as loss of retirement and alimony benefits, salaries of grace and all other payments from public money;
2. loss of eligibility for the acquisition and re-acquisition of the rights listed under No. (1),
3. loss of the right to vote and to be elected or called to public office or to vote in public affairs.

The loss of the honorary civil rights shall occur as to the moment of the legal force of the judgment and shall continue, with regard to eligibility for the acquisition or re-acquisition of academic degrees and professions, for which such a degree is conditional, until the execution of the sentence, with regard to eligibility for the acquisition or re-acquisition of other rights referred to in the paragraph (2(1)), for the term established by the court, from 3 to 10 years, and with regard to the loss of the right referred to in the paragraph (2(3)), for the term of 3 years.

This term shall be calculated in both below mentioned cases as of the execution or remission of the sentence or the limitation period of its execution.

[tags: loss of honorary civil rights, subsidiary punishment]

§ 33

Deportation.

- (1) If a foreigner is convicted for a crime under this Act for a period of at least 1 year, the court shall at the same time declare that the convict is being expelled from the territory of the Republic.
- (2) In other cases of conviction under this Act, the court may do so if state security, public security, or public order have been put in danger.

[tags: deportation, a foreigner]

§ 34

Stopping of periodical press.

- (1) 1. If the court decides in criminal proceedings against certain person, or in the proceedings pursuant to (492) and (493) of the Criminal Procedure Code of 23 May 1973, No. 119 of the Imperial Code (Rzeczpospolita), that a content of periodical press lead to commitment of crime or offense stipulated in (1), (3), (5(1)), (6(2 and 3)), (14(1, 2, and 3)), (15(3)), (16(2)), (17(1)), (21(1)), (22) and (23), and that based on previous similar decisions reached on the same press, nonetheless it was issued under different name, it is just to fear, that such crimes will be committed repeatedly by the content of such press, the court may also decide on suspension of publication of such press.

Appeal against such sentence may be filed using the same legal remedies as against punishment or in proceedings under (492) and (493) of the Criminal Procedure Code, using legal remedies stipulated in (493) and (494) of the Criminal Procedure Code.

If the sentence comes into effect, the second instance political body may order suspension of press, namely in the case of press issued at least 5 times a week, for maximum duration of 1 month, in the case of press issued at least 3 times a week, for maximum duration of 2 months, and in the case of other press for maximum duration of 6 months. There are no legal remedies available against this suspension. Sentence of the court ceases to be valid, unless the suspension is ordered at maximum within 1 year, in the case of press issued 5 times a week, within 6 months as of the legal effect of such sentence.

2. Person who continues in publishing press which was suspended, he/she shall be punished for such an offense by imprisonment from 8 days up to 3 months, and if he/she was already punished for such an offense, by a heavy prison from 14 days up to 6 months.

3. If the press office believes that suspended press is published or, based on filing submitted to the press office it is supposed to be further published under different name, it shall ban such publishing, or refuse to acknowledge the notification stipulating this reason. This also applies to decisions of court by which it was decided that publishing of the press may be suspended, that still did not become legally valid. Complaint against such measure of press office has no suspensive effect.

The person who continues in publishing or starts to publish such press, shall be punished pursuant to provision stipulated under No. (2).

[tags: suspension of publication of press]

§ 35

Probation.

In the case of persons older than 18 years, probation is excluded for the case of crime pursuant to this Act completely, in the case of offense or misdemeanor, if public interests requires enforcement of sentence.

[tags: probation]

§ 36

Jurisdiction and prosecution.

Right to hold main trial on charges for crimes stipulated in (1), (3(1)), (4(1)), (5(1)), (7), for a crime pursuant to (8), committed against the President or his/her deputy, for a crime pursuant to (8(2–5)), committed against other persons stipulated therein, and for a crime pursuant to (10(2)), with regard to the usurpation of powers reserved to

the President of the Republic, the Legislature, the Government, or the Governor of Carpathian Ruthenia, pertains to the state court. This applies also in the case when a crime was committed prior to the legal force of this Act, if the charge has not yet become final by this time. Composition of the state court and its procedure rules are stipulated by a special Act.

Right to hold trial on charges for crimes stipulated in (2), (3(2)), (6(1)) and (10(1)) pertains to the jury court, if the public prosecutor proposes in the indictment to impose a punishment pursuant to statutory rate exceeding 5 years.

Criminal proceedings in the case of other crimes pursuant to this Act pertain to the first instance collegiate courts, namely also in cases when committed by the content of the press.

Proceedings for misdemeanors pursuant to this Act pertain, unless stipulated otherwise herein, to district courts, namely in the cases of misdemeanor pursuant to (11(1)) to the district court at the seat of the first instance collegiate court.

Provisions of (6) to (8) of the Act of 22 December 1921, No. 471 Coll. of Acts and Regulations shall not apply.

Acts pursuant to this Act punishable by the court shall be prosecuted based on public charges.

[tags: jurisdiction, jury court, first instance collegiate court, district court]

§ 37

Prosecution of military personnel.

Provisions of this Act apply also to persons subject to military jurisdiction.

For acts committed during the war stricter penalty rates set by military criminal law shall remain in force.

Right to hold trial in cases stipulated in (36(1)) pertains to the state court. In other cases the right to prosecute crimes and offenses pertains to divisional courts, prosecution of misdemeanor punishable by the court pertains to brigade courts.

Criminal prosecution of acts committed during the war pertains in all cases to military courts.

Provisions of (6) to (8) of the Act of 22 December 1921, No. 471 Coll. of Acts and Regulations shall not apply.

[tags: jurisdiction, military court, crimes committed during war]

§ 38

Prosecution of foreigners.

This Act shall also apply for punishing a foreigner who committed crime stipulated in (1) to (9) and in (17) abroad.

In the case of the (6) a foreigner shall not be prosecuted if he/she committed the act exercising the right guaranteed by international law.

[tags: jurisdiction, a foreigner, a crime committed abroad]

§ 39

Interpretation of individual terms of this Act.

1. Violence means not only a real violent act, but also a dangerous threat of an immediate violent act.
2. An act is committed in public if it was committed by print or in distributed text, in an assembly or in front of a crowd.
3. The war period begins on the day when the demobilization shall be terminated pursuant to demobilization decree, and, if no such day is established therein, after 2 months from the day of issue of this decree.
4. Close relatives are such persons to whom the person in question is in such a family or similar relationship that he/she would feel the detriment to such persons as his/her own.

[tags: a dictionary, a legal definition]

§ 40

Special provisions for Slovakia and Carpathian Ruthenia.

1. Acts stipulated in (11(1)) and in (20) shall be punished as offenses.
2. Attempted offenses pursuant to this Act shall be punishable.

[tags: provisions for Slovakia and Carpathian Ruthenia]

§ 41

Relation to existing provisions.

1. Where other laws refer to a high treason, it shall mean offenses set forth in (1) to (3) of this Act.
2. Where other laws refer to a crime of espionage, it shall mean the crime set forth in (6(2 and 3)) of this Act.
3. The following provisions are canceled:
I. of the Criminal Code of 27 May 1852, No. 117 of the Imperial Code (RGBI): (58) to (67), (92), (220) to (222), (285) to (299), (302), (308); furthermore (213) and (215), if they are related to (60), (61), (67), and (92); the first sentence completely and the

second sentence of (305), if they are related to (302) and (305); the whole first paragraph and the second paragraph of (310), if they relate to (308) and (310);

II. of the Criminal Code Art. V of the 1878; (126) to (152), (158), (161), (171) to (174), (453) to (459);

III. of the Act on Misdemeanor Art. XL of the 1879; (33), (34(1 and 3)), (37), (39) and (109);

IV. of the Criminal Code of 15 January 1855, No. 19 of the Imperial Code (RGBI) except of (37(2)) of this Act on protection of the Republic: (306) to (319), (321) to (331), (334) to (341), (343), (539) to (554), (559), (565); furthermore the whole first sentence and the second sentence of (562), if they are related to (559) and (562); the whole first and second paragraph of (567), if they are related to (565) and (567);

V. Arts. I., II. and IX. of the Act of 17 December 1862, No. 8 of the Imperial Code (RGBI) from the 1863, and Imperial regulation of 9 June 1915, No. 156 of the Imperial Code (RGBI);

VI. of the Legal Article LXIII of the 1912: (18), (19), (22), (23), (26) and (27); Art. XXXIV of the 1913 and Legal Article XVIII of the 1915.

All other provisions contrary to this Act shall also be canceled.

[tags: a legal definition, a high treason, espionage, repeal of certain provisions]

§ 42

Neglect of due diligence.

Article III No. 5 of the Act of 15 October 1868, No. 142 of the Imperial Code (RGBI) shall read as follows:

Person who commits neglect of due diligence pursuant to previous provisions, shall be punished for a misdemeanor, namely, if a crime is committed by printed content, by imprisonment from 8 days to 3 months, and if it represents an offense, by monetary penalty from 50 to 3,000 crowns.

If the printed content represents a crime or offense stipulated in (1), (3), (5(1)), (6(2 and 3)), (14(1 and 2)), (15(3)) or (16(2)) of the Act on protection of the Republic, the culprit shall be punished for an offense by a heavy prison from 14 days up to 6 months. Beside this penalty also monetary penalty from 100 to 10,000 crowns may be imposed. If probation for a crime committed by printed content is excluded pursuant to (35) of the above mentioned Act, probation is also excluded for this offense.

[tags: neglect of due diligence, monetary punishment, a fine, probation]

§ 43

Act on explosives.

Wording of the Act of 27 May 1885, No. 134 of the Imperial Code (RGI) on measures against generally dangerous use and handling of explosives as attached hereto is hereby declared authentic. Application of provisions of this Act extend to, except of (11), also to Slovakia and Carpathian Ruthenia, and, except of (11) and (13), to persons subordinated to authority of military judges.

For crimes pursuant to above mentioned Act the provisions of (28(1)), the second sentence of paragraphs (2) and (3), (32), (33), (35), and (42(2)) apply accordingly.

[tags: explosives]

§ 44

Effectiveness and enforcement of the Act.

This Act becomes effective as of the eighth day after its announcement. Its enforcement pertains to all members of the Government.

[tags: vacatio legis, implementation of this act]

Mr. T.G. Masaryk b.h.

Mr. Malypetr b.h.

Mr. Habrman b.h.

Mr. Udržal b.h.

Mr. Dr. Hodža b.h.

Mr. Bečka b.h.

Mr. Dr. Markovič b.h.

also on behalf of the minister, Mr. Dr. Kállay,

Mr. Dr. Beneš b.h.

Mr. Bechyně b.h.

Mr. Novák b.h.

Mr. Srba b.h.

Mr. Dr. Dolanský b.h.

on behalf of the minister, Mr. Šrámek

Mr. Tučný b.h.

also on behalf of ministers, Mr. Stříbrný and Mr. Dr. Franke

Annex

Act of 27 May 1885, No. 134 of the Imperial Code (RGI) on measures against the generally dangerous use and handling of explosives.

§ 1

It is forbidden to produce explosives, put them into circulation, store them, and transport them to the territory, where this Act applies, without official permission. More detailed provisions on who has the power to grant official permission, as well as police safety regulations on explosives in general will be established by regulation, unless they represent a change in the applicable laws.

The regulation shall also establish explosives, which are not governed by the provisions of the paragraph (1).

The provisions of the paragraph (1) shall not apply to the military administration and to the explosives of the state monopoly. These shall be governed by relevant special regulations.

[tags: prohibition of manufacturing, marketing, storage and transport of explosives]

§ 2

Anyone who manufactures explosives in breach with the provisions of (1) without official permission, puts them into circulation, transports them, or keeps them in the territory, where this Act applies, shall be punished for such a misdemeanor by imprisonment from 14 days to 6 months. Beside this penalty also monetary penalty from 20 to 600 crowns may be imposed.

The same punishment pertains to person, who breaches against duly announced police safety regulations on such explosives, to which provisions of (1(1)) applies.

These misdemeanors are to be prosecuted and judged by courts.

[tags: manufacturing, marketing, storage and transport of explosives without official permission, jurisdiction]

§ 3

Acts stipulated in (2) are misdemeanors, if they can put property, health, or life of other person in danger.

The punishment shall be a heavy prison from 3 months to 3 years. Beside this penalty also monetary penalty from 200 to 2,000 crowns may be imposed.

[tags: manufacturing, marketing, storage and transport of explosives without official permission]

§ 4

Anyone who intentionally puts the property, health, or life of another person in danger by using explosives as a mean of explosion, shall be punished for such a crime by a heavy prison from 5 to 10 years; if it resulted into bodily injury or property damage of a greater extent by a heavy prison from 10 to 20 years.

If the act resulted into death of a person, the punishment shall be life sentence in a heavy prison. If the culprit could have expected such a result, the capital punishment shall apply.

[tags: using explosives, endangering property, health or life by using explosives, the death penalty]

§ 5

If several persons conspire to commit a crime pursuant to (4), or if they associate for the purpose of permanent commissioning of such crimes, even if not yet specified in details, they shall be punished for such a crime by a heavy prison from 5 to 10 years, even if no act leading to actual committing of the crime stipulated in (4) was yet done.

[tags: conspiracy to using explosives]

§ 6

Person who makes, procures, orders, or stores explosives, their components or devices for their use in order to use them ((4)) either to endanger the property, health, or life of another person or to allow other persons to commit such a crime, who cedes explosives to other people knowing that they are to be used to commit such a crime, shall be punished for such a crime by a heavy prison from 5 to 10 years.

[tags: manufacturing, marketing, storage and transport of explosives, aiding and abetting concerning endangering property, health or life by using explosives]

§ 7

In the case of (2(1)), (3) to (6), as well as in the case (2(2)) when explosives were handed over for transportation under false pretenses, such explosives, their components, equipment, as well as items used or destined to be used for production of such explosives shall be declared forfeited.

[tags: explosives, forfeit]

§ 8

Person who publicly or in front of several people or in a printed material, disseminated image, or file calls for the commission of a crime referred to in (4) or (5), or to participate in it, or who praises or justifies such an act, or who gives instructions on how to commit a crime, shall be punished for such a crime by a heavy prison from 5 to 10 years.

[tags: incitement to or connivance of endangering property, health or life by using explosives]

§ 9

Who learns in a credible manner that a crime referred to in (4) is being prepared, or of a conspiracy or association mentioned in (5), or of facts representing the crime referred to in (6), at a time when the danger ((4)) could have been averted, and deliberately fails to notify the office, although he/she could have made such a report easily and without danger to himself/herself, members of his/her family ((216) of the Criminal Code of 27 May 1852, No. 117 of the Imperial Code (RGI), (78) of Art. V. of the 1878), or persons under his/her legal protection, commits a crime if the property, health, or life of another person have been endangered. The punishment shall be imprisonment from 6 months up to 1 year, and if in the case of (4) a person was killed, a heavy prison from 1 up to 5 years.

[tags: failure to report certain criminal offenses]

§ 10

The criminality of crimes referred to in (4), (5), and (6) shall cease when the culprit abandons the undertaking voluntarily and not because the crime has been discovered and not due to other obstacles, and when he/she fully remedies it by himself/herself, or by timely notification to the office prevents any harm arising from his/her activities or activities of his/her accomplices.

[tags: effective repentance]

§ 11

If the court imposes a sentence for a crime referred to in (3), (4), (5), (6), or (8), it can decide, that the culprit is to be deported ((240(f, g, h))) of the Criminal Code of 27 May 1852, No. 117 of the Imperial Code (RGI)), or that he/she may be placed under police surveillance.

[tags: deportation, police surveillance]

§ 12

If the penalty for the act pursuant to a general (military) criminal code is more severe than under this Act, the more strict criminal provisions of general (military) criminal code shall apply.

[tags: application of more severe criminal provisions]

§ 13

Right to hold the main trial on charges for crimes referred to in Sections (4), (5), (6), and (8) pertains to jury court.

[tags: jurisdiction, jury court]