

Act No. 231/1948 Coll., on Protection of the People's Democratic Republic

Chapter One. Crimes against the State.

Section 1 High treason.

(1) The person who tries to:

- a) destroy the independence or constitutional unity of the Republic;
 - b) separate part of the territory from the Republic;
 - c) destroy or subvert the people's democratic system, or social or economic system of the Republic guaranteed by the Constitution; or
 - d) prevent the constitutional activity of the President of the Republic or their deputy, the Legislative body or the Government (Board of Commissioners) by force;
- shall be punished for the crime by imprisonment in heavy prison from ten to twenty-five years or for life.

(2) The same punishment shall apply to anyone, who, for the purpose to commit the act referred to in paragraph 1, conspires with someone else or enters into direct or indirect contact with a foreign power or foreign agents.

(3) The culprit shall be punished by death:

- a) if they commit the act referred to in paragraphs 1 or 2, during the State's military alert or at the time of an armed attack on the Republic;
- b) if the independence, constitutional unity, or territorial integrity of the Republic, its people's democratic system, social or economic system guaranteed by the Constitution, were threatened to an extraordinary extent by such act, or if the constitutional activity of the President of the Republic or their deputy, the Legislative body or the Government (Board of Commissioners) were put into jeopardy;
- c) if armed force or armed or military-organized corps were used for such an act, or if military or auxiliary forces or mass weapons or ammunition were collected or organized for such an act;
- d) if active violent resistance against armed forces or armed corps occurred during such act; or
- e) if there are other particularly aggravating circumstances.

[keywords: high treason, coup]

Section 2 Association against the State

(1) Whoever conspires with someone else with the intention of subverting the independence, constitutional unity, or territorial integrity of the Republic or its people's democratic system, social or economic system, or national nature, guaranteed by the Constitution, shall be punished for the offense by imprisonment from three months to three years.

(2) Whoever commits the act referred to in paragraph 1 during the State's military alert or at the time of an armed attack on the Republic shall be punished for the crime

by imprisonment from one to five years.

(3) Whoever establishes an organization with the intention of subverting the independence, constitutional unity, or territorial integrity of the Republic or its people's democratic system, social or economic system, or national character, guaranteed by the Constitution, or who joins such an organization or participates in its activities, or supports it or its members in subversive efforts, shall be punished for the crime by imprisonment in heavy prison from one to five years, and if there are other particularly aggravating circumstances, from five to ten years.

[keywords: association against the state, conspiracy]

Section 3 Sedition against the Republic

(1) Whoever publicly or in front of more people, or if more people incite against the Republic, its independence, constitutional unity, territorial integrity, or people's democratic system, social or economic system, or national nature, guaranteed by the Constitution, shall be punished for the offense by imprisonment from three months to three years.

(2) The same punishment shall be imposed to whoever intentionally or through gross negligence enables or facilitates the spread of seditious speech, referred to in paragraph 1.

(3) Whoever commits the act referred to in paragraph 1, or intentionally commits the act referred to in paragraph 2, during the State's military alert or at the time of an armed attack on the Republic shall be punished for the crime by imprisonment from one to five years.

[keywords: incitation, consitutional values]

Chapter Two. Crimes against external security of the State

Section 5 Espionage.

(1) Whoever spies out a state secret with the intention of disclosing it to a foreign power, or who directly or indirectly discloses it to a foreign power, or who associates with someone else for such an act or enters into direct or indirect contact with a foreign power or foreign agents, or who enters into contact with an organization whose purpose is to spy out a state secret, with the intention of supporting its efforts, shall be punished for the crime by imprisonment in heavy prison from ten to twenty-five years or for life.

(2) The culprit shall be punished by death:

a) if they commit the act referred to in paragraphs 1, during the State's military alert or at the time of an armed attack on the Republic;

b) if they commit such an act, although they were expressly required to maintain a state secret;

- c) if they commit such an act as a member of an organization whose purpose is to spy out state secrets;
 - d) if such an act concerns a particularly important state secret;
 - e) if they commit such act in a profitable way or if they commit such act for a long time or in extraordinary large scale or in a particularly dangerous manner; or
 - e) if there are other particularly aggravating circumstances.
- (3) A state secret shall mean a fact, measure, or object which the Government conceals in the important interest of the Republic, especially in political, military, or economical interest, or which in such interest should remain secret from a foreign power or foreign agents.

[keywords: espionage]

Chapter Three. Crimes against internal security of the State

Section 28 Abuse of clerical office or other similar function

Whoever abuses performance of their clerical office or similar religious function to exert influence on issues of political life in a direction unfavourable to the people's democratic system of the Republic, shall be punished, if the crime is not punished by more severe punishment, by imprisonment in heavy prison from one month to one year.

[keywords: abuse of clerical office]

Section 36 Sabotage.

- (1) Whoever fails to fulfil or violates an obligation arising from their public function, office, service, profession, or employment, or whoever circumvents the fulfilment of such an obligation with the intention of thwarting or hindering the implementation or fulfilment of a unified economic plan, shall be punished, if the crime is not punished by more severe punishment, by imprisonment in heavy prison from one to five years.
- (2) The culprit shall be punished by imprisonment in heavy prison from five to ten years, if,
- a) if they commit the act referred to in paragraphs 1, during the State's military alert or at the time of an armed attack on the Republic;
 - b) if they commit such an act as a member of economic sabotage association;
 - c) if the implementation or fulfilment of the unified economic plan in important area was thwarted or hindered; or
 - d) if there are other particularly aggravating circumstances.

[keywords: sabotage]

Section 38 Endangering the unified economic plan through negligence

Whoever negligently fails to fulfil or violates an obligation arising from their public function, office, service, profession, or employment, even though they could have known that by doing it the implementation or fulfilment of the unified economic plan is put in jeopardy, shall be punished for the offense by imprisonment in heavy prison for one month to one year.

[keywords: negligence, unified economic plan]

Chapter Four. Crimes against international relations

Section 40 Unauthorized leaving the territory of the Republic and disobeying the call to return

A Czechoslovak citizen who, with the intention of harming the interests of the Republic, leaves the territory of the Republic without authorization or, with the same intention, disobeys the call of the authority to return to the territory of the Republic within a reasonable period established by the authority, shall be punished for the crime by imprisonment from one to five years.

[keywords: leaving country without state permission]

Chapter Five. Common and final provisions

Section 52 Loss of honourable civil rights

(1) If the court sentences the culprit for the crime specified in this Act to the capital punishment or to imprisonment for a period exceeding one year, it shall pronounce, if it does not sentence them to the loss of state citizenship (Section 53), that the convicted person loses their honourable civil rights; the court shall proceed accordingly also in the case it sentences the culprit for the crime specified in this Act to a shorter sentence, if such act was committed from a base and dishonourable motive.

(2) Loss of honourable civil rights means:

- a) loss of honours, ranks and badges of honour, public offices and services, public ranks, functions and titles, academic ranks and professions for which such rank is a condition, as well as loss of retirement and maintenance support from public funds, grace support, and other similar support from public funds;
- b) loss of eligibility to acquire such rights; and
- c) loss of the voting right and right to vote in public matters.

(3) The loss of honourable civil rights occurs by the legal force of the judgment. Loss of rights, referred to in paragraph 2, lit. a), is permanent; loss of eligibility to acquire such rights [paragraph 2, lit. b)] shall end if a period established by the court between three and ten years elapses since the execution of the main sentence or since the elapse of statute of limitations for its execution; however, if the offender was

sentenced to state prison, by the execution of such sentence. Loss of rights, referred to in paragraph 2, lit. c), shall end when three years have passed since the execution of the main sentence, from its remission, or from the elapse of statute of limitations for its execution, in the case of crimes, and one year in the case of a misdemeanour or an offense; and, if the offender was sentenced to state prison, by the execution of such sentence.

[keywords: loss of honourable civil rights]

Section 53 Loss of citizenship

(1) If the court sentences the culprit for any crime stipulated under Section 1, 5, 10, 11, 39, and 40, it may decide that the culprit shall lose their citizenship.

(2) Loss of all rights stipulated in Section 52 (2) is connected with the sentence of loss of citizenship.

[keywords: loss of citizenship]

Section 57 Assignment to labour facility

(1) If the court sentences the culprit for a crime or offense under this Act, it may establish that the convicted person may be held in a labour facility after serving their sentence; in Slovakia, that they shall be assigned to a labour facility, if the act was committed out of greed for gain, or using particularly despicable execution methods or means.

(2) The convicted person shall be assigned to a labour facility for a minimum of six months and a maximum of five years.

[keywords: assignment to labour facility]