

Act No. 86/1950 Coll., the Penal Code

Common Part

Chapter One. Purpose of the Penal Code

Section 1

The Penal Code protects the people's democratic republic, its socialist development, interests of the working people and individuals, and educates them to observe the rules of socialist coexistence. The means to achieve this purpose are the threat of punishments, the imposition and execution of punishments and protective measures.

[keywords: socialism, interests of working people]

Chapter Two. Foundations of criminal liability

Section 2 Crime

A crime is only such an action dangerous to society, the result of which is as stipulated by the law was caused by the perpetrator.

[keywords: crime, principle of legality]

Chapter Four. Punishments

Section One. Common provisions on punishments

Section 17 Purpose of the punishment

(1) The purpose of the punishment includes:

- a) neutralization of enemies of the working people;
- b) preventing the perpetrator from committing further crimes and to educate them to observe the rules of socialist coexistence;
- c) providing for educational effect on other members of society.

(2) Human dignity must not be degraded by the execution of the sentence.

[keywords: purpose of punishment, enemies of working people]

Section 19 Imposition of punishment

(1) While imposing the punishment, the court shall take into account the degree of danger of the crime to society, the degree of culpability, the person of the perpetrator, in particular the possibility of their correction, as well as aggravating and mitigating circumstances.

[keywords: degree of danger to society]

Section 18 Punishment types

(1) The main punishments include:

- a) capital punishment,
- b) imprisonment,
- c) corrective measure.

(2) The subsidiary punishments include:

- a) loss of citizenship;
- b) loss of honourable civil rights;
- c) expulsion from army;
- d) loss of military rank;
- e) confiscation of property;
- f) monetary penalty;
- g) prohibition of activity;
- h) expulsion;
- ch) ban of stay;
- i) judgment disclosure;
- j) confiscation of thing.

(3) The subsidiary punishment may only be imposed together with the main one.

[keywords: penalties, death penalty, imprisonment, corrective measure]

Section 19 Imposition of punishment

(1) While imposing the punishment, the court shall take into account the degree of danger of the crime to society, the degree of culpability, the person of the perpetrator, in particular the possibility of their correction, as well as aggravating and mitigating circumstances.

(2) A circumstance representing legal sign of a crime cannot be considered as aggravating or mitigating circumstance while establishing the punishment.

[keywords: degree of danger of the crime to society]

Section Two. Imposition and enforcement of individual punishments

Capital punishment

Section 29 (1) The capital punishment is carried out by hanging; in periods of increased threat to the homeland, it can be executed by shooting.

(2) Instead of the capital punishment established by law, the court shall impose a sentence of imprisonment for life or for fifteen to twenty-five years, if the capital punishment is disproportionately severe with regard to the person of the culprit or the severity of mitigating circumstances.

(3) The capital punishment cannot be imposed on a pregnant woman; in such a case,

the capital punishment established by law shall be replaced by life imprisonment. Under the conditions specified in paragraph 2, the court shall replace this punishment by imposing sentence of imprisonment of fifteen to twenty-five years.

(4) The mitigation of the punishments stipulated in paragraphs 2 and 3 is excluded.

[keywords: death penalty]

Section 32 Execution of sentence

(1) The sentence of imprisonment is served in penal institutions, judicial prisons, or in labour facilities, and in the case of a military person on active duty, including military penal facilities. Useful work is intended to enable the prisoner to re-join the ranks of workers after release.

(2) If the perpetrator committed the crime after reaching the age of eighteen years and the imposed sentence of imprisonment or the major part of it can be served before reaching the age of twenty years, the court can decide that the sentence shall be executed as for a juvenile (Section 62). This provision does not apply to a military person on active duty.

[keywords: place of imprisonment]

Section 36 Assignment into forced labour camp

(1) Whoever shows hostility to the people's democratic order by committing a crime and whoever, while serving their sentence, fails to shown improvement in their work and behaviour justifying the hope that they will lead a decent life as a working person, may, after serving the entire sentence of temporary imprisonment, be assigned into forced labour camp for three months to two years.

(2) No person under the age of eighteen can be assigned into forced labour camp.

[keywords: forced labour camp]

Section 37 (1) Instead of sentence of imprisonment not exceeding three months, the court shall impose a corrective measure for one to six months to the perpetrator, who otherwise leads a regular life as a working person, if the court means that execution of the sentence is necessary to correct the perpetrator, however such milder sentence is sufficient.

(2) The corrective measure may not be imposed:

- a) for crimes excluding suspended sentence;
- b) if the imposition of such sentence is contrary to important public interest;
- c) if the perpetrator is permanently unable to work; or
- d) if the perpetrator is subject to military jurisdiction.

[keywords: corrective measure]

Section 38 The corrective measure shall be served as non-custodial punishment (at

liberty). What matters is that the perpetrator is obliged to perform the work assigned to them for the term of sentence for reduced remuneration for the work and without certain benefits arising from the employment (Section 39).

[keywords: corrective measure]

Loss of citizenship

Section 42 (1) The court may only impose the loss of citizenship in cases specifically provided in the law.

(2) The sentence of loss of citizenship includes the loss of honourable civil rights, expulsion from army, and confiscation of all property.

[keywords: loss of citizenship, loss of honourable civil rights, confiscation]

Loss of honourable civil rights

Section 43 (1) The court shall impose the loss of honourable civil rights if it sentences the perpetrator of an intentional crime to the capital punishment, to life imprisonment, or to a temporary imprisonment exceeding two years, or if the perpetrator has shown hostility to the people's democratic order through the crime. However, the court may impose this sentence even if the perpetrator has damaged the important political, military or economic interests of the Republic with the crime.

(2) The sentence of loss of honourable civil rights includes loss of military rank.

[keywords: loss of honourable civil rights]

Section 44 (1) The loss of honourable civil rights includes the fact that the convicted person loses:

- a) membership in a national committee or other position of people's representative for which they were elected according to the law, position of lay judge, position in a people's cooperative;
- b) the function of manager or decision-making employee of an institute, fund, or facility managed by the State;
- c) the function of manager or decision-making employee of a state, national, municipal, or other public enterprise or people's cooperative;
- d) academic titles, scientific and artistic ranks; and
- e) Czechoslovak honours and honorary recognitions, right to wear foreign honours, and right to use foreign honorary titles.

(2) Furthermore, the convicted person loses temporarily, and if the court imposes a sentence of capital punishment or life imprisonment, permanently:

- a) their voting right,
- b) right to hold positions in public organizations;
- c) right to make public demonstrations by writing or press;

- d) eligibility to acquire an academic degree or scientific and artistic rank; a
 - e) right to practice a profession for which an academic degree is a condition.
- (3) The temporary loss of civil rights referred to in paragraph 2 shall be imposed by the court for three to ten years; the time spent serving the sentence of imprisonment is not included in this time.

[keywords: loss of honourable civil rights]

Chapter One. Crimes against the Republic.

Section One. Crimes against the foundations of the Republic.

Section 78 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 order 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, the Government or the Board of Commissioners using violence or the threat of violence, shall be punished by imprisonment for ten to twenty-five years or for life.
- (2) The same punishment shall be imposed to whoever
- a) commits an act referred to in paragraph 1 in conspiracy with someone else; or
 - b) comes into contact with a foreign power or foreign agents for committing such act.
- (3) The perpetrator shall be punished by death:
- a) if they commit the act referred to in paragraphs 1 or 2 under increased threat to the homeland;
 - b) if the independence, constitutional unity, or territorial integrity of the Republic or its people's democratic state system or social order, guaranteed by the Constitution, are seriously threatened by such an act;
 - c) if the constitutional activity of the President of the Republic or their deputy, the Legislative body, the Government, or the Board of Commissioners is actually prevented by such an act;
 - d) if military power or an armed or militarily organized corps is abused for such an act or if army, armed, or auxiliary forces or weapons, ammunition, explosives, or other dangerous substances are collected or organized for such an act;
 - e) if violent resistance to army or armed forces during such an act is used; or
 - e) if there are other particularly aggravating circumstances.
- (4) In addition to punishments stipulated in paragraphs 1 to 3, the court may impose the loss of state citizenship; if the court does not impose this punishment, it shall impose the confiscation of property.

[keywords: high treason, coup, constitutional values]

Section 79 Association against the Republic

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 state system or social order guaranteed by the Constitution, shall be punished by imprisonment for three months to five years; suspended sentence is excluded.

[keywords: conspiracy, constitutional values]

Section 80

(1) Whoever establishes an organization with the intention of subverting the independence, constitutional unity, or territorial integrity of the Republic or its people's democratic state system or social order guaranteed by the Constitution, whoever joins an organization having such goals, or participates in its activities; or whoever supports an organization having such goals, or supports its members in subversive efforts, shall be punished by imprisonment for one to five years.

(2) The perpetrator shall be sentenced to imprisonment for five to ten years,

a) if they commit the act referred to in paragraph 1 under increased threat to the homeland; or

b) if there are other particularly aggravating circumstances.

(3) Conditional sentence is excluded and, in the case referred to in paragraph 2 lit. a) reduction of the sentence is also excluded.

[keywords: conspiring organisation]

Section 81 Sedition against the Republic.

(1) Whoever in public or at least in front of two other persons incites against the Republic, against its independence, constitutional unity, or territorial integrity, or against its people's democratic state system or social order guaranteed by the Constitution, or

whoever intentionally enables or facilitates the dissemination of such inflammatory demonstrations;

shall be sentenced to imprisonment for three months to three years; suspended sentence is excluded.

(2) Sentence of imprisonment for one to five years shall be imposed on the perpetrator if they commit the act referred to in paragraph 1 under increased threat to the homeland; suspended sentence and reduction of sentence are excluded.

[keywords: incitation, constitutional values]

Section 82.

(1) Whoever, through negligence, enables or facilitates the dissemination of

demonstrations inciting against the Republic, against its independence, constitutional unity, or territorial integrity, or against its people's democratic state system or social order guaranteed by the Constitution, shall be sentenced to imprisonment for up to one year.

[keywords: negligence, demonstration against state]

Section 84 Sabotage.

(1) Whoever destroys, damages, or renders unusable national property or property of a people's cooperative with the intention to frustrate or impede

a) the operation or development of a state, national, municipal, or other public enterprise or people's cooperative; or

b) the operation of an important generally beneficial facility;

shall be sentenced to imprisonment for ten to twenty-five years.

(2) The same sentence shall be imposed to whoever conspires with someone else to commit the act referred to in paragraph 1.

(3) The perpetrator shall be sentenced to life imprisonment or death,

a) if they commit the act referred to in paragraph 1 as member of a conspiracy;

b) if such act frustrates or hinders the implementation or fulfilment of the unified economic plan in a particularly important area;

c) if interests of defence of the homeland are significantly threatened by such an act;

d) if lives of many people are endangered by such act; or

e) if there are other particularly aggravating circumstances.

(4) In addition to punishments stipulated in paragraphs 1 to 3, the court may impose the loss of state citizenship; if the court does not impose this punishment, it shall impose the confiscation of property.

[keywords: sabotage]

Section 85.

(1) Whoever fails to fulfil or violates the obligation of their profession, employment, or service, or circumvents the fulfilment of such obligation, or commits another act with the intention

a) to thwart or hinder the implementation or fulfilment of the unified economic plan in some areas; or

b) to cause a serious disturbance in the operation of the office or public authority, or enterprise;

shall be sentenced to imprisonment for five to ten years.

(2) The perpetrator shall be sentenced to imprisonment for ten to twenty-five years,

a) if they commit the act referred to in paragraph 1 as member of a conspiracy;

b) if such act frustrates or hinders the implementation or fulfilment of the unified economic plan in a particularly important area;

c) if a serious disturbance is actually caused in activities of an office or public authority

or enterprise; or

d) if there are other particularly aggravating circumstances.

(3) The perpetrator shall be sentenced to life imprisonment or death,

a) if the interests of defence of the homeland are significantly threatened by the act referred to in paragraph 1;

b) if such an act causes a serious disruption in supplies to a significant number of the population,

c) if lives of many people are endangered by such act; or

d) if they commit such an act under increased threat to the homeland; and if there is any of the circumstances established in paragraph 2.

(4) In addition to punishments stipulated in paragraphs 2 and 3, the court may impose the loss of state citizenship; if the court does not impose this punishment, it shall impose the confiscation of property.

[keywords: national economical program]

Section Two.

Crimes against the security of the Republic.

Section 86 Espionage.

(1) Whoever spies out a state secret with the intention of disclosing it to a foreign power; or

whoever intentionally discloses a state secret to a foreign power;

shall be sentenced to imprisonment for ten to twenty-five years or for life.

(2) The same punishment shall be imposed to whoever

a) commits an act referred to in paragraph 1 in conspiracy with someone else;

b) comes into contact with a foreign power or foreign agents for committing such act; or

c) comes into contact with an organization whose purpose is to spy out state secrets, with the intention of supporting efforts of such organization.

(3) The perpetrator shall be punished by death:

a) if they commit the act referred to in paragraphs 1 or 2 under increased threat to the homeland;

b) if they commit such an act, nonetheless the obligation to keep a state secret was expressly imposed on them, or even though such obligation arises from perpetrator's position;

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 an act in a particularly dangerous manner, on a significant scale, or for profit, or if they commit such an act for a longer period of time; or

e) if there are other particularly aggravating circumstances.

(4) In addition to punishments stipulated in paragraphs 1 to 3, the court may impose the loss of state citizenship; if the court does not impose this punishment, it shall impose the confiscation of property.

[keywords: espionage]

Section 87.

Whoever causes harm to the Republic by committing espionage against an ally shall be sentence to punishments established in Section 86.

[keywords: espionage, ally]

Section 95 Leaving the Republic.

(1) Whoever leaves the territory of the Czechoslovak Republic without permission will be sentenced to imprisonment for one to five years.

(2) A Czechoslovak citizen who disobeys an official call to return to the territory of the Czechoslovak Republic within the specified period will be sentenced accordingly.

(3) In addition to punishment stipulated in paragraphs 1 and 2, the court may impose the loss of state citizenship. Suspended sentence is excluded.

[keywords: leaving abroad without permission]

Section 96 Endangering the interests of the Republic abroad.

A Czechoslovak citizen who intentionally endangers the interests of the Republic by spreading a false report about situation in the Republic abroad shall be sentenced to imprisonment for one to five years; suspended sentence, and if the act is committed under increased threat to the homeland, even a reduction of the sentence are excluded.

[keywords: endangering the interests of state abroad]

Section 97.

A Czechoslovak citizen who negligently endangers the interests of the Republic by spreading false report about situation in the Republic abroad shall be sentenced to imprisonment for three months to three years.

[keywords: negligent endangering the interests of state abroad]

Section 123 Abuse of religious office.

(1) Whoever abuses performance of their clerical activity or similar religious function with the intention of exerting an adverse influence on matters of political life for the people's democratic system of the Republic shall be sentenced to imprisonment for three months to three years.

(2) The perpetrator shall be sentenced to imprisonment for one to five years,

- a) if they commit the act referred to in paragraph 1 by refusing to perform a religious act to which they are called as a clergyman or as a person having a similar religious function; or
 - b) if there are other particularly aggravating circumstances.
- (3) Suspended sentence is excluded.

[keywords: abuse of religious functions]

Chapter Two. Economic crimes.

Section One. Crimes against the economic system.

Section 130 Machinations against nationalization.

Whoever commits machinations with the intention of thwarting or hindering the nationalization of an enterprise, economic object, or other property subject to nationalization shall be sentenced to imprisonment for one to five years and confiscation of property; suspended sentence is excluded.

[keywords: hindering the nationalisation]

Section 131 Creation of private monopolies.

Whoever establishes a private monopolistic profit-making organization, especially a cartel, syndicate, or trust, or joins it, or covers it, or supports it, shall be sentenced to imprisonment for one to five years and confiscation of property; suspended sentence is excluded.

[keywords: private monopoly]

Section 132 Abuse of people's cooperative.

Whoever abuses a people's cooperative to cover a business that is in conflict with the purpose of the people's cooperatives, shall be sentenced to imprisonment for one to five years and a fine; suspended sentence is excluded.

[keywords: abuse of people's cooperative]

Section 133 Abuse of ownership right.

Whoever intentionally endangers the general interest by destroying, damaging, making unusable, or mishandling one's own thing of higher value or greater economic importance shall be punished by imprisonment for three months to three years and a monetary penalty.

[keywords: abuse of ownership]

Section Two. Crimes against the unified economic plan.

Section 134 Endangering supplies.

(1) Whoever commits an unfair action that could endanger continuous supply of necessities to at least part of the population of any place shall be sentenced to imprisonment for three months to three years and a monetary penalty; suspended sentence is excluded.

(2) The perpetrator shall be sentenced to imprisonment for three to ten years and confiscation of property,

a) if they commit the act referred to in paragraph 1 repeatedly;

b) if they commit the act as member of conspiracy; or

c) if there are other particularly aggravating circumstances.

Suspended sentence is excluded.

(3) The perpetrator shall be sentenced to imprisonment for ten to twenty years and confiscation of property,

a) if the act referred to in paragraph 1 actually causes a serious disruption in supplies; or

b) if such act causes the danger of a serious disruption in supplies to a significant number of the population.

(4) The perpetrator shall be sentenced to life imprisonment or death, and confiscation of property,

a) if the act referred to in paragraph 1 results in the dire distress of many people; or

b) if they commit such an act under increased threat to the homeland; and if there is any of the circumstances established in paragraphs 2 and 3.

Endangering unified economic plan.

[keywords: endangering supplies]

Section 135 (1) Whoever thwarts or hinders the operation or development of a state, national, municipal, or other public enterprise or a people's cooperative by negligence, in particular by failing to fulfil or by violating obligations of their profession, employment, or service, or whoever circumvents the fulfilment of such an obligation, shall be sentenced to imprisonment for up to one year and a monetary penalty.

(2) Sentence of imprisonment for three months to three years and a monetary penalty shall be imposed on the perpetrator if, by the act referred to in paragraph 1, the implementation or fulfilment of the unified economic plan in any area is thwarted or hindered.

[keywords: hindering development of state property, people's cooperative]

Section 136

If a private entrepreneur or whoever responsible for the management of their business

fails to fulfil, even though negligence, an obligation arising from a unified economic plan or from public supplies or works, shall be sentenced to imprisonment for up to six months and a monetary penalty.

[keywords: unified economic plan]

Chapter Three. Crimes against order in public affairs.

Section One. Crimes against the people's administration and the judiciary.

Section 165 Failure to report a crime.

(1) Whoever learns in a reliable manner that someone else is planning or has committed high treason (Section 78), association against the Republic (Sections 79 and 80), sabotage (Sections 84 and 85), espionage (Sections 86 and 87), endangering state secret pursuant to Section 88, war damage pursuant to Section 99, murder of constitutional official (Section 104), bodily harm to a constitutional official (Sections 105 and 106), violence against a constitutional official (Section 108), illegal arming (Sections 120 and 121), forgery and alteration of currency (Section 139), use of forged and altered currency (Section 140), general threat according to Section 190, murder (Section 216), robbery (Section 232), desertion (Sections 273 and 274), or rebellion (Section 276) and intentionally fails to report such a crime to the prosecutor or the national security authority without delay, shall be sentenced to imprisonment for one to five years.

(2) Whoever commits the act referred to in paragraph 1, it shall not be held a crime, if they could not make the report without danger to themselves or, unless it regards the high treason (Section 78), sabotage (Sections 84 and 85), or espionage (Sections 86 and 87), without danger to their close person.

[keywords: failure to report a crime against state]