

Significant amendment to the Penal Code of the 1950 – Act No. 63/1956 Coll.

Art. I

The sentence of imprisonment for life, established in the Penal Code, is abolished; a sentence of imprisonment for twenty-five years shall be imposed instead.

[keywords: life imprisonment]

Art. II

Where the special part of the Penal Code provides for the capital punishment as the only punishment, an imprisonment for twenty-five years may also be imposed.

[keywords: death penalty]

Art. III

All provisions of the special part of the Penal Code are repealed, as long as they stipulate

- a) that suspended sentence is excluded;
- b) that reduction of the sentence is excluded;
- c) the duty to impose monetary penalty;
- d) the duty to impose confiscation of property;
- e) the possibility to impose the loss of state citizenship, as well as those provisions of the general part of the Penal Code applying to the provisions listed under letter a) and b), are hereby repealed.

[keywords: mitigation of penalties]

Section 17a Waiver of the punishment

The court may waive the punishment in the case of a minor crime and if the perpetrator otherwise leads regular life of a working person; if the court waives the punishment, the perpetrator is treated as if they had not been convicted.

[keywords: waiver of punishment]

Section 44 reads as follows:

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

- a) their voting right,
- b) right to act as judge or lay judge;
- c) scientific and artistic ranks;

d) Czechoslovak honours and honorary recognitions, right to wear foreign honours, and right to use foreign honorary titles.

(2) The court may impose the loss of all the rights referred to in paragraph 1, or only some of them.

(3) Loss of rights referred to in paragraph 1, lits. a) and b) applies until the prison sentence has been served or pardoned or until its execution is time-barred; however, the court may impose that this loss continues even after the prison sentence has been served, for a period of up to five years. Loss of rights referred to under lits. c) and d) is always permanent.

[keywords: loss of honourable civil rights]

Section 78 (High treason) pars. 1 and 2 read as follows:

(1) Whoever tries to destroy the independence of the Republic, destroy or subvert its people's democratic state system or social order, destroy the achievements of the working people reached by the development of socialism, destroy or subvert the territorial integrity of the Republic, or undermine its defence capabilities, shall be sentenced to imprisonment for ten to twenty-five years.

(2) 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 agent for committing such act; shall be sentenced to imprisonment for five to twenty years.

[keywords: high treason]

Section 78 (3) lit. b) reads as follows:

b) if the independence of the Republic, its people's democratic state system, social order, achievements of the working people reached by the development of socialism, the territorial integrity, or the defence capabilities of the Republic are endangered by such an act,

In Section 78 (3) the provision of lit. c) is cancelled; marking of actual lits. d), e), and f) updates to lits. c), d), and e).

Sections 79 and 80 including title are hereby repealed.

After Section 78 a new Section 79a is included which reads, including the title, as follows:

Section 79a Subversion of the Republic

(1) Whoever, out of hostility to the people's democratic system, carries out subversive activities against the independence of the Republic, its people's democratic state system or social order, the achievements of the working people reached by the development of socialism, the territorial integrity, or defence capabilities of the Republic, shall be sentenced to imprisonment for one to five years.

- (2) The same punishment shall be imposed to whoever
- a) founds an organization to commit the act referred to in paragraph 1; or
 - b) to commit such act conspires with a foreign power or with a foreign agent, or comes into contact with them for such an act.
- (3) The perpetrator shall be sentenced to imprisonment for three to ten years,
- a) if they commit the act referred to in paragraphs 1 or 2 under increased threat to the homeland; or
 - b) if there are other particularly aggravating circumstances.
- (4) whoever conspires with someone else to commit the act referred to in paragraphs 1 to 3 shall be sentenced to imprisonment for three months to three years.

[keywords: subversive activities against state]

After Section 79a a new Section 80a is included which reads, including the title, as follows:

Section 80a Terror

- (1) Whoever, with the intention of discouraging someone from actively participating in the development of the People's Democratic Republic or hindering them to do so, harms someone's health or causes significant damage to property or other serious harm, or attempts to do so, shall be sentenced to imprisonment for three to ten years.
- (2) The perpetrator shall be sentenced to imprisonment for five to twenty years,
- a) if they commit the act referred to in paragraph 1 as member of a conspiracy;
 - b) if extensive damage to property is caused by such act;
 - c) if they commit such act with the intention of causing serious bodily harm,
 - d) if such act results in serious bodily harm; or
 - e) if there are other particularly aggravating circumstances.
- (3) The perpetrator shall be sentenced to imprisonment for twenty-five years or to capital punishment,
- a) if they commit the act referred to in paragraph 1 with the intent to cause death; or
 - b) if such act endangers lives of many people, or if such act results in death.
- (4) Whoever conspires with someone else to commit the act referred to in paragraphs 1 or 2 shall be sentenced to imprisonment for one to five years; whoever conspires with someone else to commit the act referred to in paragraph 3 shall be sentenced to imprisonment for three to ten years.
- (5) Whoever, with the intention of with the intention of discouraging someone from actively participating in the development of the People's Democratic Republic or hindering such activity, threatens to cause death, bodily harm, serious damage to property, or other serious harm to such person or their close person, shall be sentenced to imprisonment for six months to five years.

[keywords: terror, conspiracy, constitutional values]

Section 81 (1) reads as follows:

(1) Whoever from hostility to the people's democratic system

a) in public or in front of at least two persons incites against the Republic, its independence, the people's democratic state system or social order, the achievements of the working people reached by the development of socialism, the territorial integrity, or defence capabilities of the Republic, or

b) intentionally enables or facilitates the dissemination of such inflammatory demonstrations;

shall be sentenced to imprisonment for three months to three years.

[keywords: incitation]

Section 82 is repealed.

Section 84 including the title reads as follows:

Section 84 Vandalism.

(1) Whoever, out of hostility to the people's democratic system, destroys, damages, or renders unusable the property in socialist ownership, with the intention of thwarting or hindering

a) operation or development of a national enterprise, people's cooperative, or other organization of socialist sector; or

b) the operation of an important generally beneficial facility;

shall be sentenced to imprisonment for five to twenty years.

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

a) if the act referred to in paragraph 1 thwarts or significantly hinders the implementation or fulfilment of the state development plan of national economy in a particularly important area;

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

c) if such act endangers lives of many people, or if such act results in death; or

d) if there are other particularly aggravating circumstances.

(3) whoever conspires with someone else to commit the act referred to in paragraphs 1 or 2 shall be sentenced to imprisonment for three to ten years.

[keywords: vandalism, socialist ownership]

Section 85 including the title reads as follows:

Section 85 Sabotage.

(1) Whoever, out of hostility to the people's democratic system, 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 state development plan of national economy in some areas; or

b) to cause a serious disturbance in operation of an office or other public authority, a national enterprise, a people's cooperative, or another organization of socialist sector; shall be sentenced to imprisonment for three to ten years.

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

a) if the act referred to in paragraph 1 significantly hinders the implementation or fulfilment of the state development plan of national economy in a particularly important area;

b) if really serious disturbance in operation of an office or other public authority, a national enterprise, a people's cooperative, or another organization of the socialist sector is caused; or

c) if there are other particularly aggravating circumstances.

(3) The perpetrator shall be sentenced to imprisonment for twenty-five years or to capital punishment,

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

b) if the act causes thwarting of the implementation or fulfilment of the state development plan of national economy in highly significant area; or

c) if such act endangers lives of many people, or if such act results in death.

[keywords: sabotage]

In Section 86 (1) the words “or for life” at the end are cancelled.

Section 86 (2) and (3) read as follows:

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

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

b) if they commit such act as a member of an organization whose purpose is to spy out state secrets;

c) if such act concerns a particularly important state secret;

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

e) if they disclose a state secret, the preservation of which was expressly imposed on them or which they are already obliged to preserve in connection with their position;

or

e) if there are other particularly aggravating circumstances.

(3) Whoever

a) conspires with someone else to commit the act referred to in paragraph 1;

b) comes into contact with a foreign power or foreign agent 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,
shall be sentenced to imprisonment for five to fifteen years.

[keywords: death penalty]

After Section 95 a new Section 95a is included which reads, including the title, as follows:

Section 95a Intrusion into the territory of the Republic

Whoever, although they are not Czechoslovak citizens, enters the territory of the Czechoslovak Republic, shall be sentenced to imprisonment for three months to three years.

[keywords: intrusion]

Section 96 including the title reads as follows:

Section 96 Endangering the interests of the Republic abroad

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

[keywords: endangering the state interests abroad]

Section 123 (2) is repealed.

Section 134 including the title is repealed.

After the title of the second part a new Section 134a is included which reads, including the title, as follows:

Section 134a Speculation

(1) Whoever, with the intention of obtaining an unjust benefit for themselves or someone else, speculates with objects of need, in particular by buying, hoarding, or storing such objects on a larger scale for the purpose of alienating them, shall be sentenced to imprisonment for up to three years.

- (2) The perpetrator shall be sentenced to imprisonment for three to ten years,
a) if they commit the act referred to in paragraph 1 as member of a conspiracy;
b) if they commit such act, although they have already been convicted of such act, or
c) if there are other particularly aggravating circumstances.
- (3) The perpetrator shall be sentenced to imprisonment for ten to twenty years,
a) if the act referred to in paragraph 1 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.

[keywords: speculation, unjust benefit]

Section 135 including the title reads as follows:

Section 135 Operation disruption

- (1) Whoever, even though negligence, frustrates or hinders the operation or development of a national enterprise, a people's cooperative, or another organization of socialist sector, in particular by failing to fulfil or by violating the obligation of their profession, employment, or service, or by circumventing the fulfilment of such an obligation, shall be sentenced to imprisonment for up one year.
- (2) The perpetrator shall be sentenced to imprisonment for six months to three years,
a) if the act referred to in paragraph 1 causes serious disturbance in the activities of a national enterprise, a people's cooperative, or another organization of socialist sector;
or
b) if such act results in other significant damage.

[keywords: sabotage, negligence, national enterprise]

Title of Section 136 reads as follows: „Failure to meet obligation“

Section 165 (1) reads as follows:

Whoever learns in a credible manner that someone else is planning or has committed high treason (Section 78), subversion of the Republic (Section 79a), terror (Section 80a), vandalism (Section 84), sabotage (Section 85), espionage (Sections 86 and 87), endangering state secrets according to Section 88, war damage according to Section 99, illegal armament (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), theft of socialist-owned property according to Section 245 (3) and (4), damage to socialist-owned property according to Section 245a (2) lit. a), desertion (Sections 273 and 274), or rebellion (Section 276) and intentionally fails to report such a crime to the prosecutor or security authority without delay, shall be sentenced to imprisonment

for up to five years.

In Section 165 (2) the words “sabotage (Sections 84 and 85)” are replaced by „vandalism (Section 84), sabotage (Section 85)”.