

**Act II of 1950
On the General Part of the Criminal Code
(excerpt)**

The new general part of the Criminal Code reflects the economic, social and political changes that have taken place in our country since the liberation and enshrines the principles of criminal law that serve the interests of building socialism and protecting social property.

**PART ONE
On criminal offences
CHAPTER I
Introductory provisions**

Section 1 par. 1 The role of criminal law is to provide protection against acts that are harmful to society.

Par. 2 An act harmful to society is any act or passive negligence that violates or endangers the state, social or economic order of the People's Republic of Hungary, the persons or rights of its citizens.

Par. 3 A criminal offence is an act harmful to society for which the law prescribes a penalty.

[keywords: harmful act, criminal offence]

Section 2 par. 1 The criminal offence shall be adjudicated in under the law in effect at the time it was committed.

Par. 2 If a new law comes into effect between the time the criminal offence is committed and the time it is adjudicated, the new law shall also apply to the act committed before its entry into effect, provided that

- a) under the new law, the act is no longer treated as a criminal offence or it draws a more lenient penalty than under the previous law, or
- b) the new law explicitly states that it applies to acts committed before its entry into effect.

[keywords: applicable law, retroactivity of law]

Section 3 par. 1 Hungarian law shall be applied when either a Hungarian or a foreign citizen commits a criminal offence in Hungary, and when a Hungarian national commits a criminal offence abroad.

Par. 2 A criminal offence committed outside the borders of the People's Republic of Hungary, but on board a Hungarian warship, a Hungarian military aircraft or a Hungarian merchant ship on the high seas, or on board a Hungarian civil aircraft in transit, is also considered a criminal offence committed within the country.

[keywords: applicable law]

Section 4 Hungarian law shall also apply to a criminal offence committed abroad by a foreign national if the act is

a) punishable not only under Hungarian law but also under the law of the place where it is committed, or

b) violates the fundamental interests of the democratic state or economic order of the People's Republic of Hungary, regardless of whether it is punishable under the law of the place where the criminal offence was committed,

provided in both cases that the Minister of Justice orders the prosecution.

[keywords: applicable law]

Section 5 Whether the criminal offence was committed in the People's Republic of Hungary or abroad, the sentence imposed by the foreign court shall be included in the sentence imposed by the Hungarian court.

[keywords: sentence of a foreign court]

Section 6 If the criminal offence committed abroad can be prosecuted only at the request of the victim, either under Hungarian law or the law of the place where it was committed, criminal proceedings can be brought only at the request of the victim. This provision shall not apply to criminal offences which are punishable under Hungarian law irrespective of whether they are punishable under the law of the place where they were committed [Section 4 point b)].

[keywords: prosecution at the request of the victim]

Section 7 The criminal liability of persons enjoying territorial sovereignty or personal immunity shall be governed by international treaties or conventions or, in the absence thereof, by international practice.

[keywords: immunity]

Section 8 par. 1 Citizens of the People's Republic of Hungary may not be extradited to another state, unless an international treaty (convention) provides otherwise.

Par. 2 Extradition of a foreign national is possible on the basis of an international treaty (convention) or, in the absence of such a treaty, in the case of reciprocity. Reciprocity is governed by a declaration of the Minister of Justice.

Par. 3 Extradition shall not be granted in the case of a reciprocity if

a) the act for which extradition is requested is not a criminal offence under either Hungarian law or the law of the requesting state,

b) request the extradition of a person who is being persecuted for his or her democratic behaviour or for his or her activities in the cause of the liberation of peoples.

[keywords: extradition]

CHAPTER II

Criminal responsibility

Section 9 Persons under the age of twelve years at the time the criminal offense was committed shall be exempt from criminal responsibility.

[keywords: age of criminal responsibility]

Section 10 par. 1 Persons who commit the criminal offence in a state of insanity or in a state of unconsciousness which renders him or her incapable of recognising the social danger of the act or of acting in accordance with his or her will shall be exempt from criminal responsibility.

Par. 2 Persons who committed the criminal offence under duress or threat, if his or her situation has rendered him or her incapable of acting in accordance with his or her will, shall also be exempt from criminal responsibility.

Par. 3 If the perpetrator's mental disorder, disturbance of consciousness, coercion or threat merely restricted him or her in realising the social danger of the act or in acting in accordance with his or her will, his or her punishment may be mitigated without limit (Section 52).

Par. 4 The foregoing provisions shall not apply in favour of a person who has himself brought about his or her condition or situation with a view to committing the criminal offence.

[keywords: state of insanity, state of unconsciousness, coercion, threat]

Section 11 A criminal offence committed through negligence shall also be punished, unless the law only provides for the punishment of intentional offences.

[keywords: negligence]

Section 12 par. 1 A criminal offence is committed with intent if the person conceives a plan to achieve a certain result or acquiesces to the consequences of his or her conduct.

Par. 2 A person commits an act of negligence if he or she causes the consequences of his or her act by failing to exercise due care, diligence or foresight.

[keywords: criminal offence with intent, act of negligence]

Section 13 par. 1 The perpetrator cannot be charged with a fact of which he or she was unaware at the time of the offence (mistake).

Par. 2 If the perpetrator's mistake was caused by his or her failure to exercise due care or diligence and his or her act is punishable as a negligent offence, the offence of negligence is punishable despite the mistake.

[keywords: mistake]

Section 14 par. 1 The perpetrator shall be exempt from criminal responsibility if he or she committed the act under the mistaken belief that it was not dangerous to society and had reasonable grounds for that belief.

Par. 2 If there was no good reason for the erroneous assumption, but it was caused by a reasonable circumstance, the penalty may be mitigated without limit (Section 52).

[keywords: mistake]

Section 15 par. 1 An unlawful attack or a threat of unlawful and imminent attack, whether directed against the public or against the person or property of an individual, may be averted by the person attacked or by anyone else. The act necessary to avert it – justifiable defence – is not punishable.

Par. 2 The offence is not punishable even if the perpetrator exceeds the required degree of protection out of shock or justifiable aggravation.

[keywords: justifiable defence]

Section 16 par. 1 The act is committed out of means of last resort by a person who thereby saves either the fundamental interest of the public or his or her own life, physical integrity or property or that of others from imminent and otherwise unavoidable danger.

Par. 2 An act committed in means of last resort is not punishable if the perpetrator is not responsible for causing the danger and if the act did not cause more serious harm than that which it was intended to prevent.

Par. 3 The means of last resort shall not apply if the professional duty of the perpetrator includes exposure to danger.

[keywords: means of last resort]

Section 17 Any person who carries out an act with intent to commit a premeditated criminal offence, without finishing it, shall be punishable for attempt.

[keywords: attempt to commit a criminal offence]

Section 18 par. 1 The sentence applicable to a completed criminal act shall also apply to attempt.

Par. 2 The penalty may be mitigated without limitation or dismissed altogether upon the perpetrator if the attempt

- a) if the attempt has been carried out on an unsuitable subject, with an unsuitable instrument or by way of unsuitable means, or
- b) voluntarily withdraws from the completion of the criminal act or attempts to prevent the criminal offence on his or her own volition.

Par. 3 In the case of an attempt, the sentence may be mitigated without limitation, and even the conviction and sentence may be waived, against the abettor or aider if he or she voluntarily prevented the commission of the offence or voluntarily avoided the result, and against the aider without these conditions if the prior provision for the waiver or unlimited reduction of the sentence [par. (2)] was applied in favour of the perpetrator.

[keywords: attempt to commit a criminal offence]

Section 19 par. 1 If the law specifically so provides, a person who, with the intention of committing the criminal offence, performs an act preparatory to the commission of the offence, such as providing the necessary preconditions for or facilitating the commission of the offence, providing the means or accessories necessary for the commission of the offence, obtaining the means or accessories necessary for the commission of the offence, or making the person capable of committing the offence, or inviting another person to commit the offence, or agreeing to commit the offence, shall be punishable as a preparatory perpetrator.

Par. 2 The penalty of the preparation is determined by the special provisions of the law.

Par. 3 In the case of preparation, the penalty may be mitigated without limitation (Section 52), and even the finding of guilt and the imposition of the penalty may be waived:

- a) who voluntarily withdraws from the commencement of the criminal act,
- b) who withdraws his or her invitation, offer, undertaking with a view to avoiding the perpetration, or attempts to pursue other contributors to withdraw from the criminal activity regardless of whether the commission of the offence or attempt to commit the offence was prevented by the said activity,
- c) who reports to the authority the preparation.

[keywords: preparation to commit an offence]

Section 20 par. 1 The principal is the person who carries out all or part of the elements of the offence as defined by law.

Par. 2 Whoever intentionally persuades (abettor) another person to commit the criminal offence shall be punished with the penalty laid down for the perpetrator's act.

Par. 3 Any person who intentionally assists another person to commit the criminal offence (aider) is punishable by the penalty laid down for the criminal offence committed.

Par. 4 For the purposes of the law, the perpetrator shall be understood to include the abettor

and the aider in addition to the principal.

[keywords: assistance to commit an offence, persuasion to commit an offence]

Section 21 par. 1 If the criminal offence can be prosecuted only on a private motion, the victim or, if the victim is incapacitated or has limited capacity, his or her parent, legal representative or guardian, is also entitled to lodge the motion.

Par. 2 If the criminal offence was committed by a legal representative who would otherwise have been entitled to lodge a private motion, this right is substituted for that of the guardianship authority.

Par. 3 If the victim entitled to a private application has died before the expiry of the time limit for filing a private motion without having filed a private motion, any of his or her relatives (Section 29) is entitled to file a private motion during the time still available.

[keywords: legal capacity to lodge a private motion]

Section 22 par. 1 The private motion shall be lodged within one month of the date on which the person entitled to the private motion became aware of the identity of the perpetrator of the criminal offence.

Par. 2 A private motion may not be withdrawn.

[keywords: term to lodge a private motion]

Section 23 The motion submitted against any one of the perpetrators shall apply to all perpetrators even if it was not lodged against all of them.

[keywords: legal result of a private motion]

Section 24 Criminal responsibility shall cease:

- a) upon the death of the perpetrator,
- b) by statutory limitation,
- c) by clemency.

[keywords: cessation of criminal responsibility]

Section 25 The perpetrator's criminal responsibility shall be ceased by the statute of limitations:

- a) after fifteen years for an offence punishable by death, life imprisonment or imprisonment for more than ten years,
- b) in the case of other criminal offences, the sentence imposed for that criminal offence, after the maximum term of imprisonment, but not less than three years.

[keywords: statute of limitations]

Section 26 The limitation period begins:

- a) in the case of a completed offence, on the day on which the perpetrator's activity relating to the facts of the offence ended, but if the result was not achieved at the same time but later, on the day on which the result occurred,
- b) in the case of an attempt or preparation, on the last day of the perpetrator's last activity to commit the criminal offence or to prepare for it,
- c) in the case of an offence which could only have been committed if it had not had the consequences laid down in the criminal law.

[keywords: statute of limitations]

Section 27 par. 1 The limitation period is interrupted by the action of the prosecuting authority against the perpetrator for the criminal offence. From the date of interruption, the limitation period starts to run again.

Par. 2 The period during which the criminal proceedings against the perpetrator are suspended for a preliminary ruling does not count towards the limitation period.

[keywords: statute of limitations, interruption]

Section 28 In the case of multiple perpetrators, a circumstance that renders a perpetrator not responsible or subject to a lighter penalty does not affect other perpetrators; a circumstance that results in a more severe penalty for one perpetrator affects other perpetrators only if the other perpetrator knew of the circumstance at the time of the criminal offence.

[keywords: multiple perpetrators, individual circumstances]

Section 29 For the purposes of the application of criminal law, “relative” means a lineal relative and his or her spouse, an adopter and a foster parent, an adoptee and a foster child, a brother, a spouse and an engaged couple, a lineal relative and a brother of a spouse, and a spouse of a brother.

[keywords: definition of a relative]

CHAPTER III

Penalties

Section 30 The penalties are as follows:

1. death penalty,
2. imprisonment,

3. fine,
4. confiscation and forfeiture of property,
5. deprivation of civil rights,
6. prohibition to exercise professional activity,
7. expulsion.

[keywords: penalties, death penalty, imprisonment, fine]

Section 31 The death penalty and prison are always principal penalties. The other penalties are ancillary, but in cases where the law specifically provides for them, they may be applied as principal penalties for the criminal offence in question.

[keywords: death penalty, imprisonment, principal penalties]

Section 32 par. 1 Imprisonment is imposed for a fixed duration or for a life term.

Par. 2 The longest term of fixed-term imprisonment is fifteen years, the shortest is thirty days.

[keywords: imprisonment]

Section 33 par. 1 Against a perpetrator who has sufficient assets, income or earnings,

a) a fine must be imposed as an ancillary penalty for all criminal offences against property and even if the criminal offence was committed for financial gain;

b) a fine may be imposed as an ancillary penalty for any criminal offence if it is likely to be more effective in deterring the perpetrator from committing a further criminal offence.

Par. 2 A fine may not be imposed as a ancillary penalty if the principal penalty is death or imprisonment for fifteen years or more.

[keywords: fine]

Section 34 The minimum fine is ten forints and the maximum is fifty thousand forints.

[keywords: fine, amount]

Section 35 When determining the amount of the fine, in addition to the circumstances governing the imposition of the penalty (Section 50), special consideration shall be given to the financial situation of the perpetrator and the financial benefit achieved or intended to be achieved by the criminal offence.

[keywords: fine, financial situation of the perpetrator]

Section 36 par. 1 If the fine is irrecoverable, it shall be converted into imprisonment, the

duration of which shall be determined at the same time as the fine is imposed.

Par. 2 When converting the fine, instead of an amount ranging from ten forints to two hundred forints, one day's imprisonment must be calculated. The term of imprisonment in lieu of a fine may not be shorter than one day or longer than one year.

[keywords: conversion of a fine to imprisonment]

Section 37 par. 1 An object shall be confiscated:

- a) which is used or intended to be used as a means of committing the criminal offence, if it is the perpetrator's property or otherwise, if it is a threat to public safety or public order,
- b) which is created by way of a criminal act;
- c) which the perpetrator of the offence has received from the owner or with the owner's consent from another person for committing the criminal offence.

Par. 2 Media products, in which a criminal act is realized, shall also be confiscated.

Par. 3 If otherwise provided by law, the confiscation shall also apply to the property in respect of which the criminal offence was committed, provided that the property is the property of the perpetrator or that the owner had prior knowledge or, in the circumstances, ought to have had prior knowledge of the commission of the criminal offence.

Par. 4 If the prerequisites for confiscation are met, it is appropriate even if the perpetrator is not criminally liable.

Par. 5 Once the confiscation order becomes final, the property of the confiscated object is transferred to the state.

[keywords: confiscation]

Section 38 par. 1 Forfeiture of property is possible in cases where the law specifically provides for it.

Par. 2 Forfeiture of property may be imposed either on all the perpetrator's property or on a specified part or fraction of his or her property, or on individually specified items of property.

Par. 3 Forfeiture of property may also be extended to property which the perpetrator has transferred to another person in order to evade the authority, provided that the acquirer must have known of the purpose of the transfer, and to property which the perpetrator has transferred to another person free of charge after the criminal offence has been committed.

[keywords: forfeiture of property]

Section 39 A deprivation of civil rights shall be imposed if the perpetrator is sentenced to more than one year in prison or otherwise if, considering all the circumstances of the case, the perpetrator is considered unfit to participate in public affairs.

[keywords: deprivation of civil rights]

Section 40 par. 1 From the date the date of the judgment becoming final until the expiry of the period of the sentence, a person deprived of civil rights:

- a) shall not exercise the right to vote in parliamentary or local council elections and may not be elected as a member of the parliament or local council;
- b) shall not exercise the right to vote or to stand for election to a body established by law, or to an office in such a body or in a social organisation or association, or to act as a representative of such a body, organisation or association;
- c) may not be appointed to a civil service post or to any other post or office subject to appointment or confirmation by a public authority and may not be entrusted with the performance of a public task in general;
- d) may not to be included in the list of persons eligible for designation for public tasks;
- e) may not practise as a lawyer or patent agent or act as a defence counsel;
- f) may not work as a teacher in a public school;
- g) shall not receive a national decoration or be given permission to receive a foreign decoration.

Par. 2 From the date of the judgment becoming final, a person deprived of civil rights:

- a) shall forfeit any existing membership, position, office or trust which the disqualification precludes him of her from obtaining, and shall forfeit all benefits and other entitlements to which he or she is entitled by reason of his or her service or functions in connection with such membership, position, office or trust;
- b) to be removed from the list of persons eligible for designation as a public task;
- c) shall lose his or her national decorations and their entitlement to foreign decorations

Par. 3 For a special justifiable reason, and where justified by need, it may be decided that the person deprived of civil rights or only the members of his or her family may continue to be entitled to benefits in whole or in part.

[keywords: deprivation of civil rights]

Section 41 Par. 1 A deprivation of civil rights shall be imposed for a period of one to ten years.

Par. 2 The fixed period of deprivation of civil rights shall begin from the date on which the execution of the principal penalty is completed or ceases to be enforceable. If, in the case of conditional release, the probationary period has been completed satisfactorily, the period of deprivation shall be calculated from the date of release. The period of deprivation of civil rights as a principal penalty shall begin from the date on which the judgment becomes final.

[keywords: deprivation of civil rights, term]

Section 42 The rights that a convicted person would lose if he or she were deprived of civil rights are suspended during the execution of the imprisonment.

[keywords: deprivation of civil rights, imprisonment]

Section 43 par. 1 Prohibition to exercise professional activity may be imposed upon a person:

- a) commits a criminal offence by breaking the rules of his or her occupation requiring qualifications or by failing to comply with them,
- b) commits an intentional offence by using his or her profession.

Par. 2 If, in one of the aforementioned cases, an imprisonment of more than one year is imposed, or if the perpetrator's occupation constitutes a danger to society, the prohibition shall be imposed.

[keywords: prohibition to exercise professional activity]

Section 44 par. 1 Prohibition may be imposed for a definite period or for a period of between one and ten years; in the case of a definite prohibition, the resumption of the exercise of the profession requiring a qualification may also be made conditional upon the prohibition holder proving the requisite competence for the profession in a specified manner after the expiry of the period of prohibition.

Par. 2 For the purpose of calculating the period of prohibition, the provision on the deprivation of civil rights (Section 41 par. 2) shall apply mutatis mutandis.

[keywords: prohibition to exercise professional activity]

Section 45 par. 1 In cases where the law specifically so provides, the perpetrator may be expelled from one or more specified municipalities (towns) or from a specified part of the territory of the country, irrespective of his or her previous place of residence, with the effect that he or she may not even temporarily reside there.

Par. 2 Expulsion may be imposed for a period of six months to five years; for the calculation of the period, the provision on deprivation of civil rights (Section 41 par. 2) shall apply mutatis mutandis.

[keywords: expulsion]

Section 46 par. 1 The perpetrator shall be expelled from the territory of the People's Republic of Hungary if he or she is a foreign national and if, considering all the circumstances of the case, his or her removal from the country is desirable.

Par. 2 Expulsion may be ordered for a definitive period or for a period of three to ten years, including only the time spent abroad after the completion of the enforcement of the principal penalty or after the expiry of its enforceability.

Par. 3 The expellee may not reside in the territory of the People's Republic of Hungary even temporarily.

[keywords: expulsion]

Section 47 par. 1 In the case of a death penalty, there is no deprivation of civil rights, prohibition to exercise professional activity, nor expulsion.

Par. 2 In the case of a commutation of the death penalty, a subsequent decision must also be taken on the imposition of a ancillary penalty to be applied in addition to the principal penalty in place of death.

[keywords: death penalty]

CHAPTER IV

Corrective-educational work

Section 48 par 1. If, in view of the perpetrator's social situation, the reasons for committing the criminal offence and the circumstances of the case in general, it can be assumed that the aim of the punishment can be achieved without imprisonment, the court may order the perpetrator to perform work of a specific nature for a period of between one month and two years instead of imprisonment.

Par. 2 The person who is obliged to perform the work is obliged to carry out the work assigned to him or her at the workplace. His or her freedom is restricted only in so far as this is necessary to ensure the purpose of the measure and the performance of the work.

Par. 3 The person required to perform the work shall receive a reduced remuneration for his or her work. The amount of the reduction shall be determined by the court; the reduction shall not be less than one-tenth or more than one-quarter of the remuneration otherwise due. The reduction shall not affect the allowances payable to members of the worker's family.

Par. 4 If the person obliged to do the work fails to fulfil his or her obligations without justification or commits a serious breach of work discipline, he or she shall be sentenced to the same term of imprisonment as the remaining period of the corrective work.

Par. 5 Correctional-educative work shall not be imposed if the law imposes a prison sentence of more than five years for the criminal offence.

[keywords: aim of the punishment, correctional-educative work]

Security custody

Section 49 par. 1 A person who commits a criminal offence after the age of eighteen, if he or she cannot be punished because of mental illness but there are reasonable grounds to believe that he or she will commit another criminal offence (state of public danger), must be placed in security custody.

Par. 2 The period of security custody is one year. This period shall begin on the date on which

the judicial decision to place a detained person in preventive detention becomes final and may not be shortened, either on account of time spent in preventive detention or for any other reason.

Par. 3 The period of one year of security custody may be extended by one year for as long as the person in security custody remains in a state of public danger.

Par. 4 As soon as the state of public danger of the person in security custody has ended, the custody shall be lifted.

Par. 5 In the case of a statute of limitations or a pardon, there is no possibility of custody.

[keywords: security custody]

CHAPTER V

Sentencing

Section 50 par. 1 Punishment shall be used for the protection of the working people, for the correction and education of the perpetrator, and for the deterrence of members of society in general from crime.

Par. 2 To impose a punishment, within the limits set by law and bearing in mind its general objective, that is commensurate with the social danger of the criminal offence and the danger to society posed by the perpetrator's personality, the perpetrator's culpability, the circumstances that would otherwise be taken into account in relation to the perpetrator's burden or benefit and the harm caused (aggravating and mitigating circumstances of punishment).

[keywords: aim of the punishment, protection of the working people, correction and education of the perpetrator, deterrence from crime]

Section 51 par. 1 The penalty laid down by law may be reduced if it or its minimum level would appear to be too severe, having regard to the purpose of the penalty and the aggravating and mitigating circumstances governing its imposition.

Par. 2 Based on the provisions above:

- a) if the penalty laid down by law is death, life imprisonment or imprisonment for a term of ten to fifteen years,
- b) if the penalty laid down by law is life imprisonment, an imprisonment of five to fifteen years instead of it,
- c) if the minimum sentencing of imprisonment is five years or more, the sentence shall be less than five years but not less than one year,
- d) if the minimum sentencing of imprisonment provided for by law is six months or more but less than five years, instead of less than six months but not less than three months,
- e) in addition to the above, a fine may be imposed instead of imprisonment.

[keywords: penalty]

Section 52 In cases in which this act allows unlimited mitigation, either imprisonment or a fine may be imposed, irrespective of the principal penalty laid down by law; in such cases, the minimum of imprisonment or fine may be applied.

[keywords: mitigation of penalty]

Section 53 Unless otherwise provided by a special law, a criminal offence punishable by death is punishable by life imprisonment if committed by a person who is over eighteen years of age but under twenty.

[keywords: conversion of death penalty to life imprisonment]

Section 54 par. 1 The full period of pre-trial detention must be included in the term of imprisonment.

Par. 2 By remanding the person in custody, the court also declares the fine to have been paid, up to the amount of the fine.

Par. 3 The foregoing provisions shall not apply to the extent that the pre-trial detention was the result of conduct by the perpetrator aimed at deceiving the authorities with a view to delaying the prosecution.

[keywords: pre-trial detention]

Section 55 par. 1 The court may suspend the execution of the imprisonment or fine imposed for a probationary period of three years if the perpetrator is otherwise deemed to be eligible for the benefit.

Par. 2 The court may suspend the execution of the prison sentence or fine imposed for a probationary period of three years if the offender is otherwise deemed to be eligible for the benefit.

Par. 3 The execution of the penalty shall not be suspended if

- a) the law provides for a penalty of an imprisonment more than five years imprisonment for the criminal offence,
- b) the perpetrator is deprivation of civil right or prohibition of exercising professional activity,
- c) the perpetrator has already benefited from the benefit of the suspension within the five years preceding the commission of the criminal offence or
- d) the perpetrator has been sentenced to imprisonment within five years prior to the commission of the criminal offence.

[keywords: execution of the penalty]

Section 56 If the criminal offence committed, after consideration of all the circumstances of the case, appears to be of such minor importance that the lightest penalty that may be imposed under the law is unnecessary, or if either the act or the perpetrator of the criminal offence no longer appears to be a danger to society at the time the criminal offence is considered, the finding of guilt and the imposition of the penalty shall be waived.

[keywords: waiver of punishment]

Section 57 par. 1 If one or more offences are committed by the same offender (cumulation), the punishment for all offences must be imposed in a single sentence (merger of sentences).

Par. 2 The merger of sentences shall be imposed based on the most serious of the criminal offences and shall be the same for all criminal offences. If it is a fixed term of imprisonment, its maximum term may be increased by half, up to a maximum of twenty years, but shall not exceed the total term of the sentences imposed for each criminal offence.

[keywords: merger of sentences, cumulation]

Section 58 In the case of cumulative criminal offences, the ancillary penalty may be applied for any of the criminal offences for which the law provides or authorises its application. If the law provides for the same ancillary penalty for more than one of the criminal offences, it may be imposed only once, for the most serious criminal offence. This restriction does not apply to confiscation.

[keywords: cumulation, ancillary penalty]

Section 59 par. 1 If the perpetrator has been sentenced to several fixed terms of imprisonment by different final but not yet executed sentences, the sentences of imprisonment shall be merged.

Par. 2 The merger of sentences shall be imposed considering the length of the sentences imposed by final judgments. The merger of sentences shall not exceed the total length of the sentences imposed by final judgment and shall not exceed either twenty years or one and a half times the statutory sentence for the most serious criminal offence; the latter limitation shall apply only if the perpetrator committed each of the criminal offences before he or she was finally convicted of any of them.

Par. 3 Ancillary penalties shall also be imposed in the case of a subsequent merger of sentences by applying the provisions laid down for the punishment of a cumulative criminal offences.

[keywords: merger of sentences, imprisonment]

Section 60 par. 1 In the case of life imprisonment, a sentence of a fixed term of imprisonment pronounced in a previous final judgment shall not be enforced. The same applies if a person

sentenced to life imprisonment is subsequently sentenced to imprisonment for a criminal offence committed before the sentence was passed. In such cases, there is no possibility of including the sentences in the merger of sentences.

Par. 2 If the same type of ancillary penalty has been imposed in different final judgments, not including confiscation and forfeiture, the shorter of the two shall not be enforced.

[keywords: merger of sentences, life imprisonment]

Section 61 par. 1 A fine shall not be merged with any other penalty.

Par. 2 Fines, regardless of whether they are applied as a principal or ancillary penalty, shall be imposed as a lump sum, as a merger of sentences, but this amount may not exceed the maximum fine provided for by law (Section 34).

Par. 3 Fines imposed by separate convictions shall not be merged.

Par. 4 Penalties involving imprisonment which are a substitute for fines imposed by separate judgments where they are irrecoverable shall be included in a merger of sentences. In such a case, the merger of sentences shall be imposed in proportion to the length of the sentences imposed by final judgments. The merger of sentences shall not exceed the total length of the alternative custodial sentences and shall not exceed one year and six months.

[keywords: merger of sentences, fine]

Section 62 par. 1 If a person sentenced to life imprisonment commits another criminal offence during the execution of his or her sentence and the death penalty is not imposed, he or she shall be subject to disciplinary punishment, and the court may also postpone the earliest date of parole for the convicted person, as specified by law, for a maximum of five years.

Par. 2 The provisions of the preceding paragraph shall also apply mutatis mutandis in the case where a person sentenced to an imprisonment of twenty years as a merger of sentences commits a further criminal offence during the execution of the sentence and death or life imprisonment is not imposed.

[keywords: life imprisonment]

(...)

PART TWO

On petty offences

CHAPTER VII

General provisions regarding petty offences

Section 72 A petty offence is an act or omission which is harmful to society and which is

declared to be a petty offence by a law, a police order or an authority empowered to do so by an act, a decree of the Presidential Council which has a same power as an act or a decree of the Council of Ministers.

[keywords: petty offence]

Section 73 Unless otherwise provided in this act, the provisions of this act relating to offences shall also apply to petty offences.

[keywords: petty offence, applicable law]

Section 74 Petty offences committed abroad are punishable only if specifically provided for by law or decree.

[keywords: petty offence]

Section 75 The criminal responsibility of the perpetrator of the petty offence expires after one year.

[keywords: petty offence, expiration]

Section 76 par. 1 The penalties of the petty offence are as follows:

1. custodial arrest,
2. fine,
3. confiscation,
4. prohibition to exercise professional activity,
5. expulsion.

Par. 2 The custodial arrest is always principal penalty. The other penalties are ancillary penalties but may be applied as principal penalties in cases where the provision establishing the petty offence specifically provides for it.

[keywords: petty offence, penalties]

Section 77 par. 1 The longest period of the custodial arrest may be set by an act, decree which has the same force as an act, or the decree of the Council of Ministers at six months, by ministerial decree at one month, or by other provision at fifteen days.

Par. 2 The shortest term of the custodial arrest is one day.

[keywords: petty offence, custodial arrest]

Section 78 par. 1 The minimum fine is five forints.

Par. 2 The highest sum of the fine may be set by an act, decree which has the same force as an act, or the decree of the Council of Ministers at twenty thousand forints, by ministerial decree at five thousand forints, or by other provision at one thousand forints.

[keywords: petty offence, fine]

Section 79 par. 1 The fine, whether imposed as a principal or as an ancillary penalty, shall be converted into a custodial arrest if it is irrecoverable.

Par. 2 When converting a fine into custodial arrest, the amount of five forints to one hundred forints is replaced by one-one days.

Par. 3 The duration of custodial arrest in lieu of a fine may not exceed four months if the petty offence is defined by act or a decree which had the same force as an act, three months if by decree of the Council of Ministers, twenty days if by ministerial decree, ten days if by other provision.

[keywords: petty offence, conversion of fine to custodial arrest]

Section 80 The application of confiscation, unless expressly made mandatory by the provision establishing the petty offence, is at the discretion of the court.

[keywords: petty offence, confiscation]

Section 81 The rights of the convict, which he or she would lose if he or she were deprived of civil rights, are suspended during the execution of the custodial arrest.

[keywords: custodial arrest]

Section 82 par. 1 A prohibition to exercise professional activity may be imposed if it is specifically laid down by an act, a decree which has the same force as an act, decree of the Council of Ministers or ministerial decree.

Par. 2 A prohibition is only mandatory if it is expressly provided for by law in the case of the petty offence concerned.

Par. 3 The prohibition may last from one month to one year.

[keywords: petty offence, prohibition to exercise professional activity]

Section 83 par. 1 Expulsion may be ordered in cases in which it is specifically provided for by an act, a decree which has the same force as an act, a decree of the Council of Ministers or a ministerial decree.

Par. 2 A Hungarian citizen may be expelled from one or more specified municipalities (towns) or from a specified part of the territory of the country for a period of one month to one year.

[keywords: expulsion]

Section 84 The security custody shall be not applied in case of a petty offence.

[keywords: petty offence, security custody]

Section 85 In cases where this act allows for a mitigation of the penalty, a fine may be imposed instead of custodial arrest.

[keywords: petty offence, mitigation]

Section 86 The provisions on offsetting preventive detention shall also apply mutatis mutandis to custodial arrest.

[keywords: petty offence]

Section 87 In the case of a suspended sentence, the period of probation is one year.

[keywords: petty offence, suspension of sentence]

Section 88 In the event of a subsequent aggregation of custodial arrests replacing fines in the event of irrecoverability, the maximum duration of the custodial arrest that may be imposed as a merger of sentences:

- a) six months, if the petty offences or any of them are punishable by an act, a decree which has the same force as an act, or a decree of the Council of Ministers,
- b) two months, if the petty offences or any of them are regulated by a ministerial decree,
- c) one month if the petty offences are established by other provisions.

[keywords: petty offence, merger of sentences]

Closing provision

Section 89 The entry into force of this act is provided for by separate legislation.

[keywords: vacatio legis]