

**48/1931 Coll.
Act
of 11 March 1931
on juvenile criminal justice
Amended by: 68/1935 Coll.**

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

**Title One
on punishment of juveniles**

Minors

§ 1

(1) Persons who at the time of the commitment of the act did not reach the age of 14 (minors), are not liable pursuant to criminal law.

(2) If the minor commits an act otherwise being considered a crime, the guardianship court ((54)) shall adopt educational or therapeutic measures which it considers it necessary. Before passing a decision the court may ask for expert opinion, in particular from a pedagogical or medical point of view. The court may, in particular:

reprimand the minor, but not physically, or to leave his/her punishment to his/her family or school;

order that the minor be placed in another family or be placed in a medical or other appropriate institution;

order protective supervision or protective education ((11) and (12)), if this seems necessary to prevent the imminent deprivation or to remedy the minor.

(3) If a minor older than 12 years of age commits an act for which the law provides for the death penalty or life imprisonment, the guardianship court shall order his/her protective education in an educational institution or placement in a medical institution.

(4) In addition, the guardianship court may issue a reprimand to the persons responsible for caring for the minor.

(5) If the conditions established for the individual measures referred to in paragraphs (2) and (4) are met, the guardianship court may also order such a measure if it establishes, based on any initiative, that it is necessary for the benefit of the vulnerable minor.

[tags: criminal liability of juveniles, educational or therapeutic measures]

Juvenile

§ 2

(1) Persons who at the time of the commitment of the act reached the age of 14 but did not complete the 18th year of their age (juveniles) are, unless this law provides for derogations, punishable according to criminal law.

(2) However, a juvenile shall not be punishable, if he/she could not, due to considerable backwardness at the time of the act, recognize its lawlessness or direct his/her actions based on correct recognition.

[tags: criminal liability of juveniles]

Criminal offenses of juveniles

§ 3

(1) Criminal offense committed by juvenile is called wrongdoing.

(2) If the jurisdiction of the court or application of other legal provisions is based on differentiation of crime, offense, or misdemeanor, determination of the act pursuant to criminal law shall prevail.

[tags: wrongdoing]

Absolution decision

§ 4

(1) If the juvenile was absolved and if conditions exist for any of measures stipulated in (1(2)) and (1(4)), the guardianship court may, and if the condition stipulated in (1(3)) is met, shall take such measures. The same applies if the criminal proceedings was suspended or if the prosecution was abandoned, or if the court establishes based on any application that such measure is necessary for the benefit of the vulnerable juvenile.

(2) If such measures seems to be imminent, the criminal court itself, in particular the judge conducting the investigation, shall decide on such measures by interim decision, nonetheless the criminal proceedings against the juvenile proceeds.

[tags: absolution, educational or therapeutic measures]

Condemnation decision

§ 5

(1)

If the court finds the juvenile guilty, it can:
refrain from punishment,
put him/her on probation,
sentence him/her without suspension.

(2) In all these cases the court may order the protective supervision or protective education pursuant to provision of this Act ((11) and (12)).

(3) Out of options provided above the court shall choose, also based on further provisions, any option it considers most effective for the moral development of the juvenile. Court's decision shall consider nature of the act, circumstances under which it was committed, motive leading the juvenile to commit the act, furthermore, conditions in which he/she grew up and was brought up, his/her current way of life, his/her character and age, and degree of his/her mental maturity and moral depravity.

(4) In addition, the court may issue a reprimand by decision to the persons responsible for caring for the juvenile.

[tags: means of court's ruling]

Waiver of punishment

§ 6

(1) The court convicting the juvenile may waive the punishment:

in the case of an act of minor importance committed by the juvenile out of recklessness, or under the influence of another person, or seduced by opportunity, or in economic distress,

if he/she committed an act out of excusable ignorance of the law,

if the court should impose only a minor monetary penalty or short imprisonment.

(2) If the court waves the punishment, it can leave juvenile's punishment to his/her family or school, or issue a reprimand.

(3) Sentence stipulated in paragraphs (1) and (2) has effects of waiver of punishment; the court shall refrain from forfeiting the things only if important public or private considerations do not prevent it.

(4) Such sentence is not registered into criminal records.

[tags: waiver of punishment]

Probation

§ 7

For probation provisions of the Act on probation and conditional discharge of 17 October 1919, No. 562 Coll. of Acts and Regulations, with the following derogations:

1. A probation may be imposed even if the sentence has been imposed for more than one year, but not longer than three years.
2. A probation may be issued by a resolution subsequently, even if the enforcement of the sentence has already begun, if justifying circumstances are established, which did not exist or were not known to the court at the time of the decision.
3. Previous and repeated punishments are not an obstacle.
4. If protective education has not been ordered at the same time, the juvenile must be placed under protective supervision; this measure may be waived if the act is of minor importance and if proper supervision is otherwise provided.
5. If there is, nonetheless of the juvenile's misbehavior ((6(2-4)) of the Act No. 562/1919 Coll. of Acts and Regulations), a reasonable hope of juvenile's improvement in view of the exceptional circumstances, in particular that his/her proper education is provided, the court may rule that conditional suspension of the execution of sentence remains in force; in doing so, it may extend the probationary period, but not by more than 2 years, and may also order protective supervision or protective education, if it has not yet happened.

[tags: probation]

Penalty of imprisonment

§ 8

- (1) Instead of the death penalty or the sentence at large established by criminal law, a juvenile shall be sentenced to imprisonment without any restriction.
- (2) If the application of certain legal provisions depends on the type of punishment at large, type of punishment established by criminal law for such act shall prevail.
- (3) The upper and lower limits of the rate of temporary sentences at large, established by criminal law, are halved; however, the upper limit of the reduced rate may not exceed 5 years and the lower may not exceed 1 year.
- (4) If the criminal law provides for the death penalty or life imprisonment for the crime, imprisonment shall be imposed from one to 10 years and, if the culprit was more than 16 years old at the time of the act, from 2 to 15 years. Reducing the penalty below the lower limits is inadmissible.

[tags: imprisonment, the death penalty, life imprisonment]

Monetary penalty

§ 9

- (1) The upper limits of monetary penalties established by criminal law are halved; the lower limit does not apply.
- (2) A maximum period of 1 year from the legal force of the judgment may be allowed for the payment of the monetary penalty. It is also possible to allow its payment in installments so that it is paid-up within the same period.
- (3) It is not possible to impose an alternative sentence at large if the monetary penalty is unenforceable.
- (4) If the fine proves unenforceable, the court shall order by resolution any of measures referred to in (6(2)), or order that the juvenile shall be guarded and adequately employed continuously for 3 to 6 hours between 9 and 15 o'clock in a suitable room, but not in prison.

[tags: monetary penalty, a fine]

Subsidiary sentences and consequences of convictions

§ 10

- (1) The consequences of a conviction stipulated by criminal or other laws do not occur in the case of a conviction for an act committed in juvenile age. At the same time, police supervision, delivery to a forced labor colony or a forced labor facilities, the loss of office, and the loss of civil rights cannot be imposed. Publication of a judgment admissible under criminal law may be ordered only if it is intended to satisfy a private person.
- (2) The court may impose a deportation or expulsion from the whole Republic only against a foreigner, if it is permissible under criminal law; at the same time, the court should also take into account the family circumstances of the convicted person and ensure that this measure does not put a juvenile at risk of deprivation.

[tags: inadmissible court's rulings]

Protective supervision

§ 11

- (1) If the court establishes that the benefit of a juvenile requires a supervision over his/her due education in his/her own family or in family where he/she lives, it shall

order protective supervision for a juvenile. In doing so, it may impose lifestyle restrictions on a juvenile.

(2) Political, national, social, or religious beliefs of the juvenile, his/her family or the family in which he/she lives, or the manner in which the juvenile is brought up in this respect, cannot be a reason for ordering protective supervision.

(3) Protective supervision will last as long as its purpose requires, but no longer than up to the completion of the 21st year of age. If the protective supervision proves insufficient, it can be changed to protective education.

(4) The provisions of the Act on Protective Education apply to the enforcement of protective supervision, unless the Act on Juvenile Criminal Justice stipulates otherwise.

[tags: protective supervision]

Protective education

§ 12

(1) If the lack of proper education cannot be remedied in the juvenile's own family or in the family where he/she lives, the court shall order the juvenile's protective education. Provisions of (11(2)) apply to protective education as well.

(2) Protective education is provided in a family that is qualified and willing to do so, or in education institution and shall last as long as required by its purpose, but no later than up to completion of twenty-first year of age.

(3) If it is not possible to enforce protective education immediately, the court shall establish protective supervision for the time being.

(4) The protective education can be changed at any time into protective supervision and vice versa, or family education into institutional education and vice versa.

(5) The provisions of the Act on Protective Education apply to the enforcement of protective education, unless the Act on Juvenile Criminal Justice stipulates otherwise.

[tags: protective education]

Execution of penalty of imprisonment

§ 13

(1) The penalty of imprisonment up to 6 months is to be served in judicial prisons designated by the Minister of Justice. If such a punishment is to be followed by protective education in education institution or if such punishment is to be enforced against the person who has been placed in education institution, the sentence shall,

as far as possible, be served in education institution. The Minister of Justice may allow the sentence of imprisonment up to 6 months to be served in an education institution.

(2) The Minister of Justice shall designate the prisons of regional courts in which juveniles whose sentence exceeds 6 weeks are to be concentrated in separate departments, even if they have been convicted by other courts.

(3) The penalty of imprisonment for more than 6 months is served in a reformatory. The prisoners are divided into 3 disciplinary classes. The promotion to a higher class can be adjusted according to the evaluation system. The Minister of Justice may also designate a separate department of a penitentiary as a reformatory.

(4) The Minister of Justice may order that imprisonment for more than 3 months shall also be served in a reformatory, if it is possible and expedient with regard to circumstances.

(5) If, according to the preceding provisions, the place of service of a sentence depends on its length, the length of the sentence to be actually served after deduction of the custody included in the sentence shall be decisive.

(6) Provisions referred to in (15) to (18), (20(2)) to (20(5)), (21) to (23), and (59) for reformatories apply accordingly also for separate department of a judicial prison stipulated in paragraph (2).

[tags: imprisonment]

§ 14

(1) When serving the sentence of imprisonment, care shall be taken to ensure that prisoners are employed in a useful manner, taking into account their future occupations, and care for their physical and mental education shall be taken.

(2) If the sentence of imprisonment is served in a separate department of a penitentiary designated as a reformatory or in a separate department of a judicial prison, it shall be impossible for juveniles to have contact with convicts and investigated persons who are not placed in this department. In other judicial prisons, care should also be taken to prevent juveniles serving a sentence of imprisonment from having contact with prisoners and investigated persons over the age of 18.

(3) If the benefit of the prisoner himself/herself or fellow prisoners so requires, the sentence of imprisonment may be served, in exceptional cases, in part or completely in solitary confinement, with the consent of the institutional doctor.

[tags: imprisonment]

Reformatory officials and staff

§ 15

- (1) Only those who are particularly suitable for this office in terms of their qualities, nature, and professional education shall be appointed as officials and other employees in reformatories.
- (2) Professional training of officials and other staff members should be provided by purposefully provided courses.
- (3) The staff of the institute should include an experienced pedagogue and a doctor, preferably with a psychiatric education.

[tags: reformatory officials]

Supervision of the execution of a sentence

§ 16

- (1) The commissioner supervises the execution of the sentence of imprisonment in education institute, and the commissioner and the supervisory board supervise the execution of the sentence of imprisonment in the reformatory.
- (2) The supervisory board consists of the commissioner as its chairman, a member of the public prosecutor's office and two assessors.
- (3) The commissioner and the other members of the supervisory board, as well as their alternates, are appointed by the Minister of Justice for a term of 4 years after having heard relevant central juvenile care organizations in the matter of appointment of assessors.
- (4) Only a judge can be appointed commissioner.
- (5) Each member shall, before taking up his/her office, be sworn in hands of the president of the regional court in whose district the reformatory is located, taking oath of the following wording: "I swear that I will follow only the law in my decision-making, that I will vote to the best of my knowledge and conscience, and that I will maintain strict confidentiality about the content of the supervisory board's meetings."
- (6) Otherwise, the provisions of (33) and (34) on jurors of the juvenile senate also apply to assessors of the supervisory board. Decisions reserved to advisory chamber (indictment senate), pertain to the advisory chamber (indictment senate) of the regional court in whose district the reformatory is located.

[tags: imprisonment, supervision of execution of a sentence, a commissioner, a supervisory board]

§ 17

(1) The task of the supervisory board is, amongst other acts imposed on it by this Act, to assist by providing advices for administration and improvement of institute and to draw the attention of the Ministry of Justice to experience gained.

(2) The supervisory board resolves by an absolute majority of votes of all its members. Assessors are the first to cast their votes, younger before older, and then a member of the public prosecutor's office. The chairman is the last one to cast his/her vote. Otherwise, the provisions of the Criminal Procedure Code on the voting of the court shall apply accordingly to the voting of the supervisory board.

(3) The Supervisory Board may invite an official and any other employee of the reformatory or institutional doctor to attend its meeting in an advisory capacity.

[tags: a supervisory board]

Disciplinary penalties

§ 18

(1) If a prisoner serving a sentence of imprisonment violates discipline and if neither a reprimand nor a warning in front of fellow prisoners is sufficient, he/she may be deprived of permitted benefits for a maximum of 14 days, sentenced to solitary confinement for a maximum of 3 days, and got imprisonment intensified by 1 day fasting and hard bed.

(2) If the official of the reformatory considers that stricter punishment is necessary to reform the prisoner or to ensure discipline, or if the prisoner commits a crime, the official shall submit the matter to the supervisory board, which may deprive the prisoner of permitted benefits for a maximum of 1 month, sentence him/her to solitary confinement for a maximum of 14 days, and, depending on circumstances, intensify the solitary confinement with fasting for maximum 2 days and with a hard bed for maximum of 2 days, always on separate days. If the official punished the prisoner himself/herself in accordance with provisions of paragraph (1), the supervisory board may increase the sentence within the specified limits. The supervisory board may also rule that the time spent in solitary confinement is not fully or partially credited to the sentence.

(3) If the offender has been punished pursuant to paragraph (2), he/she may not be prosecuted for the same act, unless it's an act which is otherwise a crime or offense not belonging to the jurisdiction of district courts. If a conviction for such an act occurs, the time spent in solitary confinement shall be credited to the sentence served by the convict, unless it has already been credited to the sentence of imprisonment.

(4) Punishment by solitary confinement and intensification may only be ruled with consent of institutional doctor.

(5) If the solitary confinement has been imposed on the prisoner, he/she cannot be released before having served this disciplinary penalty.

[tags: disciplinary means]

Conditional discharge

§ 19

Conditional discharge from the sentence of imprisonment shall be governed by provisions of the Act No. 562/1919 Coll. of Acts and Regulations with the following derogations:

1. Decision on conditional discharge as well as on the appeal against it pertains to the supervisory board.
2. Conditional discharge is only admissible in the case of punishments exceeding 6 months after crediting time spent in custody.
3. A prisoner may only be conditionally discharged from the highest disciplinary class if he/she has served at least a quarter of his/her sentence continuously in the same class and if he/she has served at least half of his/her sentence, at least however 6 months.
4. The probationary period is equal to the rest of the sentence, but may not be less than a year.
5. If protective education is not established, the juvenile must be placed under protective supervision.
6. In the discharged person did not complete 18th year of age at the time of misbehavior ((14) of the Act No. 562/19 Coll. of Acts and Regulations), the supervisory board may, taking into consideration exceptional circumstances of the case, rule that conditional discharge shall remain valid; at the same time it can extend the probationary period at its own discretion, however not by more than 2 years.
7. Repeated conditional discharge from the same punishment is not excluded; conditions stipulated under Nos. (2) and (3) shall be considered according to the rest of the punishment to be served.
8. If an application for conditional discharge has been rejected, it may not be resubmitted earlier than 6 months after it has been validly rejected, unless the supervisory board establishes a shorter time period in its negative decision.

[tags: conditional discharge, probation, protective education]

Serving imprisonment of persons over the age of eighteen

§ 20

(1) In the reformatory, the sentence of imprisonment can only be served until the convict is 21 years old. The supervisory board may consent to service after the 21st year only if a short remainder of the sentence is to be served and if there is no fear of harmful influence on fellow prisoners.

(2) If a prisoner in a reformatory acts so badly, that his/her influence on fellow prisoners would jeopardize their moral development, the supervisory board may decide that the sentence of imprisonment should no longer be served by him/her in such institution. This provision also applies to prisoners who did not complete their 18th year of age.

(3) If, according to previous provisions, the remainder of the sentence of imprisonment is to be served elsewhere than in a reformatory, the Minister of Justice shall determine in which criminal institution this shall happen.

(4) The Minister of Justice shall also decide whether the sentence of imprisonment shall be served in a reformatory or in another institution, if the convict did not commence serving the sentence before completing his/her 19th year of age.

(5) If, in the cases referred to in paragraphs (3) and (4), the sentence is to be served elsewhere than in a reformatory, the execution of the sentence shall be governed by regulations applicable to the institution in which the sentence is to be served, and if the penalty of imprisonment is to be served there, by provisions for the execution of sentence of heavy prison. Decision on conditional discharge in these cases pertains to the committee for conditional discharge from the sentence pursuant to provisions of the Act No. 562/1919 Coll. of Acts and Regulations.

[tags: imprisonment]

Perverved prisoners

§ 21

(1) Prisoners who, due to mental or physical defects, cannot be subjected to the discipline established in the reformatory, shall, if necessary, be separated from others and the execution of their sentence shall be adapted to their condition.

(2) If such a prisoner has served at least 6 months of his/her sentence and if the supervisory board acknowledges, previously requesting a pedagogical and medical opinion, that no further educational results can be expected due to prisoner's defects, but that he/she is not dangerous to those around him/her, such prisoner may be conditionally released, regardless that other conditions prescribed for conditional discharge are not met.

(3) If, in the case referred to in paragraph (2), the period of sentence served does not reach at least half of it, a unanimous resolution of the supervisory board is required for conditional discharge.

(4) Conditional discharge should also be revoked if the discharged person proves to be dangerous to those around him/her during probationary period.

[tags: imprisonment, perverted prisoners, conditional discharge, probation]

Care for discharged

§ 22

(1) Before discharge of each prisoner, the official of the reformatory shall take appropriate steps in time to ensure that the released person is properly placed at large, in agreement with the supervisory board or its designated member and after hearing the prisoner's legal representative. In doing so, he/she should use, if possible, the help of an association or facility for the juvenile protective care.

(2) If it is not possible to take such or other suitable measures in time and there is serious danger that without such measure the prisoner would go astray again, the official of the reformatory may, in agreement with the supervisory board or its designated member, keep such person in the institution for a very short period, for a maximum of 14 days, if it is likely that chances of taking action will improve by that time.

[tags: discharge of a prisoner]

Additional decisions on protective measures

§ 23

(1) Prior to discharge of each prisoner from the reformatory, the supervisory board shall decide, according to the result of the sentence, whether the prisoner is to be placed under protective supervision or in protective education after release ((11) and (12)).

(2) Before taking decision, the prisoner and his/her legal representative shall be heard. If it would not be possible to hear the legal representative in time, defense lawyer is to be nominated and heard in the matter ((44(3))). This shall also apply if the supervisory board finds it appropriate for the successful defense of the prisoner.

[tags: discharge of a prisoner, protective supervision, protective education]

§ 24

(1) If protective education has not been served within 6 months of being lawfully ordered, it shall be decided again in accordance with the provisions of paragraphs (2) to (6) whether it should be served.

(2) The execution of protective education should be conditionally suspended, if it is not needed, taking into account all the circumstances of the case, especially the length of the sentence served and the conduct of the convicted person. If this happens, a probationary period of not less than 1 year and not more than 3 years should be established and protective supervision ordered.

(3) The execution of protective education shall be waived, if it is not possible to expect, with regard to age of the culprit and his/her other circumstances, that such execution until the 21st year of culprit's age will bring any result.

(4) Decisions referred to in paragraphs (1) to (3) pertain to the court which ordered the protective education; however, if the culprit has served his/her sentence in a reformatory, the decision pertains to the supervisory board. Accordingly, the decision on whether the culprit whose protective education has been suspended has proved successful pertains to the court or to the supervisory board.

(5) The court which ordered the protective education may, in the case referred to in paragraph (2), also waive the execution of protective education at all; however, if the culprit was serving a sentence in a reformatory, the supervisory board should be heard first.

(6) If the court is to make the decision referred to in paragraphs (1) to (5), it shall hear the convicted person, his/her legal representative, the public prosecutor, the defense lawyer, and the representative of the ancillary facility ((45)). If the decision pertains to the supervisory board, the provisions of (23(2)) shall also apply.

[tags: protective education, protective supervision]

**How to judge the culprit after the completion of the 18th year
for an act committed earlier**

§ 25

(1) If the culprit has completed the 18th year of age before or during the criminal proceedings, the provisions of this Title shall apply with the derogations referred to in paragraphs (2) to (5).

(2) Protective education shall be ordered by the court only if it is possible to assume with regard to culprit's age and the other circumstances, that the execution of protective education until the completed 21st year will bring positive results. If the court does not order protective education and if there are legal conditions for a sentence of detention in a forced labor colony or in forced labor facility, the court may declare such sentence.

(3) The sentence of imprisonment shall be imposed by the court only in the case of morally uncorrupted person and if it is possible to serve the sentence imposed, or at least a significant part of it, by the age of 21. Otherwise, the court shall impose a penalty under criminal law; however, its length shall be governed by the provisions of (8).

(4) The provisions of (6(1)) and (6(2)), and (9(3)) and (9(4)), may be used only if the culprit has not yet reached the age of 19 at the time of the judgment.

(5) The court convicting the culprit for an act committed before the age of 18 and, at the same time, for a crime committed later, shall apply provisions of this Title also for the crime stipulated later, if such act falls within the jurisdiction of the district court and if such act is to be punished merely by monetary sentence or punishment at large, not exceeding the punishment prescribed by law for an act committed before the completion of the eighteenth year ((8)). Otherwise, the provisions of criminal law apply both to a crime committed before the age of 18 and to a crime committed later; however, the reason excluding punishability pursuant to (2(2)), and the limits of the penal rate pursuant to (8) and (9) shall apply to an act committed before the completion of the 18th year in this case as well.

[tags: completing the 18th year of age by a culprit before or during criminal proceedings, imprisonment, protective education]

Limitation of criminal proceedings

§ 26

Unless the period required for the limitation of criminal proceedings is shorter under criminal law, 5 years limitation period applies for crimes committed by juveniles, and in the case of crime punishable by death or life imprisonment pursuant to criminal law, the limitation period is 10 years.

[tags: limitation period]

Limitation of execution of sentence

§ 27

(1) Limitation excludes execution of sentence:

1. if the sentence of imprisonment imposed is longer than 5 years, after 10 years;
2. if the sentence of imprisonment imposed is 5 years or less or in the case of other punishment, after 5 years, and if such a sentence has been imposed for an act which is a misdemeanor pursuant to criminal law, after 2 years.

(2) The monetary penalty imposed in addition to the imprisonment has the same limitation period as the main punishment.

(3) The limitation period shall begin on the day on which the judgment becomes final.

(4) The following shall not be included in the period referred to in paragraph (1):

1. the period for which the execution of the sentence was suspended, if the culprit was convicted conditionally, until the decision, by which the execution of the sentence was ordered, becomes final;

2. the period for which the repayment of monetary sentence was allowed in installments, if such consent was not validly withdrawn;

3. the period during which the sentence cannot be executed for some legal reason, or because the convict is staying abroad, as well as the period during which another sentence at large or protective education in the constitution is served.

(5) The limitation period shall be interrupted by any measure of the court or competent authority regarding the execution of the sentence and directed against the convict, in particular by the fact that the convict was arrested or taken into custody for this purpose. The new limitation period shall begin on the day of such a measure and, if the convict has been arrested or taken into custody, on the day on which the imprisonment or custody was suspended. If the convicted person has been discharged conditionally, the new limitation period shall not begin until the decision revoking the discharge has become final.

[tags: limitation period]

Title Two

On criminal proceedings against juveniles

General provision

§ 28

(1) Criminal proceedings for crimes committed by juveniles are governed by the provisions of the Criminal Procedure Code, unless this Act provides for derogations.

(2) If a crime committed later converges with a crime committed before completing the 18th year of age, these derogations shall apply only if the crime committed later is a misdemeanor or an offense belonging to the jurisdiction of a district court.

(3) If the criminal proceedings was not commenced before the completion of the 19th year of age, the provisions of the Criminal Procedure Code shall apply.

[tags: criminal proceedings]

Jurisdiction

§ 29

(1) Jurisdiction of the jury court and the court with lay assessors is generally excluded ((41)); they are replaced by the juvenile senate ((30)).

(2) The right to hold the criminal proceedings pertains to the court in whose district the accused had his/her permanent residence at the time of an act and, if he/she does not have a permanent residence in the territory of the Republic at the time of the act, the court in whose district he/she stays. If the right to hold the criminal proceedings pursuant this provision pertains to several courts with the same field of activity, jurisdiction pertains to the court which made the first measure in the matter.

(3) If the benefit of a juvenile or a more efficient conduct of criminal proceedings so require, the court having jurisdiction in accordance with paragraph (2), may refer the matter to the court in whose district the competent guardianship court is located or to the court in whose district the legal representative of the accused resides, or to the court pursuant to the place of the act committed. Decision on assignment shall always be passed by the juvenile senate ((30)) and, if an urgent decision is required, by the advisory chamber (indictment senate).

(4) The court to which the case has been referred in accordance with the provisions of paragraph (3) shall thereby have territorial jurisdiction.

[tags: jurisdiction]

Juvenile senate, juvenile judge, and juvenile prosecutor

§ 30

(1) In criminal proceedings for crimes committed by juveniles, the juvenile senate of the regional court decides.

(2) The juvenile senate shall also decide on matters otherwise pertaining to the senate of appeal and, if an urgent decision is not required, also on matters otherwise pertaining to the advisory chamber (indictment senate).

(3) The juvenile senate is composed of 2 professional judges (juvenile judges), one of whom is the chairman and the other one is the associate judge. In cases which would otherwise fall within the jurisdiction of the jury court, the main trial takes place before the juvenile senate composed of 2 juvenile judges and 2 associate judges.

(4) Associate judges vote before professional judges, younger first. The associate judge cannot be a rapporteur.

(5) The same provisions apply to the exclusion and rejection of associate judges as to the exclusion and rejection of judges in criminal matters.

(6) The preparatory proceedings are held by a juvenile judge; he/she also provides legal assistance in criminal matters against juveniles. A juvenile judge shall only be

excluded from participating in the main trial if the accused opposed his/her participation after the commencement of the main trial at the latest.

[tags: juvenile senate, juvenile judge, jury court, regional court]

§ 31

(1) The chairman and members of the juvenile senate, as well as their alternates, shall be appointed by the Minister of Justice, taking into account, as regards the associate judges, the proposals of the relevant central juvenile care organizations. The associate judges are appointed for a period of 4 years; after this period they may be re-appointed. Juvenile judges should not be changed without urgent need.

(2) The Chief Prosecutor also appoints a special public prosecutor for crimes committed by juveniles (juvenile prosecutors) in accordance with the provisions of (33(1)).

[tags: juvenile senate, juvenile judge, appointment of a judge, juvenile prosecutor]

Juvenile judge at district court

§ 32

(1) At district courts, where several judges work, criminal proceedings for crimes committed by juveniles pertain to one of them appointed as juvenile judge.

(2) Juvenile judges at the district court in the seat of the regional court also have jurisdiction to conduct criminal proceedings for such crimes of juveniles, which belong to the exclusive jurisdiction of this district court.

(3) Juvenile judge should not be changed without urgent need. If the district court also exercises jurisdiction in guardianship matters, the tasks of a juvenile judge and a guardian judge are usually to be combined in one person.

(4) In criminal matters of juveniles, the district court issues decisions and takes measures as a juvenile court.

[tags: juvenile judge, district court]

Juvenile judges and associate judges

§ 33

(1) Those who, by their characteristics and by nature, are especially suitable for this office shall be nominated juvenile judges. Their nominations should also take their

professional education, especially pedagogical education, and of their activities to date into account.

(2) The provisions of paragraph (1) also apply to associate judges who must, in addition, be qualified to serve as juror and shall be familiar with juvenile social care issues. Persons who should not be nominated into juror office should not be appointed as associate judges; this does not apply to secondary school professors and teachers.

(3) It is a civic duty to accept and hold the office of associate judge. Persons who are entitled to refuse the office of juror may also refuse the office of associate judge. Secondary school professors and teachers cannot refuse the office of associate judge because of their profession.

(4) If it subsequently established that a person ineligible for the office by the law or such a person that should have not been nominated for such office was nominated associate judge, or if such circumstances occur later that make such associate judge ineligible for his/her office, or for which he/she should have not been nominated into such office, he/she shall be released from the office by the Minister of Justice. This also applies if the office of associate judge is refused or waived by the associate judge for reasons for which such office may be rejected or for other reasons deemed serious by the Minister of Justice.

[tags: juvenile judge, appointment of a judge]

§ 34

(1) Each associate judge shall, before taking up his/her office, be sworn in hands of the president of the regional court taking oath of the following wording: "I swear that I will follow only the law in my decision-making, that I will vote to the best of my knowledge and conscience, and that I will maintain strict confidentiality about the content of the court's closed meetings, negotiations, and voting."

(2) If associate judge does not appear at a court hearing, does not apologize sufficiently, or if he/she breaks confidentiality, he/she may be punished by the advisory chamber (indictment senate), without prejudice to further criminal prosecution, with a fine of up to 5,000 crowns or imprisonment up to 8 days. The convicted person may file a complaint against this resolution within 8 days, which shall be decided by the High Court, if the advisory chamber (indictment senate) does not waive the sentence itself.

(3) If associate judge grossly violates his/her duties, the Minister of Justice may relieve him/her of his office.

(4) Alternate associate judges will be established by government decree.

[tags: juvenile judge, an oath of a judge, disciplinary liability of a judge]

Concentration of juvenile justice

§ 35

(1) A government decree may decide that a district court exercises jurisdiction in juvenile criminal matters also for the districts of one or more neighboring district courts subordinated to the same regional court.

(2) At each regional court and district court special departments for the juvenile criminal affairs of these courts shall be established at their seats, which shall have a common designation: juvenile court. A juvenile judge at the district court in the seat of the regional court may, if not excluded, shall be a member of the juvenile senate at the regional court and may be entrusted with the task of conducting a search.

(3) The 2 departments referred to in paragraph (2) shall be located in the same building and, as far as possible, locally separated from the other departments of their courts so that juveniles do not come into contact with elderly offenders.

[tags: jurisdiction, regional court, district court, juvenile judge, juvenile department]

Delegation of powers of guardianship court

§ 36

Pursuant to the provisions on proceedings in guardianship and custody matters, the powers may be delegated to the district courts referred to in (35(1)) and (35(2)) and these shall, based on the same provisions, exercise care for:

1. a minor person who has been convicted of a wrongdoing ((3) and (5)), unless it regards to case insignificant for his/her moral development;
 2. his/her minor sibling, who is in danger of moral destruction or deprivation;
- as well as the supervision of such persons.

[tags: guardianship, custody, district court]

Submission of reports

§ 37

(1) The guardianship court shall be informed of commencement and outcome of criminal proceedings against a juvenile, decisions on protective measures ((4(2)), (23), (24), and (49)), imprisonment and release of a juvenile, and of measures referred to in (5(4)).

(2) If the guardianship court established, based on reports delivered to it or otherwise, that there is another criminal proceedings held against the same juvenile by another court, it shall inform all affected courts respectively.

(3) Also father or mother, or legal representative of the accused shall be informed of measures and decisions stipulated in paragraph (1), namely also in the case when there is no appeal admissible against such measures or decisions.

(4) If the court deems it appropriate, it may also inform the administration of the school of which the juvenile is pupil of the outcome of the criminal proceedings, stating that the report is confidential; the same applies to the person who looked after the juvenile, even if he/she is not a person referred to in paragraph (3).

(5) If a minor or juvenile is released from custody or prison, he/she shall be either handed over to his/her legal representative, or to a person who has looked after or is willing to look after him/her, or to an ancillary judicial juvenile care facility ((45)). Such facility shall be notified in adequate advance before release, even if the released person is to be handed over to someone else than to such facility.

[tags: guardianship court]

Establishment of conditions of a juvenile

§ 38

(1) In criminal proceedings, all personal, family, and property relations of the juvenile, as well as all other circumstances important for the assessment of what measure the court should take are to be established in time ((5(3))). In particular, the court should ask for a report from the guardianship court on such facts, as well as on whether the court is aware of cases in which the punishment or prosecution of a juvenile was waived.

(2) The court may hear as fact-finding persons as well as witnesses persons whom it considers desirable to ascertain the circumstances of the juvenile. Persons who, for their relationship with the accused, are entitled to refuse to testify may not do so if it such testimony merely regards establishment of personal, family, and property circumstances of the juvenile.

[tags: conditions of a juvenile]

Medical examination

§ 39

If there is a reasonable doubt as to the full mental or physical health of a juvenile or as to his/her normal development, the court shall have him/her examined by one or 2 doctors, as necessary and possible, by juvenile mental illness experts.

[tags: medical examination of a juvenile]

Custody

§ 40

(1) Even if there is a legal reason for custody, it can be imposed only when it is absolutely necessary and its purpose cannot be achieved otherwise, in particular by any measure referred to in (1(2)).

(2) In custody, a juvenile shall be kept separate from investigated persons and prisoners older than 18 years of age, however by all means separate from persons who may have negative effect on him/her, unless granting such exemption is not advisable based on his/her physical or mental condition. Care shall be taken of his/her continuous and purposeful employment.

(3) Custody may also be served in an educational or similar public or private institution; authorization shall be granted by the Minister of Justice.

(4) These provisions also apply to temporary arrest (detention).

(5) Bringing juveniles in and their transportation shall be made in an inconspicuous way, if possible.

[tags: custody, temporary arrest, pre-trial detention]

Co-accused older than 18 years

§ 41

(1) If a person over the age of 18 is also charged with the act, the criminal proceedings against the juvenile should be excluded and conducted separately. However, if the court having jurisdiction pursuant to provisions of the Criminal Procedure Code considers that there are compelling reasons for conducting joint proceedings, it shall submit the case to its superior court for a decision, together with a statement of the juvenile court or, in the case of a regional court, the statement of the juvenile senate.

(2) If there are compelling reasons for conducting joint proceedings, the superior court may order such a joint proceedings, depending on the circumstances of the case,

either in the court having jurisdiction over the person over 18 years of age, or if it is not a matter falling under jurisdiction of jury court, in the court competent for criminal offenses committed by juveniles. Such decision pertains to the regional court of the juvenile senate.

(3) If the joint proceedings is held in the court having jurisdiction over the person over 18 years of age, the provisions of the Criminal Procedure Code shall also apply to the juvenile with derogations established in (37) to (40), (42), (44) to (46), (47(2)) to (47(5)), (49) to (53). However, the right to order enforcement of the judgment and to take all other decisions and measures after the delivery of the first instance judgment pertains, with regard to the convicted juvenile, to the juvenile senate and its chairman and in the case of a district court to the juvenile judge.

[tags: co-accused non-juvenile, joint criminal proceedings]

Waiver of prosecution

§ 42

(1) The public prosecutor may waive the prosecution, if the act is of negligible importance, and the conviction or even the holding criminal proceedings itself does not seem useful.

(2) If this happens, the damaged person has no right to take over the prosecution.

(3) Provisions of (37(1)) to (37(3)) also apply for this case.

[tags: waiver of prosecution]

Simplification of proceedings

§ 43

(1) The proceedings against a juvenile does not include investigation. On the other hand, except of cases of negligible importance, the judge shall hold search. Security authorities and bodies may only take interim measures without the consent of the court.

(2) Instead of the indictment, the plaintiff's motion is sufficient, in which he/she must state by which act and which legal provisions were breached by the juvenile. Indictment proceedings shall not be held.

[tags: simplified criminal proceedings, investigation]

Defense

§ 44

(1) Except of the cases specified in the Criminal Procedure Code, the accused should always have a defense lawyer during the main trial and during the oral hearing on the remedies. If the juvenile senate (juvenile judge) finds it useful for successful defense, it may order the nomination of the defense lawyer within the preparatory proceedings already; this should always apply if the accused is in custody.

(2) If the accused has no defense lawyer in the cases referred to in paragraph (1), it shall be nominated by the court.

(3) If the proceedings regard act pertaining to jurisdiction of collegiate court, the defense lawyer must be a person qualified to hold defense in regional courts to avoid nullity. In other cases, the defense lawyer may also be a legal representative or, if it is for the benefit of a juvenile, a person who looks after him/her, or a member of his/her family, or a representative of an ancillary judicial juvenile care facility ((45)). However, a person who has participated in a crime cannot be a defense lawyer.

(4) Persons who are to be heard only about the circumstances of the juvenile are not excluded from the defense.

[tags: defense, defense lawyer, appointment of a lawyer]

Cooperation of ancillary judicial juvenile care facilities

§ 45

(1) If there is a district juvenile care or other ancillary judicial juvenile care facilities in the district of the court, especially if a juvenile care office has been established for this purpose ((58)), the court shall use its assistance especially when establishing the circumstances of a juvenile ((38)), or when appointing a defense lawyer ((44(2))).

(2) This facility shall be informed of the commencement and outcome of criminal proceedings against a juvenile ((37)) and it shall be provided with the necessary reports on the juvenile and, if this is not to the detriment of the criminal proceedings, also on his/her crime.

[tags: district juvenile care, ancillary juvenile care facility]

Preparation of the main trial

§ 46

- (1) It is not possible to issue a criminal order against a juvenile.
- (2) The time limit established by the Criminal Procedure Code for the preparation of the accused for the main trial cannot be shortened under penalty of nullity, even with the consent of the accused, except of cases when he/she is in custody.
- (3) The legal representative as well as the ancillary judicial juvenile care facility active by the court shall be informed of the time of the main trial.
- (4) The court may order to the legal representative or to the person looking after the juvenile to appear in the main trial, nonetheless they are not defense lawyers or witnesses. If it is considered useful, the court may also summon the person, who established the circumstances of the juvenile. Consequences of non-appearance of these persons in the court shall be governed by the provisions of the Criminal Procedure Code on consequences of non-appearance of the witness; their hearing shall be governed by the provision of (38(2)).

[tags: criminal order, preparation for a main trial, legal representative of a juvenile]

Main trial

§ 47

- (1) During the main trial with the juvenile, care should be taken that he/she does not come into contact with offenders older than 18 years. This also applies for other administrative meetings with juveniles.
- (2) If the juvenile was not heard during the main trial, the judgment cannot be announced under penalty of nullity.
- (3) Under penalty of nullity, the main trial cannot be held by the juvenile senate in absence of the juvenile's defense lawyer.
- (4) The legal representative and the representative of ancillary judicial juvenile care facilities have always right to be present in the main trial and speak in it.
- (5) The court may order the juvenile to leave the courtroom during certain parts of the main trial, in particular during the defense lawyer's speech and during interrogations of fact-finding persons, witnesses, and experts about the person of the juvenile, if there is a fear that this part of the trial may adversely affect him/her. The accused shall be informed of new facts established during this phase justifying suspicion against the accused, before the end of the accompanying proceedings so that he/she can comment on them.

[tags: main trial, hearing of a juvenile, defense lawyer, legal representative of a juvenile, judicial juvenile care facility]

Exclusion of the public

§ 48

(1) The court shall, with the consent of a defense lawyer or legal representative, exclude the public from the main trial when it is for the benefit of the accused. Provisions of the Criminal Procedure Code based on which the public may be excluded for other reasons shall remain thereby untouched.

(2) The court may only grant access to non-public main trial to a non-participating person if it is for the benefit of the juvenile, or in the public interest. Parents, foster parents, guardian, custodian, and officials of juvenile care institutions, as well as professional defense lawyers, cannot be denied access.

(3) This provision also applies to the oral hearing on remedy.

[tags: exclusion of the public]

Decision on protective measures

§ 49

(1) The court shall decide on protective supervision ((11)) and protective education ((12)) by a resolution which, if possible, shall be attached to the judgment immediately. Before taking a decision, the court shall hear, if this has not already been done at the main trial or earlier, the accused, his/her legal representative, the public prosecutor, his/her defense lawyer, and the representative of the ancillary facility ((45)).

(2) This decision pertains to the first instance court, nonetheless the conviction only occurred at higher instance.

(3) A resolution ordering protective supervision or protective education shall cease to be valid if the charges against the convicted juvenile were finally dismissed based on a remedy, or if the criminal proceedings were stopped. However, if the execution of such a protective measure has already begun, it shall only be revoked when the guardianship court finally decides that such a measure is not necessary ((4(1))).

[tags: protective supervision, protective education]

Right to appeal

§ 50

(1) According to the provisions applicable to the accused, appeals may also be filed in his/her favor by his/her spouse, parents, legal representative, defense lawyer,

ancillary facility referred to in (45), and the public prosecutor; however, such an appeal may only be filed by his/her father, mother, legal representative, defense lawyer, and ancillary facilities referred to in (45) against the will of the accused.

(2) Decisions and measures against which the persons referred to in paragraph (1) may file an appeal, shall be served to them; however, if they were present at announcement of such decisions and measures, this shall only be done based on their request.

(3) The time limit for filing an appeal shall be assessed separately for the public prosecutor, the legal representative, and the defense lawyer, and for the other persons referred to in paragraph (1) according to the time limit applicable to the accused.

[tags: an appeal, persons entitled to file an appeal]

Complaint

§ 51

(1) Apart of the decision and measures, it is also possible to file a complaint, pursuant to the Criminal Procedure Code, against:

1. the decision of the court and the supervisory board on protective measures ((23), (24), and (49));
2. the court's decision pursuant to (9(4));
3. the decision of the supervisory board on conditional discharge and its dismissal ((19) and (21)), except of the decision for which the unanimous decision of the supervisory board is requested pursuant to (21(3));
4. the decision of the supervisory board that the time spent in disciplinary solitary confinement is not included into the sentence ((18(2))).

(2) There are no remedies available against other decisions of the supervisory board not listed under paragraph (1).

(3) Persons entitled to file an appeal for the benefit of the accused may also file a complaint that some protective measure has not been ordered, or that the execution of protective education has been dropped, or that its execution has been conditionally suspended.

[tags: a complaint, a supervisory board, persons entitled to file a complaint]

§ 52

(1) In the cases referred to in (51(1), Nos. (1) to (4), the complaint should be filed with the court or supervisory board that issued the decision, within 8 days as of its announcement ((50(2))). The complaint has a suspensive effect, unless the court or the supervisory board deny it such an effect, as the postponement of the enforcement of the decision would be to the detriment of the juvenile.

(2) If the complaint has been filed on the grounds that no protective measure has been ordered at all, or that the execution of protective education has been dropped, or that its execution has been conditionally suspended, the first instance court or the supervisory board may change their resolution themselves. An appeal may be filed against their new decision.

(3) The juvenile senate of the regional court in whose district the institute is located decides finally on the complaint against the decision of the supervisory board.

(4) If, in addition to the complaint against the decision on the protective measure, an appeal is filed against the judgment, the court with jurisdiction to decide on this appeal shall decide also on the complaint.

[tags: a complaint, a supervisory board, juvenile senate]

Appeal

§ 53

(1) An appeal against the conviction judgment by which the punishment has been waived ((6)) can only be filed for the benefit of the accused as to the verdict on guilt, to the detriment of the accused only because the court waived the punishment.

(2) An appeal may also be filed against the conviction judgment if the court did not waive the punishment ((6)).

[tags: an appeal]

Title Three

Final provisions

Guardianship court

§ 54

(1) Guardianship court for the purpose of this Act means the competent guardianship court, or custodian or guardianship office.

(2) If the guardianship court (office) has its seat abroad and if it is impossible to wait for its decision, unless international treaties establish otherwise, the right to decide on interim measures, on which the guardianship court shall decide pursuant to this Act, pertain to such inland court (office) with jurisdiction to nominate the guardian or custodian to the respective minor or juvenile.

[tags: guardianship court]

Compulsory notice

§ 55

(1) If any court or administrative authority finds in any way that any measure of guardianship court is needed for the benefit of a person under the age of 18, it shall immediately notify this court and, if possible, the persons referred to in (37(3)).

(2) If there seems to be an urgent need for such a measure, the court or administrative authority should, if possible, make such interim decision themselves and inform the guardianship court accordingly.

[tags: compulsory notice of a guardianship court]

Material competence

§ 56

(1) Provisions on competence and on proceedings in high courts as state courts remain hereby untouched. However, in proceedings in matters pertaining to their competence regarding a juvenile, provisions of (37) to (39), (40(2)) to (40(5)), (45), and (47(5)) of this Act shall apply. Right to decide on protective measures ((49)), order the enforcement of the judgment, and make all other decisions and measures which, after the judgment has become final, pertain to the regional court in the seat of the state court, shall pertain to juvenile senate of such regional court and its chairman.

(2) Competence of the district court shall also include misdemeanors pursuant to (64) of the Misdemeanor Act XL/1879, misdemeanors pursuant to (66) to (68) and (70) of the Misdemeanor Act XL/1879, and pursuant to (1) of the Art. XXI/1913 on publicly dangerous layabouts, if committed by juveniles; misdemeanors pursuant to (66) of the Misdemeanor Act XL/1879, if they were committed against persons under the age of 18.

[tags: jurisdiction]

Interrogation of minors and juveniles

§ 57

The court may invite father or mother or other qualified person to the hearing of the minor or juvenile if it can be expected that it would facilitate the hearing, or in the case of hearing the witness, that will help to establish the truth.

[tags: interrogation of minor or juvenile]

Ancillary judicial juvenile care facilities**§ 58**

(1) The Ministries of Justice and of Social Welfare are responsible for ensuring that ancillary judicial juvenile care facilities (juvenile welfare offices) are always active at juvenile courts ((35(2))) and at other courts, as necessary.

(2) Representatives and bodies of ancillary judicial juvenile care facilities enjoy the same protection as public authorities while executing acts based on courts request ((68) of the Criminal Code, (5) of the Art. XL/1914).

[tags: ancillary judicial juvenile care facility]

Craft education in the reformatory and in the educational institute**§ 59**

(1) Apprenticeship or employment as assistant should also be regarded as equal to employment in a reformatory or educational institute for such works which are subject to craft trade, provided that such employment is carried out under the direction of a person holding a certificate of trade license or otherwise having sufficient professional education, and if complex education as thorough as in case of apprentices and helpers at large is assured. It shall not be apparent from certificates or other licenses that person to which they are issued was detained in reformatory or education institute.

(2) The time spent in education institution doing such work shall be, considering his/her nature, behavior in the institution, and manner of his/her employment, credited as a whole or in part into the time required for vocational training in accordance with general regulations; however, the time spent doing such work in the reformatory shall always be credited only partially.

(3) Detailed provisions will be established by government decree; it shall also determine for which craft practices in the above mentioned institutes the provisions of paragraph (1) apply, what period may be maximum credited to prisoners in the reformatory, which office is responsible for deciding on crediting, and how the certificate of competency is to be issued, if a juvenile completes apprenticeship in reformatory or in education institute.

[tags: reformatory, educational institute, craft education]

Unauthorized publication

§ 60

(1) Whoever publishes a report on a criminal offense committed by a juvenile or a report from criminal proceedings against a juvenile offender, cites his/her name, or other circumstances from which the identity of a juvenile may be deduced, or whoever publishes a portrait of a juvenile offender, shall be punished with a fine of 100 crowns to 5,000 crowns or by imprisonment from 3 days to 1 month.

(2) The act is not a criminal offense if the publication only took place for the purposes of criminal proceedings or with the permission of a court or public prosecutor's office.

[tags: unauthorized publication of a report]

Neglect of care for juvenile

§ 61

(1) Whoever intentionally or through gross negligence violates his/her duty to take care for a person under the age of 18 to the extent that there is a risk of deprivation, shall be punished, based on motion of guardianship court, by the court for a misdemeanor by imprisonment from 1 week to 3 months.

(2) If the act was committed for a low and dishonest motive, the culprit should be punished by a heavy prison for 14 days to 6 months and by the loss of the right to vote in municipalities.

[tags: neglect of care for juvenile]

Defeating protective measures

§ 62

Who knowingly defeats or impedes the execution of protective supervision or protective education ordered by a court or competent authority against another person;

who is tempting someone else to avoid such a measure, or who is helping him/her to do so,

shall be punished, based on the motion of the guardianship court, if there is no more serious punishment established for such an act, by a court for a misdemeanor by imprisonment from 1 week to 6 months.

[tags: protective supervision, protective education]

Interim regulations on the implementation of protective measures**§ 63**

The enforcement of protective supervision and protective education ordered under this Act, as well as the issue of connected costs, will be regulated by a government decree in accordance with the following principles until the Act on Protective Education enters into force:

1. Protective supervision is enforced and supervised by the competent guardianship court or, at its request, by the guardianship court in whose district the juvenile has his/her permanent residence; in doing so, he shall use ancillary judicial juvenile care facility or the assistance of a confidant (protective supervisor), who shall be nominated by such court. The right of appeal pertains also to ancillary judicial juvenile care facility and to protective supervisor.
2. Institutional protective education shall be served in public institutions; with the permission of the Ministry of Social Welfare it can also be served in private institutions.
3. Execution of such protective education in such an institution (No. 2) shall be supervised by a supervisory board composed of the judge as its chairman and two persons active in juvenile protective care as assessors. The chairman of the supervisory board and his/her alternates shall be nominated by the Minister of Justice, assessors and their alternates shall be nominated by provincial committee in whose district the institution has its seat taking into account the proposals of central juvenile care organizations in its district.
4. Disciplinary penalties and care for discharged shall be governed accordingly pursuant to (18) and (22).
5. The supervisory board decides on the discharge of a juvenile from institutional protective education or on its change. The same right pertains to the guardianship court in the case of protective supervision or family protective education, or in the cases of additional decisions on protective measures ((24)) ordered by the guardianship court.
6. Discharge from protective supervision or protective education may also become conditional for a reasonable probational period of time. Provision of (19(8)) shall also apply in this case.
7. Protective supervision and protective education shall not be executed during active military service. If a person for whom protective supervision or protective education have been ordered steps back from active military service before the completion of the 21st year of his/her age, this shall be reported to either the court or supervisory board which ordered the protective measures.
8. A complaint against the resolution of the supervisory board on discharge from protective education and its transformation is admissible, and the provisions of (52) shall apply accordingly.
9. The costs of protective education of a convicted juvenile form part of criminal proceedings costs prepaid by the State. Liable for these costs is the person who shall

pay education costs of a juvenile pursuant to provisions of civil law, up to the amount of assumed costs of such education and sustenance for the time of duration of such protective education; however, if this person caused the deprivation of the juvenile, he/she is liable for the entire cost of protective education. Decision regarding liability and its amount pertains to the court who issued the convicting judgment in the first instance. A complaint may be filed against the sentence on liability and its amount or, if it is included in the judgment, an appeal may be filed.

10. Costs of protective education can be enforced against a person who shall pay it or a person who is liable for it, unless sustenance of such person or sustenance of his/her family or sustenance of persons to whom he/she is obliged by law to provide maintenance, is endangered.

[tags: protective supervision, protective education, execution of protective measures]

§ 64

The provisions of the Act of 24 May 1885, No. 90 of the Imperial Code (RGBI), on Forced Work Facilities and Reformatories, are amended until the Act on Protective Education enters into force, as follows:

1. (7) to (10), (11(1)), and (16(1)) shall not apply, if they refer to delivery of a person who did not reach his/her 18th years of age into reformatory.
2. Facilities previously called reformatories shall be designated as education institutes.
3. Only persons for whom the court or the supervisory board of the reformatory (prison) has ordered protective institutional education may be admitted to the education institute. In addition to these cases, persons under the age of 18 may be admitted to education institute only based on motion of a legal representative with the consent of the guardianship court.
4. Decision whether the ordered protective education is to be served in the provincial education system and on ordering its execution there pertains to the provincial educational council established at the provincial office. It is composed of 2 officials of the provincial office nominated by its president, a member of the provincial committee, a judge, and an assessor. The judge is nominated by the Minister of Justice; the assessor is nominated from amongst persons active in juvenile protective care by the Minister of Social Welfare. If an education institute has been established by a district or a municipality, the provincial office may authorize an educational council established at the district office according to analogy of the provincial educational council to decide on admission to education institute. The detailed organization and rules of procedure of educational councils will be regulated by a government decree.
5. The highest supervision over education institutes in terms of the performance of protective education pertains to the Ministry of Social Welfare in agreement with the Ministry of Interior.

[tags: application of prior provisions, reformatory, education institute, protective education, provincial educational council, execution of protective measures]

Temporary provisions

a) on crimes;

§ 65

(1) Provisions of this Act shall, with the exception of the provisions of (60) to (62), also apply to crimes committed before its entry into force, the criminal proceedings on which in the first instance court have not yet been completed, or on which this court is holding hearings again.

(2) Decision on appeals against judgments of district courts and against final decisions of juvenile courts, which have not been concluded before the entry of this Act into force, shall be decided by the juvenile senate as a court of appeal.

(3) If the court of appeal rules again on the question of guilt (factual question), it shall apply provisions of Title One.

[tags: application of this act, temporary provision]

b) on previous convictions.

§ 66

(1) Judgments of criminal courts on persons who committed a crime before the completion of the 14th year of age are not enforceable, except of the decision on forfeiture of items and private law claims, and convictions for such crimes are deemed to have been expunged ((6) of the Act of 14 June 1928, No. 111 Coll. of Acts and Regulations on the expungement of convictions).

(2) Penalties at large imposed for crimes committed at juvenile age, the enforcement of which has not yet begun, or the remainder of which exceeds 6 weeks, shall be enforced in accordance with provisions of (13) and (14).

[tags: court rulings against persons under 14th year of age]

c) on consequences of conviction;

§ 67

(1) The consequences of a conviction which the law has so far associated with the conviction, or which were ruled in the judgment shall cease to exist in the case of an act committed before the 18th year of age. Also ordered publication of the judgment shall extinguish, unless it should provide satisfaction to the private person and, if he/she is not a foreigner, also to the deportation and expulsion shall cease to exist.

(2) Police supervision, the admissibility of which has been declared by a court, cannot be ordered and the ordered police supervision ceases to exist.

[tags: consequences of a conviction, publication of a court ruling, police supervision]

d) on protective education.

§ 68

(1) Reformatory institutional care ordered or admitted by a court (guardianship office) pursuant to the Act of 24 May 1885, Nos. 89 and 90 of the Imperial Code (RGBI), or pursuant to Legal Articles XXXVI/1908 and VII/1913, shall be changed to protective education under this Act, regardless of if its enforcement has already begun or not.

(2) The same applies for the reformatory institutional care enforced on request of the legal representative.

[tags: reformatory institutional care, protective education]

Persons subject to the jurisdiction of military courts

§ 69

(1) For civilians subject to the jurisdiction of military courts ((14) of the Military Criminal Procedure Code of 5 July 1912, No.131 of the Imperial Code (RGBI), (14) of Art. XXXIII/1912), who did not complete the 18th year of age at the time of committing the act, the provisions of this of the Act shall apply with the following derogations:

1. Criminal proceedings is held in accordance with the Military Criminal Procedure Code; however, the provisions of (37) to (39) of this Act shall apply.

2. Decision on protection measures ((49)), ruling on enforcement of judgment, and on all other measures and decisions after the legal force of the judgment, except of the decision on pleas for mercy and on the application for reopening of the proceedings, pertains to juvenile senate of the regional court with jurisdiction pursuant to (29(2)), and to its chairman.

(2) In the case of persons subject to the jurisdiction of military courts other than those listed in paragraph (1), only (1(1)), (2(2)), (8(3)) and (8(4)), (10), (60) to (62) apply to them with the following derogations:

1. Instead of imprisonment, the court imposes on a juvenile a sentence at large of the kind provided for in military criminal law.

2. If the law provides for the death penalty by shooting for a crime, the juvenile shall be sentenced to imprisonment from 1 to 5 years.

3. Only simple withdrawal of military rank may be ruled as a consequence, or, to make punishment more restrictive, the loss of military decorations can be ruled as a consequence.

(3) Temporary provisions ((65) to (68)) shall apply accordingly taking into account derogations stipulated in paragraphs (1) and (2).

[tags: application of this act, jurisdiction of military courts, the death penalty, shooting, imprisonment, the withdrawal of a military rank, the loss of military decorations]

Delegation of powers

§ 70

The Minister of Justice may delegate, in whole or in part, acts pertaining to him/her pursuant to (13), (16), (20), (31), (34), (40), (63), and (64) to the Presidents of High Courts.

[tags: delegation of acts pertaining to the Minister of Justice]

Repeal of existing laws

§ 71

Repealed are in particular:

(2(d)), (237), (269) to (273) of the Criminal Code of 27 May 1852, No. 117 of the Imperial Code (RGI),
(8) of the Act No. 89/1885 of the Imperial Code (RGI),
(14) of the Act No. 90/1885 of the Imperial Code (RGI),
(3(d)), (6) of Military Criminal Code of 15 January 1855, No. 19 of the Imperial Code (RGI),
(15) to (31), (33) to (35) of criminal amendments to Art. XXXVI/1908,
Act on juvenile courts, Art. VII/1913 except of (75).

[tags: repealed provisions]

Effectiveness of the Act

§ 72

- (1) This Act becomes effective in 6 months after announcement.
- (2) Provision of (36) shall become effective in Slovakia and Carpathian Ruthenia as late as to the day established by governmental decree.
- (3) Execution of this Act is imposed to Ministers of Justice, Social Welfare, and Interior under agreement of all participating ministers.

[tags: vacatio legis, implementation of this act]

Mr. T.G.Masaryk b.h.
Mr. Udržal b.h.
Mr. Dr. Meissner b.h.
Mr. Dr. Czech b.h.
Mr. Dr. Slávik b.h.