

Criminal Code

Act No. 40/2009 Coll.

A. The main changes and benefits

I. The new Criminal Code structure

The new structure/disposition of the Criminal Code reflects proportionally the seriousness of the protected interests. A new arrangement of the Code (to individual heads, parts, sections, and provision) is in a specific order with regard to protected interests accordance to requirements of today's modern society.

II. The new division of criminal acts - crimes and misdemeanors (minor offences)

Misdemeanors are all criminal acts of negligence and the premeditated criminal act for which criminal law provides for prison sentences with a maximum penalty of five years.

The crimes are all crimes that are not misdemeanors under the Criminal Code.

Serious crimes are those premeditated crimes for which criminal law provides for prison sentences with a maximum penalty of at least ten years.

This change is reflected in the criminal proceedings. About the crimes there is conduct a standart criminal proceeding. In case of misdemeanors there is a scope for summary proceeding, diversions and alternatives, including the broad application of means of probation and mediation.

III. The introduction of the formal concept of the crime, with material corrective

Criminal Code leaves the existing material concept of the crime and introduced a formal concept of the crime, as is usual in several democratic countries. Under material concept criminal liability and criminal consequences can be enforced only in socially harmful cases, in which is not space for establishing liability under other laws (the principle of "ultima ratio").

B. The new and the stricter punishments and new crimes defined

The new Criminal Code toughens penalties for the most serious crimes against life and health (murder, willful injury, etc.) and some crimes against freedom and human dignity in sexual matters (such as robbery, rape). Tightening in this area is in response to the deepening conflicts in society and a new negative phenomena.

1. Increased protection of life and health of citizens
2. Tougher penalties of relapse
3. New facts of the crime of manslaughter,
viz §147 a § 148 of the Act. No. 40/2009 Coll
4. New facts of the crime of malicious harassment („stalking“),
viz. § 354 of the Act. No. 40/2009 Coll
5. Delinquent maintenance for up to five years in prison,
§ 196 of the Act. No. 40/2009 Coll.
6. Increased protection of medical and rescue
*§ 127 in connection. § 325 and § 326 of the Act. No. 40/2009 Coll.
§ 145 par. 2 point. e) of the Act. No. 40/2009 Coll, ect.*
7. Sexual harrasment,
viz § 186 of the Act. No. 40/2009 Coll
8. Improved offense for cruelty to animals,
viz. § 302 of the Act. No. 40/2009 Coll

C. The new alternative punishments

The system of criminal penalties is therefore supplemented by new alternatives to imprisonment:

1. sentence of house arrest
§ 52 par. 1 point. b) Act. No. 40/2009 Coll.
2. prohibition of entry to sporting, cultural and other social events
§ 52 par. 1 point. i) Act. No. 40/2009 Coll.

News in the adaptation of the sentence of community service

Probation and Mediation Service is preparing a national electronic web catalog requirements for charitable work, which will be available to judges and high court officials. All these changes will significantly improve the enforceability and quality of this sentence.