

## **ACT**

of 6 June 1997

### **The Code of Criminal Procedure.**

(Official Journal of 4 August 1997)

## **DIVISION I**

### **PRELIMINARY PROVISIONS**

**Article 1** Criminal proceedings concerning matters within the jurisdiction of the courts is pending under the provisions of this Code.

**Rule 2** § 1 The provisions of this Code are designed to shape such criminal proceedings that:

- 1) the offender has been detected and held criminally responsible, and an innocent person has not suffered this responsibility,
- 2) the accurate application of the measures provided for in criminal law and the disclosure of the circumstances conducive to crime have achieved the task of criminal proceedings not only in combating crime, but also in preventing them and in strengthening the rule of law and the principles of social coexistence,
- 3) are taken into account legally protected interests of the victim,
- 4) settlement of the case took place within a reasonable time.

§ 2 The basis for all decisions should be the true findings of fact.

**Article 3** Within the limits set by statute in criminal proceedings take place with the participation of the social factor.

**Article 4** Bodies conducting the criminal proceedings are required to examine and take into account both the circumstances which would militate in favor of and against the accused.

**Article 5** § 1 <sup>(1)</sup> The accused shall be presumed innocent until his guilt is not proven and determined by the final sentence.

§ 2 does not give a clear doubts resolved in favor of the accused.

**Article 6**The accused has the right to defend itself, including the right to the assistance of counsel, which it advised.

**Article 7**Electoral Conduct shape his conviction on the basis of all the evidence, assessed free of reasoning to the principles of proper knowledge and guidance and experience.

**Article 8**§ 1 The criminal court shall decide independently the factual and legal issues and is not related to settlement of another court or authority.

§ 2 A valid decision of the court to structure the law or legal relationship, however, are non-binding.

**Article 9**§ 1 The Electoral Process conduct the proceedings and carry out operations of the office, unless the law makes it from the application of a person, institution or body or from the permit authority.

§ 2 The parties and other persons directly interested may submit applications for even those activities which the authority may or is required to take the office.

**Article 10**§ 1 The authority set up to prosecute crimes is required to initiate and carry out pre-trial proceedings, as well as the public prosecutor to bring charges and support - the act are prosecuted ex officio.

§ 2 With the exception of cases specified by law or in international law, no person shall be relieved of responsibility for the crime committed.

**Article 11**§ 1 The proceedings of the offense, punishable by deprivation of liberty for up to 5 years old, you can release if the decision to sentence the defendant is manifestly impracticable because of the nature and amount of the penalty finally imposed for other offenses, and the interest of the victim does not preclude this.

§ 2 If the punishment for another offense was not validly imposed, the investigation can be suspended. Suspended the proceedings should be terminated or taken within 3 months of the validation of the decision in the case of any offense referred to in § 1

§ 3<sup>(2)</sup> Proceedings terminated on the basis of § 1 can resume in the event of cancellation or material change in the content of final appeal, because of which it was discontinued.

**Article 12**§ 1 In cases of crimes prosecuted at the request of the proceedings at the time the application is pending with the office. Law enforcement authority instructs the person entitled to apply for entitlement to accrue to it.

§ 2 If the request for prosecution of certain offenders to law enforcement only includes other individuals whose actions are closely connected with the act of the person indicated in the proposal, which should forestall the applicant. This provision does not apply to the next applicant.

§ 3 The proposal may be withdrawn in the preparatory proceedings with the consent of the prosecutor, and court proceedings with the consent of the court - to start the trial on the first trial, unless it is a crime defined in [Articles. 197](#) Penal Code. Re-submit the proposal is unacceptable.

**Article 13** Authority to obtain permission from the law makes prosecution, should the prosecutor.

**Article 14** § 1 The institution of legal proceedings following the request of an authorized prosecutor or other authorized party.

§ 2 Withdrawal from the public prosecutor brought charges does not bind the court.

**Article 15** § 1<sup>(3)</sup> Police and other authorities to carry out criminal orders of the court and the prosecutor and the prosecutor's conduct under the supervision of investigation or inquiry into the limits set by statute.

§ 2<sup>(4)</sup> All state institutions and local authorities are required for its activities to assist the authorities conducting the criminal proceedings within the period prescribed by those authorities.

§ 3<sup>(5)</sup> Legal or organizational units without legal personality other than those specified in § 2, as well as individuals are obliged to provide assistance to call the authorities for criminal proceedings to the extent and time by not prescribed, if carried out without the aid of procedural steps is impossible or significantly impeded .

**Article 16** § 1 If the body conducting the proceedings shall be obliged to advise the parties of the incumbent responsibilities and their powers, the lack of such an instruction or an erroneous instruction can not produce negative effects on the process for the party to the proceedings or any person concerned.

§ 2 The authority conducting the proceedings should also, where necessary, provide participants with information about the case and imposed duties of their rights also in cases where the statute clearly does not constitute such an obligation. In the absence of such teachings, when in the light of the circumstances of the case, it was essential or misleading instruction, shall apply mutatis mutandis § 1

**Article 17** § 1 does not initiate the proceedings, and redeems initiated when:

- 1) the act was committed or not there is sufficient data to warrant suspicion of committing,
- 2) the act does not contain any signs of a prohibited act or statute provides that the offender does not commit a crime
- 3) social harmfulness of an act is negligible,
- 4) the law stipulates that the perpetrator is not punishable,
- 5) the accused died,
- 6) was barred criminality,
- 7) criminal proceedings in respect of the same act the same person has been validly terminated or initiated before going to
- 8) the offender is not subject to case-law of Polish criminal courts
- 9) lack of action authorized prosecutor,
- 10) lack of required permits for the prosecution or a prosecution request coming from the person entitled, unless the law provides otherwise,
- 11), there is another circumstance excluding prosecution.

§ 2 The receipt of an application or approval authority on which the law makes the prosecution, the authorities make only procedural steps of urgency in order to safeguard evidence and evidence, as well as activities designed to clarify whether the proposal will be made or permit will be issued.

§ 3 The inability to apportion blame the perpetrator does not exclude the proceedings for the application of safeguard measures.

**Article 18** § 1<sup>(6)</sup> If the act is only an offense, the prosecutor refused to initiate proceedings to dismiss them or refer the matter to the Police in order to request a punishment to the competent court; prosecutor may himself make such a request.

§ 2 If the court or the prosecutor sees the deed misconduct or breach of the disciplinary duties or rules of social intercourse, it can by refusing to initiate proceedings or to dismiss them, particularly because of insignificant social harmfulness of an act, to refer the case to another competent authority.

**Article 19** § 1 In the event of criminal proceedings in serious misconduct in the operation of state institutions, local government or social, especially when it promotes crime, the court, and in preparatory proceedings the prosecutor shall notify the failure of the body responsible for oversight of a given organizational unit, and if needs of the inspection authority. The police notify the public prosecutor revealed its flaws.

§ 2 notifying the failure, the court or the prosecutor may request was received within the prescribed period and provide explanations of the measures taken to prevent such shortcomings in future.

§ 3<sup>(7)</sup> In the event of failure to explain the time limit can be imposed on the head of the debtor to explain a fine of up to 10,000 zlotys.

§ 4<sup>(8)</sup> The decision to impose a financial penalty may be appealed. Complaint against the prosecutor's decision recognizes the district court in whose jurisdiction the proceedings are pending.

**Article 20** § 1<sup>(9)</sup> In the event of serious violation by counsel or a representative part of their duties the court process, and in preparatory proceedings the prosecutor shall notify the appropriate district bar council or district council chambers solicitors, demanding that the dean of the relevant council within the sending of not less than 30 days, the time information action taken under the notice. Copy of the notice sent to the Minister of Justice.

§ 1a.<sup>(10)</sup> If nienadesłania information within the time limit referred to in § 1 can be imposed on the dean of the appropriate penalty of up to 10,000 zlotys.

§ 1b.<sup>(11)</sup> The decision on punishment may be appealed. The decision on punishment made by the prosecutor in the preparatory proceedings shall be entitled to appeal the district court in whose jurisdiction the proceedings are pending.

§ 2<sup>(12)</sup> In the event of gross misconduct proceedings by the public prosecutor leading an investigation or court shall notify the immediate supervisor of the person who committed the infringement, claiming the set was received, not less than 14 days, time, information about the measures taken arising from the notice, in relation to the Police and other bodies of preliminary proceedings, the entitlement is the prosecutor is entitled.

§ 2a.<sup>(13)</sup> Copy of the notice referred to in § 2, the court sent the Attorney-General if the prosecutor committed misconduct and, in cases where misconduct has been guilty of a public prosecutor, not a prosecutor - the competent authority of the supervisor in relation to the immediate superior of the prosecutor.

**Article 21** § 1 The completion of the proceedings ex officio against individuals employed in state institutions, local government and social, school pupils and students, and soldiers should be immediately notified his superiors of those individuals.

§ 2 shall also notify the prosecutor to initiate proceedings against public officers, to initiate proceedings against other persons referred to in § 1 - if required by important public interests.

**Article 22** § 1 If an obstacle prevents long-term conduct of proceedings, especially if the accused can not be recognized or can not participate in the proceedings due to mental illness or other serious illness, the proceedings shall be suspended for the duration of obstruction.

§ 2 The decision for suspension of proceedings may be appealed.

§ 3 During the stay of proceedings should, however, make the appropriate steps to protect evidence from loss or distortion.

**Article 23** In the case of an offense committed on a minor injury, in association with a minor or in circumstances which may be provided by the demoralization of a minor or a scandalous influence on him, the court, and in preparatory proceedings the prosecutor shall inform the family court to consider the measures provided for in the provisions on the treatment of juvenile cases and [Family Code and caring](#).

**Article 23a.** <sup>(14)</sup> § 1 The Court, in preparatory proceedings the prosecutor, may the initiative or with the consent of the victim and the accused, refer the matter to an institution or a trustworthy person for the purpose of conducting a mediation between the injured and the accused.

§ 2 Mediation procedure should not last longer than a month, and its period is not included in the duration of the trial proceedings.

§ 3 Conduct mediation can not lead a person, for which the particular case the circumstances set out in Article. 40-42, professionally active judge, prosecutor, lawyer, legal adviser, as well as a trainee to those professions or other person employed by the court, prosecutor or other institution responsible for law enforcement.

§ 4 The institution or person worthy of trust drawn up after completion of the mediation, a report on its progress and results.

§ 5 The Minister of Justice shall determine, by regulation, the conditions to be met by the institutions and persons authorized to conduct mediation, the way their appointment and dismissal, scope and file sharing institutions and persons entitled to and how mediation and mediation procedures, whereas the need to effectively carry out this procedure.

## **SECTION II**

### **COURT**

#### **Chapter 1**

##### **Jurisdiction and composition of the court**

**Article 24** § 1 The district court adjudicates in first instance in all matters, except in cases provided by law within the jurisdiction of another court.

§ 2 The district court also hears appeals in cases specified by statute.

**Article 25** <sup>(15)</sup> § 1 The District Court rules in the first instance in matters of the following offenses:

- 1) of the crimes referred to in [Penal Code](#) and special laws,
- 2) <sup>(16)</sup> the crimes specified in [Chapters XVI](#) and [XVII](#) and [Articles. 140-142](#), [Articles. 148](#) § 4, [Articles. 149](#), [Articles. 150](#) § 1, [Articles. 151-154](#), [Articles. 156](#) § 3, [Articles. 158](#) § 3, [Articles. 163](#) § 3 and 4, [Articles. 165](#) § 1, 3 and 4, [Articles. 166](#) § 1, [Articles. 173](#) § 3 and 4, [Articles. 185](#) § 2, [Articles. 210](#) § 2, [Articles. 252](#), [Articles. 253](#) § 2, [Articles. 258](#) § 1-3, [Articles. 265](#) § 1 and 2, [Articles. 269](#), [Articles. 278](#) § 1 and 2 in conjunction. of [Articles. 294](#), [Articles. 284](#) § 1 and 2 in conjunction. [Article. 294](#), [Articles. 286](#) § 1 in conjunction. of [Articles. 294](#), [Articles. 287](#) § 1 in conjunction. of [Articles. 294](#), [Articles. 296](#) § 3 and [Articles. 299](#) Penal Code,
- 3) the crimes, which under a specific provision within the jurisdiction of the district court.

§ 2 The Court of Appeal, at the request of the district court may delegate to recognize the District Court as court of first instance, the case for any offense, because of special importance or complexity of the case.

§ 3 The District Court also hears appeals from decisions and orders issued in the first instance in the district court and other matters referred to it by law.

**Art 26** <sup>(17)</sup> The Court of Appeal hears appeals against decisions and orders issued in the first instance in district court and other matters referred to it by law.

**Article 27** Supreme Court and the cassation appeal and other matters in the cases specified by statute.

**Article 28** <sup>(18)</sup> § 1 The trial court decides as a single judge, unless a statute provides otherwise. The judge has the rights and duties of the President.

§ 2 In cases of crimes court decides on the composition of one judge and two assessors.

§ 3 Due to the particular complexity of the case the court of first instance may decide to deal with it in the three judges.

§ 4 In cases of crimes for which the law provides a penalty of life imprisonment, the court decides on the composition of two judges and three magistrates.

**Article 29** § 1 At the hearing of appeal and cassation court rules composed of three judges, unless a statute provides otherwise.

§ 2 <sup>(19)</sup> Appeal or an appeal from the judgment adjudicating sentenced to life imprisonment the court recognizes composed of five judges.

**Article 30** § 1 <sup>(20)</sup> At the meeting of the district court and district court rules single-handedly, and the Court of Appeal and the Supreme Court - composed of three judges, unless a statute provides otherwise.

§ 2 The court of appeal rules at a meeting composed of three judges, unless a statute provides otherwise.

**Article 31** § 1 Settlements has jurisdiction is the court in whose jurisdiction the offense was committed.

§ 2 If the offense is committed on the Polish vessel or aircraft, and § 1 shall not apply, the courts in the ship's home port.

§ 3 If the offense was committed in the county several courts, jurisdiction lies with the court within whose jurisdiction the first preliminary investigation was opened.

**Article 32** § 1 If you can not determine the place to commit a crime, the courts in whose jurisdiction:

1) revealed a criminal offense,

2) entered the accused,

3) the defendant before the offense ever lived or spent time

- Depending on where the first preliminary investigation was opened.

§ 2 The provision of § 1 shall apply mutatis mutandis, if the crime was committed abroad.

§ 3<sup>(21)</sup> If you can not determine the place of jurisdiction by the preceding provisions, the matter was considered by a court competent for the district of downtown capital city of Warsaw.

**Article 33** § 1 If the same person was accused of several crimes, and the matter within the jurisdiction of various courts in the same order, the courts in whose jurisdiction the first preliminary investigation was opened.

§ 2 If the matter within the jurisdiction of various courts in a row, court hears case of a higher order.

**Article 34** § 1 The competent court for offenders is also appropriate for the helpers, mongers and other people whose crime is closely connected with the offense the offender, if the proceedings against them is pending at the same time.

§ 2 cases of the persons mentioned in § 1 should be connected to a common procedure, the provision of Article. 33 shall apply mutatis mutandis.

§ 3 When the circumstances impeding the overall diagnosis of the matters referred to in § 1 and 2, you can turn off the case and separately identify individuals or individual acts, the matter shall be excluded by a court of competent diagnosis according to general principles.

**Article 35** § 1 The Court examines the office of its jurisdiction and, if found, refer the matter of its inappropriateness to the competent court or other authority.

§ 2 If the trial court finds that there is no local jurisdiction or that the courts of a lower order, may refer the matter to another court only if it becomes necessary to postpone the hearing.

§ 3 The provision in the property may be appealed.

**Article 36** Superior court of jurisdiction may refer the matter to another court to equivalent, if the majority of people who should be invited to attend the hearing resides close to the court, and away from the court having jurisdiction.

**Article 37** The Supreme Court may, on the initiative of the competent court to refer the matter for hearing to another court to equivalent, if the interests of justice.

**Article 38** § 1 The dispute about jurisdiction between the courts ultimately decide the court equivalent of a higher order of the court, which opened the first dispute.

§ 2 In the course of a dispute, each of these courts przedsięwzię activities of utmost urgency.

**Article 39** If the military court shall refer the matter to the court adopts the ordinary or not the case transferred to him by a court of law, the matter was considered by a court of law.

## **Chapter 2**

### **Exclusion of judge**

**Article 40** § 1 The judge is by law excluded from participation in the matter, if:

- 1) concerned that the judge directly,
- 2) the spouse or the injured parties or their counsel, agent or legal representative, or remains in the common livable with one of those people
- 3) a relative by blood or marriage in a straight line and lateral line up to the degree between the siblings of children referred to in paragraph 2, or is associated with one of those people junction of adoption, custody or guardianship,
- 4) had witnessed an act by which the case is pending, either in the same case was heard as a witness or has acted as an expert,
- 5) took part in the case as a prosecutor, advocate, agent, legal representative of the parties, or conducted an investigation,
- 6) <sup>(22)</sup> he participated in the contested decision or order issued under appeal,
- 7) <sup>(23)</sup> took part in the decision, which was repealed,
- 8) <sup>(24)</sup> (Withdrawn)
- 9) took part in the decision, which the opposition is based,
- 10) <sup>(25)</sup> led mediation.

§ 2 The reasons for exclusion are ongoing to justify them in spite of cessation of marriage, cohabitation, adoption, custody or guardianship.

§ 3 The judge who took part in the decision concerned the application for renewal or contested in cassation can not rule on the request or the appeal.

**Article 41** § 1 The judge is waived, if there is such a circumstance that could give rise to reasonable doubt as to his impartiality in the case.

§ 2 The application for exemption a judge, filed pursuant to § 1 after the start of the trial, shall not be examined, unless the reason for exclusion was or has been known to the party only after the initiation of the cable.

**Article 42** § 1 exemption is at the request of the judge, ex officio or at the request of a party.

§ 2 If the judge finds that there is a reason for excluding him from under Articles. 40, turn off, making a declaration in writing to act in his place and joins another judge.

§ 3 The judge, on which the application for the exemption under Article. 41, may submit to the relevant file a written statement and shall refrain from participation in the matter; however, is obliged to undertake activities of utmost urgency.

§ 4 In addition to the accident referred to in § 2, the exemption only by a court before which proceedings are pending, the composition of the forum on the exemption can not participate judge concerned to exclude. If unable to establish such a composition of the court, off the higher court rules.

**Article 43**If, due to the exclusion of judges hearing the case in the courts is impossible, superior court to another court shall refer the matter to equivalent.

**Article 44**The provisions of this chapter shall apply mutatis mutandis to the jurors.

## **DIVISION III**

### **PARTIES, Defenders, REPRESENTATIVES, REPRESENTATIVE OF SOCIAL**

#### **Chapter 3**

##### **Public prosecutor**

**Article 45**§ 1 The public accuser before all courts in the prosecutor.

§ 1a. <sup>(26)</sup> In the cases specified by statute, procedural steps performed by the prosecutor or the prosecutor directly superior parent.

§ 1b. <sup>(27)</sup> Prosecutor is the primary organizational unit of the prosecutor in charge of higher degree, as well as the public prosecutor or the prosecutor of the entity delegated to it in its outsourced activities.

§ 1c. <sup>(28)</sup> In cases where the decision or order of the prosecutor has engaged in performing duties in the National Prosecutor's Office, Prosecutor of the Attorney General is the parent.

§ 2 Other state authority may be a public prosecutor under the specific provisions of the Act, defining the scope of its activities.

**Article 46**In cases of crimes prosecuted by indictment involved the prosecutor in the hearing is mandatory, unless a statute provides otherwise.

**Article 47** <sup>(29)</sup> § 1 The provisions of Article. 40 § 1 pt 1-4, 6 and 10, § 2 and Article. 41 and 42 shall apply mutatis mutandis to the prosecutor and other persons engaged in preparatory proceedings and other public prosecutors.

§ 2 The persons mentioned in § 1 are also exempt if they participated on a defender, agent, representative or social party's legal representative.

**Article 48**§ 1 The exclusion of leading or supervising an investigation and a public prosecutor, the prosecutor decides or directly supervising the proceedings postponed.

§ 2 activities carried out by a person subject to exclusion, before it occurred, are not invalid for that reason, however, evidence must act at the request of the parties, if possible, repeat.

#### **Chapter 4**

##### **Injured**

**Article 49**§ 1 The victim is a natural or legal person whose legal interests were directly affected or threatened by crime.

§ 2 injured may also be state-run institution, local government, or social, even had no legal personality.

§ 3 The victim believes the insurance companies so far as covered damage caused by the crime or the victim is obliged to cover it.

§ 3.<sup>(30)</sup> In cases of crimes against the rights of persons engaged in gainful employment, as referred to in [Articles. 218-221](#) and [Articles. 225](#) § 2 of the Penal Code, the authorities of the State Labor Inspectorate may exercise rights of the victim, if the scope of their activities revealed the offense occurred, or to initiate proceedings.

§ 4 In cases of crimes which harm has been done in the institutions of state property, local government, or social, if not authority operates the injured bodies, the injured person may exercise the right of state control bodies, which as far as their actions reveal an offense, or requested to initiate proceedings.

**Rule 49a.** <sup>(31)</sup> If not having a civil action, injured, and the prosecutor, it can until the end of the first interview the victim at trial request referred to in [Articles. 46](#) § 1 of the Penal Code.

**Article 50**The proceedings of the injured powers set out in Article. 53 and 62 may not use the person applying for the same case as the accused, except as provided in the Articles. 497 and 498 § 3

**Article 51**§ 1 The victim, who is not a natural person, body steps in the proceedings shall be entitled to act on his behalf.

§ 2 If the victim is a minor or the legal capacity to fully or partially performed by the law of its legal representative or the person under whose custody the victim remains constant.

§ 3<sup>(32)</sup> If the victim is a clumsy person, in particular due to age or health status, may exercise its right to the person under whose custody the victim remains.

**Article 52** <sup>(33)</sup> § 1 In case of death of victim rights, which would have had him, may exercise the closest, in the case of the absence or non-disclosure - the prosecutor, acting on its own.

§ 2 In the case where the body conducting the proceedings has information about the people closest to the victim, should be instructed about the powers available to at least one of them.

## Chapter 5

### Civil prosecutor

**Article 53**In cases of crimes prosecuted by indictment may act as the injured party as an auxiliary prosecutor public prosecutor in addition to or instead of him.

**Article 54**§ 1 If an indictment brought the public prosecutor, the victim may be until the start of the trial in open court declare that they will act as an auxiliary prosecutor.

§ 2 Waiving a public prosecutor from prosecution does not deprive the powers of claiming damages.

**Article 55**§ 1 In case of re-issue the order by the prosecutor not to initiate or to discontinue the proceedings in the case referred to in Article. 330 § 2, the injured person may, within one month of service upon him of notice of the order to bring an indictment to the court, attaching one

extract thereof for each of the accused and the prosecutor. Provision of Art. 488 § 2 shall apply accordingly. Provisions of Article. 339 § 3 paragraph 4 and Article. 397 does not apply.

§ 2 The indictment filed by a victim should be drawn up and signed by a lawyer, under the conditions laid down in Article. 332 and 333 § 1, the victim is a state institution, local government or social indictment also may draw legal counsel.

§ 3 Another victim may thus act until the beginning of the trial in open court to join the proceedings.

§ 4 The case initiated on the basis of an indictment brought by a subsidiary prosecutor may attend the public prosecutor.

**Article 56** § 1 The court may limit the number of prosecutors shadow appearing on where it is necessary to safeguard the proper course of proceedings. The court decides that the civil prosecutor can not participate in the proceedings when it no longer takes part determined by the court number of the accusers.

§ 2 The court also decides that the civil prosecutor can not participate in the proceedings if it finds that it is not the person entitled or his indictment, or declaration of accession to the case was submitted after the deadline.

§ 3 The court order issued under § 1, and the court order issued pursuant to § 2, if applicable subsidiary prosecutor referred to in Article. Or Article 54. 55 § 3 - the complaint is not entitled to.

§ 4<sup>(34)</sup> Civil prosecutor, who did not take part in the proceedings of the grounds referred to in § 1, the court may submit their views in writing within 7 days from the date of service of the order.

**Article 57** § 1 In the event of withdrawal from the prosecution claiming damages he may not rejoin the proceedings.

§ 2 The waiver claiming damages from prosecution in a case in which the public prosecutor not involved, the court shall notify the prosecutor. Nieprzystąpienie by him to the indictment within 14 days of service of notice result in cancellation proceedings.

**Article 58** § 1 The death of a subsidiary prosecutor did not tamuje course of conduct, the person closest to the proceeding may proceed as an auxiliary prosecutor at any stage of the proceedings.

§ 2 In the event of death, claiming damages, which itself supported the prosecution, shall apply respectively. 61.

## **Chapter 6**

### **Private prosecutor**

**Article 59** § 1 The aggrieved may bring a private prosecution, and promote the prosecution of crimes prosecuted by private prosecution.

§ 2 Another victim may thus act until the beginning of the trial in open court to join the proceedings.

**Article 60** § 1 In cases of crimes prosecuted by indictment private prosecutor initiates proceedings or has already entered the proceedings initiated if the public interest so requires.

§ 2 proceedings then pending with the office, and the victim, who had brought the private prosecution, enjoys the rights of a subsidiary prosecutor, the victim, who had not brought the private prosecution, shall apply. 54, 55 § 3 and Article. 58.

§ 3 If the prosecutor, who entered the case, then withdrew from the prosecution, the victim returns to continue the proceedings to the rights of private prosecutor.

§ 4 The victim, who did not make accusations, may within the mandatory 14 days of receiving notification of withdrawal from the prosecutor's indictment made the indictment or a statement that the prosecution maintains as private and, if such a statement does not make, the court will remit the proceedings.

**Article 61** § 1 In case of death of a private prosecution proceedings be suspended and the person closest to the right may join the deceased.

§ 2 If, within the mandatory 3 months after the death of the holder of the private prosecutor does not join in the law of the deceased, the court shall remit the proceedings.

## Chapter 7

### Reason for status

**Article 62** Until the victim can begin the trial on trial bring a civil action against the accused for investigation of criminal property claims arising directly out of the offense.

**Article 63** § 1 In case of death of the injured person may be coming within the period specified in Article. 62 bring a civil action to exercise their property claims arising from the offense.

§ 2 In the event of death of the closest civil plaintiff may join in the law of the deceased and assert their claims. Niewstąpienie these people do not tamuje course of conduct, the court issuing a decision terminating the proceeding in the civil action is left unconsidered.

**Article 64** Prosecutor within the period prescribed in Article. 62, filed a civil action for the victim or the person referred to in Article. 63 § 1, or support brought by the injured person or that person action if public interest so requires.

**Article 65** § 1 The court before the trial refuses to take civil action if:

- 1) a civil action is inadmissible under the special provision,
- 2) the claim has no direct connection with the alleged accusation,
- 3) the action is brought by an unauthorized person,
- 4) the same claim is the subject of other proceedings or the claim that finally adjudicated,
- 5) on the side of the defendants, there is need to fellowship with a state institution, a local government or social, or with someone who does not act as the accused,
- 6) <sup>(35)</sup> an application referred to in [Articles. 46](#) § 1 of the Penal Code.

§ 2 If the application corresponds to the formal conditions, and not the circumstances mentioned in § 1, the court decides to accept a civil action.

§ 3 In spite of the adoption of a civil action the court leaves them without a diagnosis, if after the start of the trial will reveal the fact mentioned in § 1

§ 4 The refusal to accept a civil action or to leave it without a diagnosis on the basis of § 3 of the complaint is not entitled to.

**Article 66** Civil plaintiff can prove the existence of only those factors on which to base his claim.

**Article 67** § 1 If the court refused to accept a civil action or leave them without a diagnosis, a civil plaintiff may assert his claim in civil proceedings.

§ 2 If, within the mandatory 30 days from the date of refusal or abandonment of civil actions without further examination, the plaintiff will bring a civil suit to provide the court with jurisdiction to hear civil cases, the day the claim shall be the date to bring suit in criminal proceedings.

**Article 68** In the case of suspension of proceedings, the court at the request of the plaintiff's civil claim is transmitted to the competent court to hear civil cases.

**Article 69** § 1 If the civil action was filed during the trial phase, the body conducting the proceedings shall be annexed to the application file, a provision which seems to take action after receipt of a court case with the indictment, the claim per day is considered the day of your claim application.

§ 2 If, together with the civil action is requested to secure the claim, that application shall rule the public prosecutor.

§ 3 The decision as to secure the claim may be appealed to the court.

§ 4 The case of cancellation or suspension of the trial the victim within the mandatory 30 days from the date of service of the order may require referral to the court with jurisdiction to hear civil cases. If the victim within the claim does not raise the security lapse, and the previously filed petition has no legal effect.

**Article 70** In relation to civil actions, and not governed by the provisions of this Code, shall apply mutatis mutandis the rules applicable in civil proceedings.

## **Chapter 8**

### **Accused**

**Article 71** § 1 The suspect is a person, for which the order was issued on the statement of objections, or which, without adopting such a provision alleged in connection with accession to the hearing as a suspect.

§ 2 The defendant is a person against whom the prosecution brought to court, and the person for which the prosecutor has requested a conditional discontinuance of proceedings.

§ 3 If this code is used in a general sense the term "accused", the relevant provisions are also applicable to the suspect.

**Article 72** <sup>(36)</sup> § 1 The accused has the right to have the free assistance of an interpreter if they do not sufficiently speak the Polish language.

§ 2 Translator should call for action from the accused referred to in § 1

§ 3 The accused referred to in § 1, the order of presentation, supplement or amend the charges, the indictment and the decision subject to appeal or the termination of the proceedings shall be served together with a translation, with the consent of the accused can be satisfied with the

translated announcement of the decision terminating the proceedings, if not it is subject to appeal.

**Article 73** § 1 The accused in detention awaiting trial may communicate with his counsel in the absence of other persons, or by correspondence.

§ 2 In preliminary proceedings the prosecutor giving permission to communicate may be particularly justified in the case that it will present at the same or a person authorized by him.

§ 3 The Prosecutor may also provide control of the suspect correspondence with counsel.

§ 4 Reservations referred to in § 2 and 3, can not be maintained or made after the expiry of 14 days from the date of provisional arrest of the suspect.

**Article 74** § 1 The defendant is not required to command his innocence nor any obligation to supply evidence against himself.

§ 2<sup>(37)</sup> The accused, however, is obliged to submit to:

1) visually inspected the outside of the body and not combined with other tests Tamper body, slowly and in particular the accused get fingerprints, photograph it and show for finding other people,

2) psychological and psychiatric examinations and tests connected to making a treatment on his body, with the exception of surgery, provided they are made by that employee is entitled to health care in preserving the knowledge of medical indications and do not endanger the health of the accused, if studies are essential; in particular, the accused is required while maintaining the conditions subject to collecting blood, hair or body secretions, subject to paragraph 3,

3) collecting by an officer of the Police cheek swab from the mucosa, where it is essential and there is no fear that it would jeopardize the health of the accused or others.

§ 3<sup>(38)</sup> In relation to the suspected person can make a research or activities referred to in § 2 paragraph 1 and, by the requirements specified in § 2 paragraph 2 or 3, get blood, hair, a swab from the cheek mucosa or other body secretions.

§ 4<sup>(39)</sup> Minister of Justice, in consultation with the minister responsible for health shall determine, by regulation, detailed terms and conditions as well as subjecting the accused person suspected of testing, and implementation of their participation activities referred to in § 2 paragraph 1 and 3 and § 3, whereas regard to the collection, recording and analysis of evidence have been made in accordance with current knowledge in the field of criminalistics and forensic medicine.

**Article 75** § 1 The accused, who remains at large, is obliged to attend to any call in the course of criminal proceedings and notify the body conducting the proceedings of any change of his place of residence or stay of more than 7 days, which should be warned of the accused at the first hearing.

§ 2<sup>(40)</sup> If the accused is not excusable failure to appear, you can stop them and bring them forcibly.

§ 3<sup>(41)</sup> The provisions of Article. 246 shall apply mutatis mutandis. Complaint against the decision of the court recognizes the same court of three judges.

**Article 76** If he is a minor or legal capacity, his legal representative or the person under whose custody the accused is, can take advantage of all the procedural steps, and above all make remedies, make findings and establish a defender.

**Article 77** The accused may also have no more than three defenders.

**Article 78** § 1 The accused, who is not counsel of choice, you may request that his assigned defense counsel, the office, if duly demonstrates that it is unable to pay defense costs, without prejudice to the necessary maintenance for themselves and their families.

§ 2<sup>(42)</sup> The court may revoke the appointment of counsel if it appears that there are no circumstances under which it was set.

**Article 79** § 1 In criminal proceedings, the accused must have a defender, if:

- 1) is a minor,
- 2) is deaf, dumb or blind
- 3) there is reasonable doubt as to his sanity.
- 4)<sup>(43)</sup> (repealed).

§ 2 The accused must have a defender, even if the court deems it necessary due to circumstances hindering the defense.

§ 3 In the cases referred to in § 1 and 2, the defender is mandatory participation in the hearing and in those meetings in which participation is mandatory of the accused.

§ 4<sup>(44)</sup> If during the proceedings, statutory doctors, psychiatrists conclude that the accused imputability both at the time of committing the alleged offense, and in the course of conduct is beyond doubt, the participation of counsel in further proceedings is not mandatory. President of the court, and the trial court may revoke the appointment of counsel.

**Article 80** <sup>(45)</sup> The accused must have a defender in the proceedings before the district court as a court of first instance, when he was accused of a crime or is deprived of liberty. In this case, participation in the trial counsel is mandatory, and appellate and cassation hearing, if the President of the court or the court deems it necessary.

**Rule 81** <sup>(46)</sup> § 1 If the conditions laid down in Articles. 78 § 1, art. 79 § 1 and 2 and Articles. 80 accused has no counsel of choice, president of the court competent to hear the case sets a defender of his office.

§ 2 At the substantiated request of the accused or his counsel the President of the court competent to hear the case may appoint a new defender to replace the existing.

## **Chapter 9**

### **Defenders and Agents**

**Article 82** Counsel may only be a person entitled to protection under the provisions of the Bar of the system.

**Article 83** § 1 establishes Defender accused, pending the establishment of counsel by the accused person deprived of liberty, the defender may set up another person, and shall inform the accused.

§ 2 of the defense authorization may be given in writing or by a declaration to the minutes of the authority conducting the criminal proceedings.

**Article 84** § 1 Establishment of the defenders or the appointment of ex officio counsel entitles him to act in all proceedings, including the steps after the decision becomes final if it contains no restrictions.

§ 2<sup>(47)</sup> Appointment of ex officio counsel requires the defender to take procedural steps to final completion of the proceedings. If, however, steps must be done outside the office or home office counsel, president of the court before which the action is to be made, and the President of the preparatory proceedings of the district court space operations, at the reasoned request may designate a former counsel to the implementation of this action, another defender of the local attorneys.

§ 3<sup>(48)</sup> Defender appointed to office in the proceeding, or cassation proceedings for revision shall draw up and sign an appeal or application for revision, or communicated in writing to the court that he found the grounds to bring an appeal or application for revision. If the cassation or the application is submitted, the defender is entitled to participate in the proceeding.

**Article 85** § 1 The defender can defend some of the accused, if their interests are not in conflict.

§ 2 Noting the contradiction court issues an order, outlining the defendants time to set up other defenders. In the event defense of its own motion the court will appoint another defender. The decision may be appealed.

§ 3<sup>(49)</sup> In preliminary proceedings the powers of the court referred to in § 2 of the President of the court have jurisdiction to hear the case.

**Article 86** § 1 The defender can only embark procedural steps for the benefit of the accused.

§ 2 The share of defense counsel in the proceedings does not exclude it from his personal act of the accused.

**Rule 87** § 1 site other than the accused may appoint a representative.

§ 2 A person who is not a party may appoint a representative, if required by its interests in the proceeding.

§ 3 The Court, in preparatory proceedings the prosecutor may refuse to admit to participation in the representative referred to in § 2, if it finds that does not require that a person does not defend the interests of party.

**Article 88** § 1 The Agent shall apply respectively. 77, 78, 82-84 and 86 § 2

§ 2<sup>(50)</sup> An agent of the state institutions, local government or social may also be a solicitor.

§ 3<sup>(51)</sup> In terms of property claims representative of the legal person other than that provided in § 2, the organizational unit having no legal personality, as well as the natural person doing business can also be a solicitor.

**Article 89** In relation to a representative, and not governed by the provisions of this Code, shall apply mutatis mutandis the rules applicable in civil proceedings.

## **Chapter 10**

### **The representative of the social**

**Rule 90** § 1 In the court proceedings until the start of the trial participated in the proceedings may submit a representative of a social organization where there is a need to protect the public interest or important interest of the individual, subject to the statutory responsibilities of the organization, in particular the protection of human rights and freedoms.

§ 2 The declaration indicates the social organization representative who is supposed to represent this organization, and a representative shall submit to the court a written authorization.

§ 3 The court allows the representative of social organization, if it is in the interests of justice.

**Article 91** Allowed to participate in the proceedings the representative of social organization may participate in the hearing, speak and make representations in writing.

## **DIVISION IV**

### **WORK PROCESS**

#### **Chapter 11**

##### **Judgments, decrees and orders**

**Article 92** The basis of the decision may only be a number of factors disclosed in the proceedings, relevant to the determination.

**Article 93** § 1 If a bill does not require the issue of appeal, the court shall issue an order.

§ 2 The questions do not require a court order for the President, Chairman of Department, presiding judge or the judge authorized issue orders.

§ 3<sup>(52)</sup> In pre-trial order and orders issued prosecutor and other authority, and the court - in cases provided for in the Act.

§ 4 The cases specified in the law court and the prosecutor issue a command of the Police and other bodies.

**Article 94** § 1 The provision should include:

- 1) designation of authority and the person or persons issuing the order,
- 2) the date of the order,
- 3) identify the case and issue the order relates,
- 4) the decision of giving a legal basis,
- 5) justification, unless the law exempts from this requirement.

§ 2 The provision of § 1 shall apply mutatis mutandis to the regulations.

**Article 95** The court decides at the hearing in the cases provided for by law, and others - at the meeting. Judgments made at the meeting can be made at the hearing.

**Article 96** <sup>(53)</sup> § 1 Parties and non-parties, if it is relevant for the protection of their rights or interests are entitled to participate in the meeting when the law so provides, unless their participation is mandatory.

§ 2 In other cases, they have the right to participate in the meeting, if they present themselves, unless the law provides otherwise.

**Article 97** If you need to check the facts before ruling on the meeting, the court does so himself or to appoint the judge of the bench or calls for the implementation of specific actions to court locally relevant.

**Article 98** Justification provisions of § 1 shall be in writing with the same order.

§ 2 In the tortuous or other compelling reasons can justify the delay to draw up provisions for up to 7 days.

§ 3 does not justify the admission of evidence required, as well as the inclusion of the proposal, which the other party has objected to, unless it is subject to appeal.

**Article 99** § 1 The mode and form of the judgment determine the specific provisions.

§ 2 The Ordinance requires a written justification, if subject to appeal.

**Article 100** § 1 ruling or decree issued at the hearing shall be announced orally.

§ 2 The decision or order issued outside the hearing be served on the prosecutor, and the side and a person not a party, which are entitled to appeal if they did not take part in the meeting or were not present at the announcement, in other cases, the contents of the decision or order shall be inform the parties.

§ 3 Case collapsed at the meeting and the order on the ground in the case referred to in Article. 98 § 2 shall be served on the parties.

§ 4 If a bill does not relieve the simultaneous preparation reasons, the decision shall be served on, or publishes, together with the reasons, in the case referred to in Article. 98 § 2 after the announcement of the order is given orally the main reasons for the settlement.

§ 5 When the case was diagnosed in camera due to the important interests of the state, instead of reasoning served notice that the grounds have been prepared.

§ 6<sup>(54)</sup> After the announcement or notification of a decision by the parties should be advised of their right, the time and manner of an appeal or that the decision is not subject to appeal. The accused referred to in Article. 335 or 387, should also be instructed about the wording of Article. 443 in conjunction with. 434 § 3

**Art 101** <sup>(55)</sup> (repealed).

**Article 102** <sup>(56)</sup> (repealed).

**Article 103** <sup>(57)</sup> (repealed).

**Article 104** <sup>(58)</sup> (repealed).

**Article 105** § 1 Obvious clerical errors, and accounts and the calculation time in the decision or decree, or the reasons for them can be corrected at any time.

§ 2 Corrections made body that made a mistake. If the case is pending before the appellate instance, it can automatically correct the ruling of first instance.

§ 3 corrected the decision or its rationale followed by the provision, and the rectification orders in an order.

§ 4 The decision or order issued as a correction in the first instance can be appealed.

**Article 106**The provisions of Article. 100 § 2, 4-6 shall apply mutatis mutandis in the preparatory proceedings.

**Article 107**§ 1 The Court, which ruled that the property claims, gives at the request of the person entitled subject to any enforceable decision enforceable by execution.

§ 2<sup>(59)</sup> For a decision as to property claims, is also considered the decision imposing the remedy or compensation for damage suffered and exemplary passed for the victim if they are suitable for execution in accordance with the provisions of [Code of Civil Procedure](#).

§ 3 The provisions of § 1 and 2 shall apply mutatis mutandis to the obligation under an agreement concluded before a court.

## **Chapter 12**

### **Deliberations and Voting**

**Article 108**§ 1 The course of the deliberation and vote on the decision is secret, and the exemption from the behavior in this regard, the secret is not acceptable.

§ 2 During the meeting and vote in addition to members of the bench may be present only the recorder, unless the President considers his presence to be unnecessary.

**Article 109**§ 1 Deliberation and voting by the chairman, and if at the order and manner of deliberation and the vote raised doubts have been resolved by them, the bench.

§ 2 After consulting the chairman collects the voices ranging from the youngest, first from the jurors according to their age, then the judges according to their seniority in office, and he shall vote last. Rapporteur, if not the President, shall vote first.

**Article 110**Deliberation and vote on the sentence takes place separately as to the guilt and the legal action, as a penalty, as to the punitive measures and on the remaining issues.

**Article 111**§ 1 Decisions taken by majority vote.

§ 2 If so share the view that none of them obtains a majority, the least favorable to sentence the defendant subscribed to the view most similar to him, until a majority.

**Article 112**The judge who voted against the recognition of the accused guilty, it may abstain from voting on matters further, the voice of the judge concurs with the opinion najprzychylniejszego for the accused.

**Article 113**Ruling signed by all members of the bench, not excluding przegłosowanego, unless it is given in minutes.

**Article 114**§ 1 The submission of a signature member of the bench has the right to select its ruling giving a dissenting opinion, in which part and what challenges the ruling direction.

§ 2 Dissenting opinion may also justify the decision, then the sentence is marked by the signing of reasons.

§ 3 If the Act does not require the preparation and justification of the ruling, if the application dissenting opinion, the reasons must be made with the office within 7 days after the ruling, and made a dissenting opinion attached within the next 7 days of its reasoning, this obligation does not apply jury.

**Article 115** § 1 Justification signed by the decision of the person who issued the ruling, including the person voted.

§ 2<sup>(60)</sup> In the cases examined in the composition of a judge and two assessors only justification signed by the Chairman, unless reported a dissenting opinion. In the cases examined, composed of two judges and three magistrates justification signed by the two judges, unless they reported a dissenting opinion.

§ 3 If you can not obtain the signature of the chairman or another member of the bench, one of the signing makes the fact on the grounds, indicating the reasons for this fact.

## Chapter 13

### Order of procedural steps

**Article 116** If the law provides otherwise, the parties may submit applications and other representations in writing or orally to the Protocol.

**Article 117** § 1 eligible to participate in the procedural act shall be notified of its time and place, unless the law provides otherwise.

§ 2 activities are not carried out if the claimant did not appear in a lack of evidence that it was notified, and if there are reasonable grounds to believe that emerged failed to appear because of the obstacles disasters or other exceptional reasons, and if that person justification for failure to properly and asks for failure to carry out activities without her presence, unless the law provides otherwise.

§ 2a.<sup>(61)</sup> Excuse absences due to illness require a certificate issued by an authorized physician, confirming the inability to come to the summons or notice from the investigating authority.

§ 3 In the case of failure to appear, counsel or agent, whose appearance is mandatory, procedural step not be carried out unless the law stipulates otherwise.

§ 4<sup>(62)</sup> Minister of Justice, in consultation with the minister responsible for health shall determine, by regulation, conditions and procedures for excusing failure to appear the accused, witnesses and other participants in the proceedings due to illness and the way in which the doctors authorized to issue certificates that the inability to attend the summons or notice from the authority conducting the proceedings, bearing in mind the need to conduct research free of charge and issuing a certificate by the physician and the availability of such studies for the person tested.

**Rule 117a.** <sup>(63)</sup> § 1 If a party has more than one counsel or representative, a procedural step can be performed in case of appearance of at least one of them, unless the party agrees to conduct operations without the participation of counsel or representative, whose participation is not mandatory.

§ 2 The provision of § 1 shall apply mutatis mutandis to a non-party representatives referred to in Article. 87 § 2, and the entity referred to in Article. 416.

**Article 118** § 1 The importance of procedural steps are evaluated according to the content of the statement made.

§ 2 Improper sign a procedural step, and in particular remedy does not deprive the importance of legal action.

§ 3 The letter belongs to the jurisdiction of the court, prosecutor, police or other authority of the investigation, sent to the wrong body to be transmitted to the competent authority.

**Article 119** § 1 The writ must contain:

- 1) designation of authority to which it is addressed, and cases covered by it,
- 2) designation and address of the appellant's letter,
- 3) content of the proposal or statement, if necessary with a justification
- 4) the date and signature of the letter.

§ 2 The person who can not sign, a letter signed by the person authorized by it, indicating his reasons for his signature.

**Article 120** § 1 If the letter does not meet the formal requirements provided for in Article. 119 or in specific provisions and the absence is such that the letter could not get gear, or lack of sound is niezłożeniu fees or mandate to take a procedural step, calls to the person from whom the letter comes, to remedy the lack, within 7 days.

§ 2 In the case of complete absence, in time, the letter shall take effect from the date of its filing. In case of absence of niuzupełnienia time, the letter shall be deemed invalid, what should be instructed in the notification letter.

**Article 121** If a person involved in the procedural act refuses to sign or can not make it, the authority carrying out these steps indicate the reason for the absence of a signature.

## **Chapter 14**

### **Dates**

**Art 122** § 1 Step Process effected after the limitation period is ineffective.

§ 2 will visit are the deadlines to pay and other remedies that the law will visit considered.

**Art 123** § 1 The time limit does not include the date on which counts the time.

§ 2 If the date is expressed in weeks, months or years, the end of the period falls on the day of the week or month, which corresponds to the beginning of time, if in a given month has no such day, the end of the period falls on the last day of that month.

§ 3 If the end of the period fall on a day recognized by law as a day off from work, the operation can be performed the next day.

**Article 124** <sup>(64)</sup> The term is retained, if before the expiry of the letter was given to local post office in the Polish public operator, the Polish consular office or by the soldier in command of a military unit or by a person deprived of liberty in the proper administration of the plant, the Polish crew member ship master.

**Article 125** <sup>(65)</sup> Letter mistakenly made before the expiry date to the wrong court, prosecutor, police authority or other body pre-trial proceedings shall be deemed filed within the period.

**Art 126** § 1 If the default limitation period has occurred for reasons independent party in the mandatory period of 7 days from the date of termination of the obstacles may request reinstatement period, completing both transactions, which had to be made within, the same applies to non - parties.

§ 2 In the limit rules to restore order the authority before which had to act.

§ 3 The refusal to restore the deadline may be appealed.

**Article 127** The application for reinstatement period shall not prevent enforcement, but the body to which the application is filed, or the body responsible for hearing an appeal may suspend enforcement of the decision, the refusal suspension does not require justification.

## **Chapter 15**

### **Service**

**Article 128** § 1 The rulings and orders delivered in the certified copies, if the law requires their service.

§ 2 Any letter intended for the participants to the proceedings shall be served in such a way that their contents were not made available to unauthorized persons.

**Art 129** § 1 The notice must indicate the authority and give the dispatcher, in which case, in what capacity, time and place is to meet the recipient, and whether its appearance is mandatory, and also warn of the consequences of failure to appear.

§ 2 The provision of § 1 shall apply mutatis mutandis to the notification.

§ 3 If the date of notification letter extends deadline for implementation of the procedural step, should be advised of the recipient.

**Article 130** Served as a letter of receipt. Receiver acknowledge receipt of his indelible signature containing your name on the return receipt, which confirms serving her signature way of service.

**Art 131** § 1 <sup>(66)</sup> Summons, notices and other documents from the date of service, run dates, shall be served by mail or other authorized entity engaged in the service of correspondence by the signor or the employee, if strictly necessary - by the police.

§ 2 If, on the set of so many victims that their personal notice of their rights would cause serious impediment to the investigation, they shall be by advertisement in newspapers, radio or television.

§ 3 <sup>(67)</sup> If there is an obligation of service provision, provisions of § 2 shall apply accordingly. Should always served it to that victim, who in the mandatory period of 7 days from the date of this notice to pay.

**Article 132** § 1 letter personally delivered to the addressee.

§ 2 In the event of temporary absence of the addressee in his apartment, the letter delivered to an adult member of the household, and if it did not - the administration at home, caretaker home or sołtysowi if undertake to deliver the letter to the addressee.

§ 3<sup>(68)</sup> Letter can also be delivered via fax or email. In this case, the proof of service is to confirm the data.

**Article 133**§ 1<sup>(69)</sup> If delivery can not be done in the manner indicated in Article. 132, letter sent by mail is left in the local post office near the public operator, and sent in another way - in the nearest police unit or the appropriate municipal office.

§ 2<sup>(70)</sup> About leaving the magazine in accordance with § 1 serving a notice placed in a box to mail service or on the door of the apartment the recipient or other visible indication of where and when the letter was left, and that they should be receive within 7 days, in the event of an ineffective lapse of the deadline, action notice must be repeated once, the same rationale applies in the event of service administration letter home, caretaker home or sołtysowi.

§ 3 The letter can also be left to a person authorized to receive mail at the permanent place of employment of the recipient.

**Art 134**§ 1<sup>(71)</sup> A letter addressed to the soldiers and officers of the Police, Internal Security Agency, Intelligence Agency, the Military Counter-Intelligence Service, Military Intelligence Service, the Central Anticorruption Bureau, the Border Guard and the Prison Service recipients may be served through their superiors, the call intended for soldiers performing military service essential sent to the commander of a military unit in which the soldier is serving in the service and arrange to appear pursuant to summons.

§ 2 persons deprived of their liberty shall be served on a letter through proper administration of the plant.

§ 3 letter intended for the recipient, not being a natural person or the counsel or representative shall be served in the office of the recipient person employed there.

**Article 135**Prosecutor shall be notified of hearings and meetings of the service list of issues to be identified on a given day.

**Article 136**§ 1 In case of refusal to accept the letter or the refusal or inability to receive a receipt by the addressee, the deliverer shall make a return receipt of the appropriate reference, then the notification shall be made.

§ 2 The letter is not accepted by the recipient asks the body to the consignor.

**Article 137**In cases of urgency, you can call or notify the person by telephone or otherwise according to circumstances, leaving a copy on file with the given message signed by the person giving.

**Article 138**<sup>(72)</sup> Home, as well as a non-party whose rights have been violated, staying abroad is obliged to indicate the recipient for service in the country, where nieuczynienia the letter sent to the last known address in the country or, if this does not address, attached to the file deemed to be served.

**Article 139** § 1 If a party, without giving a new address, change the place of residence or not present at the address indicated by them, the letter sent at that address shall be considered delivered.

§ 2<sup>(73)</sup> (repealed).

§ 3<sup>(74)</sup> Provision of § 1 shall not apply to letters sent for the first time after the final absolved the accused.

**Article 140** If the law provides otherwise, decisions, orders, notices and copies of that Act requires the served parties, served on the defenders, statutory agents and representatives.

**Article 141** <sup>(75)</sup> Minister of Justice, in consultation with the minister responsible for communications, shall determine, by regulation, detailed rules and procedure for service of judicial documents, taking into account the need to ensure the proper course of conduct and proper implementation of the procedural safeguards of its participants.

**Article 142** Service without conservation provisions of this chapter shall be deemed made if the person for whom the letter was intended, and declares that the letter is received.

## Chapter 16

### Minutes

**Article 143** § 1<sup>(76)</sup> Transcribe the minutes need to:

- 1) the adoption of an oral notice of the offense, the prosecution and the application for withdrawal,
- 2) interrogation of the accused, witness, expert and curator,
- 3) to inspect,
- 4) make opening and remove the corpses corpses from the grave
- 5) carry out the experiment, the confrontation and to present,
- 6) search people, places, things and information system and to seizure and data,
- 7) the opening of mail and parcels and to restore fixed entries,
- 8) familiar with the suspect materials collected in the preparatory proceedings,
- 9) adoption of a surety,
- 10) conduct of the proceedings of the court, if present themselves for the authorized persons, or their presence is mandatory,
- 11) conduct of the hearing.

§ 2 The other steps are writing the protocol, if a specific provision that requires either carrying out the action it deems necessary. In other cases, be limited to the production of official notes.

**Article 144** § 1 The trial protocol writing the trainee or employee of the registry. Minutes can also write a judicial assessor, unless it belongs to the bench.

§ 2 can write another protocol, in addition to those listed in § 1, a person dressed as a clerk by the operator performing the same act or transaction.

§ 3 A person who assumed that it is not an employee of the investigating authority, receives a promise as follows: "I swear solemnly that the duties entrusted to me clerk will do conscientiously."

**Art 145** § 1<sup>(77)</sup> If a procedural step shall be reproduced using the transcript, the protocol can be reduced to writing the most important declarations of persons taking part in it. Stenographer to the letter translated transcripts of normal, but does mention, which used the system; pierwopis transcript and its translation become attachments to the minutes.

§ The provision of Article 2. 144 § 3 shall apply accordingly.

**Article 146** § 1 recorder and stenographer are off on the same grounds as a judge.

§ 2 The exclusion rule at the hearing or meeting of the court, in other cases the person who carries out the action recorded.

**Art 147** § 1 The course of action protokołowanych can also be fixed by using the image recording device or sound, as before entering the equipment to warn persons participating in the activities.

§ 2<sup>(78)</sup> If technical reasons do not preclude:

1) that a witness or expert shall be reproduced by means of sound recording equipment, if:

- a) there is a danger that the hearing of that person will not be able to continue the proceedings,
- b) the hearing takes place in the manner specified in Article. 396,

2) interview the victim, referred to in Article. 185a, and the witness referred to in Article. 185b, perpetuates using recording equipment and sound.

§ 3<sup>(79)</sup> If a procedural step shall be reproduced by a device image or sound recording, the protocol can be reduced to writing the most important declarations of persons taking part in it. Record video or sound, as well as translation of sound recording become attachments to the minutes.

§ 4 party is entitled to receive at its own expense one copy of the sound recording or video. Does not apply to hearings at the hearing held in camera or in the preparatory proceedings.

§ 5<sup>(80)</sup> Minister of Justice shall determine, by regulation, types of equipment and technical measures for the perpetuation of the image or sound for the process and how to store, play and copy records, bearing in mind the need for appropriate protection and well-established image and sound against the loss of evidence, its distortion or unauthorized disclosure .

**Article 148** § 1 The protocol should include:

- 1) sign acts, the time and place and persons involved in it,
- 2) conduct of operations and the statements and conclusions of its participants,
- 3) issued in the course of the provisions and regulations, and if the order or decree shall be drawn up separately, the mention of his release,
- 4) If necessary, finding other facts regarding the conduct of operations.

§ 2<sup>(81)</sup> Explanation, evidence, statements and conclusions and statements in certain circumstances by the body conducting the proceedings shall be included in the minutes of the possible precision. Persons involved in operations may require the inclusion in the minutes of the full accuracy of everything relating to their rights or interests.

§ 3 The protocol should not be a substitute for recording the content of testimony or explanations appeal to other protocols.

§ 4 persons involved in operations may require the reading of excerpts of their speeches wciągniętych to the Protocol.

**Article 149** § 1 hearing and meeting minutes shall be signed by the chairman and recorder.  
§ 2 transcript and its translation into sign stenographer, and hearing the President or performing the act.  
§ 3 If the president can not sign the protocol, the protocol signed by him, one of the members of the bench, stating the reason for the absence of the President signature.

**Article 150** § 1 With the exception of the hearing or meeting minutes of the protocol signed by the persons participating in activities. Before signing it, read and make this a mention.  
§ 2 A person involved in the operations of a protocol may also submit objections to its contents, these charges should be brought into the protocol together with a statement of a person or activity recorded.

**Article 151** <sup>(82)</sup> § 1 Deletions and amendments and additions made in the protocol signed by the need to discuss the persons signing the protocol.  
§ 2 If the protocol has not been duly signed immediately after the operations, missing signatures may be added later, indicating the date of submission and the reasons for the delay.

**Article 152** Parties and persons having a legitimate interest may request correction of the hearing and meeting minutes, pointing out inconsistencies and omissions.

**Article 153** § 1 The President, after hearing the clerk may accede to the request and issue an order for rectification of the Protocol, otherwise the rectification of the Protocol shall decide, after hearing the clerk, the court in the composition, which recognize the case.  
§ 2 If you can not create the same composition, the order does not falls, and its individual members and the recorder shall file a declaration as to the merits of the proposal.  
§ 3 If the application protocol must be corrected in place an appropriate reference, which is signed by the chairman and recorder.  
§ 4 The application for rectification of the hearing or meeting minutes shall not be examined if it was made after sending the file to a higher court.

**Article 154** Correcting obvious clerical or accounting errors in the minutes at the request or on its own at any time, the provision of Article. 153 shall apply mutatis mutandis.

**Article 155** § 1 The content of the rectification shall be notified to the parties, ao refuse rectification person who raised the request for correction.  
§ 2 An application for rectification, irrespective of the mode of settlement, attached to the minutes.

## **Chapter 17**

### **Browsing files and making copies**

**Article 156** § 1 <sup>(83)</sup> Parties, the company referred to in Article. 416, defenders, agents and representatives of statutory records made available to the court case and gives the opportunity to draw from them deductions. With the consent of the President of the court files can also be made available to others.

§ 2<sup>(84)</sup> At the request of the accused or his counsel appears to be photocopies of documents for consideration from the file. Photocopies of such consideration may be granted, upon request, the other parties, the company referred to in Article. 416, agents and representatives of statutory.

§ 3<sup>(85)</sup> President of the Court may, if necessary, order the reasoned consideration of the certified copies of the file.

§ 4 If there is a risk of disclosure of state secrets, reviewing documents, making copies and photocopies shall be subject to the disciplines set by the president of the court or the court. Certified copies and photocopies does not appear, unless the law provides otherwise.

§ 5<sup>(86)</sup> If the law provides otherwise, in the course of trial the parties, defenders, agents and representatives make up the statutory records, enables making copies and photocopies, and shall provide certified copies or photocopies only with the consent of the operator of the preliminary inquiry. With the agreement of the prosecutor files during the investigation may be made available in exceptional cases to others.

§ 6<sup>(87)</sup> Minister of Justice shall determine, by regulation, the fee for issuing documents and photocopies of certified copies of the file, whereas the cost of implementing such a photocopy.

**Article 157** § 1 The accused at his request to be issued free of charge, a certified copy of any ruling. Copy appears to be the reasons, if this is done.

§ 2 In cases in which publicity is disabled due to the important interests of the state, the accused may be granted only copy of the decision terminating the proceedings in the court, without justification.

§ 3 can not be denied the permit to draw up a copy of the protocol steps, where a party has participated or had the right to participate, as well as a document originating from it or made with her.

**Article 158** § 1 The Prosecutor may file judicial review in every state and request them to send him for that purpose, if not tamuje this course of conduct and does not restrict access to files other participants in the proceedings, especially the accused and his counsel.

§ 2 If the file transfer prosecutor is obliged to share them side defender or attorney.

**Article 159** <sup>(88)</sup> Refusal to disclose documents in the preparatory proceedings parties are entitled to appeal, on the orders of the prosecutor is entitled to appeal directly to the superior prosecutor.

## **Chapter 18**

### **Restoration of missing or damaged file**

**Article 160** § 1 The procedure in the event of loss or damage in whole or in part of the file pending a court shall, in which case recently taken place.

§ 2 The Supreme Court conducted such proceedings only to the extent that the court act plays.

§ 3 The procedure in the event of loss or destruction of documents in the case finally ended with the court shall, where the case is fought in the first instance, or any other court specified by statute.

§ 4 Files trial plays the prosecutor, using the appropriate provisions of this chapter.

**Article 161** If lost or damaged file finally completed, will play in the parts necessary for the enforcement of resumption of proceedings, conduct the proceedings in cassation or the accomplishment of the legitimate interests of other parties.

**Article 162** President of the Court urges the parties to submit proposals within a time limit as to how to play the file and submit the documents to enable their restoration.

**Art 163** § 1 The President urges the people of the court having the necessary documents for their submission to the court, if necessary, arrange for their forced withdrawal, the provisions of Article. 217-236 shall apply accordingly.

§ 2 After completion of the certified copies of documents should be paid to the person who provided the information or from whom he received.

**Art 164** <sup>(89)</sup> In order to play act the court shall conduct, including evidence as it deems necessary. In particular, the court takes into account records to criminal records and other books repertoriów office consolidation of sound or images, notes protokolantów, judges, jurors, prosecutors and lawyers who participated in the case. The court may also hear witnesses in the case of any members whose files were lost or destroyed, as well as others who may have news about the content of the file. Parties have the right to participate in the meeting.

**Article 165** § 1 The provision as to restore the file or determine its scope states that it is impossible to play the file.

§ 2 The decision to be appealed.

**Art 166** If the file is not finally completed may not be reproduced or have been reproduced in part, the procedural steps must be repeated as necessary to continue the proceedings.

## **DIVISION V**

### **EVIDENCE**

#### **Chapter 19**

##### **General Provisions**

**Article 167** <sup>(90)</sup> Evidence shall be conducted at the request of the parties, an entity referred to in Article. 416, or ex officio.

**Article 168** Well-known facts do not require proof. The same applies to the facts known to the office, but it is not given to the parties. This does not exclude evidence to the contrary.

**Article 169** § 1 The application of evidence, please give evidence and facts to be proved. You can also specify the manner of proof.

§ 2 The application of evidence may tend to detect or assess the relevant evidence.

**Article 170** § 1 Dismisses the application of evidence if:

- 1) the taking of evidence is inadmissible,
  - 2) the fact to be proven, it is irrelevant to the outcome of the matter is already proved in accordance with the applicant's claim,
  - 3) the proof is unsuitable for the determination of the facts,
  - 4) the proof can not be done,
  - 5)<sup>(91)</sup> request evidence clearly intended to extend the proceedings.
- § 2 can not reject the application of evidence on the ground that the evidence so far showed the opposite of what the applicant intends to prove.
- § 3 Rejection of the proposal is evidence in the form of provision.
- § 4 Rejection of the application of evidence does not preclude the later admission of evidence, even if no new facts emerged.

**Article 171** <sup>(92)</sup> § 1 The person interviewed should be allowed to freely express their views on the limits to the operation, and only then you can ask questions intended to supplement, explain or control of expression.

§ 2 The right to ask questions, besides the Hearing Authority, the parties, counsel, agents, experts and the entity referred to in Article. 416. Questions to ask the person interviewed directly, unless the authority of the interrogators ordered otherwise.

§ 3 If the person interviewed has not reached 15 years of operations from its participation should, where possible, conducted in the presence of legal or de facto guardian, unless a good case precluded by the.

§ 4 Do not ask questions suggest the answers to the person interviewed.

§ 5 is unacceptable:

- 1) to influence the people heard speeches by coercion or threat of unlawful,
- 2) the use of hypnosis or a chemical or technical impact on the mental processes people interviewed, or to control the unconscious reaction of the organism in relation to the hearing.

§ 6 repeals the authority interrogators questions referred to in § 4, as well irrelevant questions.

§ 7 Explanations, evidence and statements made in the conditions excluding the freedom of expression, or obtained contrary to the prohibitions listed in § 5 may not constitute proof.

**Art 172** Persons interviewed may be faced in order to clarify the contradictions. Confrontation is not admissible in the case referred to in Article. 184.

**Article 173** § 1 A person can be heard another person's image or for the purpose of diagnosis. The presentation should be carried out so as to exclude the suggestion.

§ 2 If necessary, the presentation can also be carried out so as to exclude the possibility of a person interviewed by a person recognized.

§ 3 The presentation should be presented to the person in the group comprising a total of at least four people.

§ 4<sup>(93)</sup> Minister of Justice, in consultation with the minister responsible for internal affairs, shall determine, by regulation, the technical conditions to carry out the presentation, bearing in mind the need to ensure the proper course of conduct and proper implementation of the procedural safeguards of its participants.

**Article 174** Proof of the explanations of the accused or the testimony of a witness may be substituted for the content of letters, official records or notes.

## Chapter 20

### Explanations of the accused

**Article 175** § 1 The accused has the right to make clarifications, may, however, without giving reasons refuse to answer particular questions or refuse to answer questions. The law that needs to be advised.

§ 2 Current operations at the evidence the accused has the right to submit any explanation of the evidence.

**Article 176** § 1 In preliminary proceedings the accused should be, at his request or his counsel, to allow, at the hearing to be heard in writing. Investigator in this case, take measures to prevent the agreement is accused with others during the write off explanations.

§ 2 The interrogators may, for important reasons, refuse to make the accused a written explanation.

§ 3<sup>(94)</sup> (repealed).

§ 4<sup>(95)</sup> Written explanations of the accused, signed by him, stating the date of submission, are attached to the minutes.

## Chapter 21

### Witnesses

**Article 177** § 1 Any person called as a witness is required to appear and testify.

§ 1a.<sup>(96)</sup> That a witness may be made using technical equipment to enable to carry out this action at a distance. In legal proceedings in the court action is involved, as referred to in Article. 396 § 2; provision of Article. 396 § 3 shall apply accordingly.

§ 2 The witness, who can not attend the call due to illness, disability or any other that can not be overcome barriers, can be heard at his place of residence.

**Article 178** Not be interrogated as witnesses:

- 1)<sup>(97)</sup> defender or a lawyer acting on the basis of Article. 245 § 1, of the facts which he learned by providing legal advice or leading question,
- 2) a clergyman of the facts, which he learned in confession.

**Article 179** § 1 Persons required to keep state secrets could be heard as to the circumstances in which this obligation extends only to dismiss those people from the obligation to secrecy by a competent supervisor.

§ 2 Exemptions may be refused only if the submission of evidence could cause serious damage to the state.

§ 3 The court or the prosecutor may ask the competent supreme organ of government for exemption of a witness from the obligation of secrecy.

**Article 180** § 1 Persons bound to professional secrecy or confidentiality with the profession or function may refuse to testify on the circumstances, which extends this obligation, unless the court or the prosecutor such persons exempt from the obligation of secrecy.

§ 2<sup>(98)</sup> Persons required to maintain confidentiality of notaries, lawyers, solicitor, medical or journalistic may be questioned as to the facts of this mystery only if it is necessary for the sake of justice, and the fact can not be determined on the basis of other evidence. In pre-trial hearing on the authorization of the hearing or the court decides, at a meeting without the participation of the parties, not later than 7 days from the date of service request of the Prosecutor. The court's decision may be appealed.

§ 3 Exemption from the obligation of the journalist secrecy can not relate to identifying the author of the material release, a letter to the editor or other material of this nature, as well as the identification of people providing information published or submitted for publication, if they have reserved disclose this information.

4 § 3 of the provision does not apply if the information concerns a crime referred to in [Articles. 240](#) § 1 of the Penal Code.

§ 5 The refusal by a journalist to disclose the data referred to in § 3, not lessen his responsibility for his offense, which committed to publishing information.

**Article 181** § 1 In the cases provided for in Article. 179 and 180 the court hear such person at the hearing in camera.

§ 2<sup>(99)</sup> Minister of Justice shall determine, by regulation, the manner of preparation, storage and retrieval protocols hearing the accused, witnesses, experts and curators, and other documents or objects, which extends the obligation to preserve state secrets, business or related profession or function, such as also acceptable way to refer to such hearings, documents and objects in the judgments and pleadings, bearing in mind the need to ensure adequate protection for secrets against unauthorized disclosure.

**Art 182** § 1 The person closest to the accused may refuse to testify.

§ 2 The law continues to refuse to testify despite the cessation of marriage or adoption.

§ 3 The right to refuse to testify are also entitled to the witness, who in another pending case is accused of complicity in the crime under investigation.

**Article 183** § 1<sup>(100)</sup> A witness may decline to answer the question if the answer could expose him or the person closest to him responsibility for a crime or a crime bills.

§ 2 The witness may request that he heard at the hearing in camera, if the content of the testimony could expose the shame of it or the person closest to him.

**Article 184** <sup>(101)</sup> § 1 If there is a justified fear of danger to life, health, liberty or property of significant size of the witness or the person next to him, the court, and in preparatory proceedings the prosecutor may issue a decision to keep secret the circumstances allowing disclosure of the identity of a witness, including personal data if they are not relevant to the outcome of the case. Proceedings in this regard takes place without the participation of the parties and is subject to state secrecy. The decision ignores the circumstances referred to in the first sentence.

§ 2 In the case of issuing the order referred to in § 1 of the circumstances referred to in this provision shall remain solely to the court and prosecutor, and when necessary - is also

investigating police officer. Minutes of the witness must provide the accused or counsel only way to prevent the disclosure of the circumstances referred to in § 1

§ 3 The witness heard the prosecutor and the court, which may have to do that a judge appointed from among its members - in place and in a manner that prevents disclosure of the circumstances referred to in § 1 In the hearing of a witness by the court or a judge designated shall be entitled to attend the prosecutor, the accused and his counsel. Provision of Art. 396 § 3, second sentence shall apply mutatis mutandis.

§ 4 If the witness using technical equipment to enable to carry out this action at a distance, in a Memorandum of activities involving experts, indicate their names, names, specialties and type of activity. Provision of Art. 205 § 3 shall not apply.

§ 5 The decision to keep secret the circumstances referred to in § 1, the witness and the accused, and in proceedings before the court and the prosecutor is entitled to receive within 3 days of the complaint. Complaint against the prosecutor's decision considered by a court having jurisdiction. Proceeding is pending on appeal without the participation of the parties and is subject to state secrecy.

§ 6 If you take into account the complaints protocol of the witness is destroyed, the destruction of the Protocol should make mention of the file.

§ 7 The witness may, pending the closure of the proceedings before the court of first instance, request a waiver of the provisions referred to in § 1 The decision on the application can be appealed. The provision of § 5 shall apply accordingly. If the application protocol of the witness shall be disclosed in full.

§ 8 If it appears that at the time of issuing the order referred to in § 1, there was no reasonable apprehension of danger to life, health, liberty or property of significant size of the witness or the person next to him, or that the witness knowingly made false statements or was his disclosure, the prosecutor in the preparatory proceedings, and court proceedings, at the request of the prosecutor, may waive this provision. The provision of § 5 shall apply accordingly. Minutes of the witness shall be disclosed in full.

§ 9 The Minister of Justice shall determine, by regulation, the manner and conditions of the application for an order referred to in § 1, of the witness, which the sentencing provision, and the preparation, storage and retrieval protocols interview the witness, and acceptable way to refer to his testimony in the judgments and pleadings, with a view to ensuring adequate protection of their circumstances allow disclosure of the identity of the witness against unauthorized disclosure.

**Article 185** Be exempted from submission of evidence or answers to questions a person accused of a particularly close personal relationship, if such person requests an exemption.

**Rule 185a.** <sup>(102)</sup> § 1 <sup>(103)</sup> In cases of crimes referred to in Chapters [XXV](#) and [XXVI](#) Penal Code, the victim, who at the time of the hearing has not completed 15 years, heard the witness only once, unless they come to light important facts, which require a re-hearing of an explanation, or requested by the accused, who had no counsel at the first hearing of the victim.

§ 2 court hearing conducted at a meeting with the participation of an expert psychologist. Prosecutor, defender of the victim and the agent have the right to participate in the hearing. The person referred to in Article. 51 § 2 also has the right to be present at the hearing, if it does not restrict the freedom of expression interrogated.

§ 3<sup>(104)</sup> Minutes interview read in open court, if it is done recording video and audio interview, you should play it.

**Rule 185b.** <sup>(105)</sup> § 1 The witness, who at the time of the hearing has not completed 15 years can be heard under conditions laid down in Article. 185a in cases of crimes committed using violence or threat of unlawful or an offense specified in [Chapter XXV](#) Penal Code, if the testimony of the witness may be relevant to the case.

2 § § 1 provision does not apply to a witness cooperating in the commission of a criminal act by which criminal proceedings.

**Article 186** § 1<sup>(106)</sup> A person entitled to refuse to testify or be exempt under Article. 185 may declare that he wants to take advantage of this right, but not later than before the first evidence in judicial proceedings, the testimony made before that person can then be used as evidence or be played.

§ 2 drawn up in criminal records subject to disclosure, inspection body at the hearing, even if the person refused to undergo a visual inspection explanations or testimony or was exempt from them under the Articles. Or Article 182. 185.

**Art 187** § 1 The promise of a witness can only answer a court or a judge designated.

§ 2 The witness made a promise before the start of testimony.

§ 3 may be dispensed from withdrawing a promise of a witness, if the present time is not precluded.

**Article 188** § 1 The witness made a promise by repeating the words of the judge: "Aware of the importance of my words and accountability before the law, a solemn promise that they will speak the plain truth, without hiding anything of what is unclear to me."

§ 2 At the time of promise everyone, including the judges stand.

§ 3 mute and deaf people make a promise by signing the text of promise.

Witnesses § 4, which in this case has already made a promise, the court reminds them at the hearing, unless it finds it necessary to re-receive the promise.

**Art 189** Does not receive the promise:

- 1) from persons who are under 17 years,
- 2) when there is reasonable suspicion that a witness due to mental disorders do not realize the significance of adequately promise
- 3) when the witness is a person suspected of committing the crime under investigation and remains in close connection with the act is the subject of proceedings or for the offense when he was sentenced,
- 4) when the witness was finally convicted for false testimony or accusation.

**Art 190** § 1 Before you begin questioning the witness should be warned about criminal liability for untrue statement or concealment of the truth.

§ 2 In the pre-trial witness sign a statement declaring that he was notified of this responsibility.

**Article 191** § 1 The hearing begins with the question a witness about the name, age, occupation, residence, criminal convictions for false testimony and the prosecution and the relationship to the parties.

§ 2 The witness should be warned about the content of Article. 182, and the wording of Article. And Article 183. 185, if the circumstances reveal covered by these provisions.

§ 3 Where there is a justified fear of violence or unlawful threat against a witness or the person next in connection with its activities, it can provide data on place of residence for the exclusive news of the prosecutor or the court. Pleadings shall be served if the institution in which the witness is employed, or to another address indicated by him.

**Article 192** § 1 If the offense depends on the health status of the victim, he may not object to a visual inspection and testing is not combined with surgery or observation in the medical institutions.

§ 2 If there is doubt as to the mental state of a witness, the state of his mental capacity to perceive, or play his perceptions, the court or the prosecutor may order that a witness with a medical expert or an expert psychologist, and a witness can not oppose.

§ 3 The provisions of § 1 and 2 shall not apply to persons who have refused to testify or were exempt from them under Articles. 182 § 1 and 2, or Article. 185.

§ 4 For the purposes of evidence can also be a witness, with his consent, be inspected body, and a medical examination or psychological.

**Rule 192a.** <sup>(107)</sup> § 1 <sup>(108)</sup> In order to reduce the circle of suspects or determine the probative value revealed traces of fingerprint impressions can be downloaded, swab the cheek mucosa, hair, saliva, sample letters, fragrance, make a photograph of the person or to consolidate voice. After using the case which has been downloaded or fixation, fixed material downloaded or superfluous to the proceedings should be immediately removed from the file and destroy it.

§ 2 In the cases referred to in § 1, with the consent of the statutory test may also use technical measures to control the body's unconscious response to that person.

§ 3 <sup>(109)</sup> Research and activities referred to in § 1 and art. 192 § 1, shall be respectively in the conditions and manner specified in regulations issued under Art. 74 § 4

## **Chapter 22**

### **The experts, translators, professionals**

**Art 193** § 1 If ascertain the circumstances of relevance to the outcome of the case requires a special message, consult the expert or experts.

§ 2 In its opinion can also refer to a scientific institution or a specialist.

§ 3 In the case of appointment of experts from the various specialties, whether they carry out together and spend a common opinion, whether separate opinions, a decision appointing judicial body of experts.

**Article 194** The admission of expert evidence appears to be the order in which they must indicate:

1) the name and specialty expert or experts, in the opinion of the case, if necessary, specialty and qualifications of persons who should participate in an expert,

- 2) the subject and scope of expertise with the wording, if necessary, specific questions,
- 3) for submitting reviews.

**Article 195** To perform the steps of an expert is required not only an expert witness, but also any person known to have the appropriate knowledge in the field.

**Article 196** § 1 may not be a statutory persons mentioned in Articles. 178, 182 and 185, and those to which the relevant reasons for the exclusions provided for in Articles. 40 § 1 point 1-3 and 5, people relied on as witnesses, as well as those who witnessed the crime.

§ 2 If you reveal the reasons for excluding the expert referred to in § 1, issued by His opinion does not constitute proof, and the place of the excluded expert cites another expert.

§ 3 If you reveal the reasons that weaken confidence in the expertise or the impartiality of the expert or other valid reasons, cites another expert.

**Article 197** § 1 The expert made a promise as follows: "Aware of the importance of my words and accountability before the law, a solemn promise that the duties entrusted to me will do with all the conscientiousness and impartiality".

§ 2 The judicial expert relies on a promise made for the establishment of it in that capacity.

§ 3 The expert shall apply mutatis mutandis the provisions of Article. 177, 179-181, 187, 188 § 2 and 4, Art. And Article 190. 191 § 1 and 3

**Art 198** § 1 <sup>(110)</sup> Where necessary, be made available to file an expert to the extent necessary to give its opinion and invited him to participate in the conduct of the evidence.

§ 2 Authority litem may claim their presence in the taking of an expert of some or all tests if it will not affect adversely the outcome of the study.

§ 3 If necessary, the authority may make procedural changes to the scope of expertise or question, and pose additional questions.

**Article 199** Submitted to an expert or to a physician providing medical aid statements of the accused, the alleged offense, can not constitute proof.

**Rule 199a.** <sup>(111)</sup> Use during the test by an expert technical measures to control the unconscious reaction of the person's body is possible only with its consent. Provision of Art. 199 does not apply.

**Article 200** § 1 Depending on the command body consists of a procedural expert opinion orally or in writing.

§ 2 The opinion shall include:

- 1) the name, rank and title of academic, specialty and professional expert position,
- 2) the names and other particulars of other persons who participated in an expert, with an indication of the transactions carried out by each of them,
- 3) In the opinion of the case - including full name and address of the institution,
- 4) study time and date of opinion,
- 5) a report on the activities and observations and conclusions based on them,
- 6) the signatures of all the experts who participated in the opinion.

§ 3 Those who took part in an opinion may be, if necessary, interviewed as experts, and persons who participated only in the research - as witnesses.

**Article 201** If the opinion is unclear or incomplete, or if there is a contradiction in the same opinion, or between different opinions on the same subject, you can call back the same or appoint other experts.

**Article 202** § 1 In order to state an opinion on the accused's mental health court, a prosecutor in the preparatory proceedings, appoint at least two expert psychiatrists.

§ 2 At the request of psychiatrists to participate in an opinion also refers to an expert or experts in other specialties.

§ 3 The experts can not remain together in marriage or other relationship which could cause reasonable doubt as to their independence.

§ 4 The opinion of psychiatrists should include statements regarding both the sanity of the accused at the time of committing the offense, and his current state of mental health and ability to participate in the proceedings, if necessary, as to the circumstances listed in [Articles. 93](#) Penal Code.

**Article 203** § 1 In the event of such notification by the experts necessary psychiatric examination of the accused may be combined with the observation in the medical institutions.

§ 2 will rule on the court, specifying the place of observation. In preliminary proceedings the court decides on the request of the prosecutor.

§ 3 Observation of the medical institutions should not last longer than 6 weeks, at the request of the court may extend this period for a fixed period necessary to complete the observation. The end of the observation of experts shall promptly notify the court.

§ 4 The provisions referred to in § 2 and 3, may be appealed.

§ 5 <sup>(112)</sup> The minister responsible for health, in consultation with the Minister of Justice shall determine, by regulation, a list of psychiatric facilities and treatment for drug addiction designed to perform observations, including the performance monitoring of persons deprived of liberty, and the financing of observation, and the conditions for plant protection persons deprived of liberty, whereas need to ensure the proper course of action.

**Article 204** § 1 should call an interpreter if you need a hearing:

- 1) deaf or dumb, but not enough to communicate with him by letter,
- 2) The family of a person is not the Polish language.

§ 2 should also ask the interpreter if you need to translate into Polish statement made in a foreign language or vice versa, or read the contents of the accused carried out a proof.

§ 3 The interpreter shall apply mutatis mutandis the provisions of the experts.

**Article 205** § 1 <sup>(113)</sup> If you make a visual inspection, questioning the use of technical equipment to enable to carry out this action at a distance, experiment, expertise, retention or search requires maintenance activities, in particular, such as measurements, calculations, photographs, signs of consolidation, you can participate in them, call the specialists.

§ 2 Specialist officer is not a process you can call the authorities, prior to operations, to make the following oath: "Aware of the importance assigned to my actions and responsibilities before the

law, a solemn promise that it will do the duties entrusted to me with all the conscientiousness and impartiality".

§ 3 The protocol operations conducted with the participation of experts, indicate their names, specialty, place of residence, place of work and position and indicate the nature and scope of services performed by each of them.

**Article 206** § 1 The experts shall apply mutatis mutandis the provisions of experts, with the exception of Articles. 194, 197, 200 and 202

§ 2 If necessary, you can hear the experts as witnesses.

## **Chapter 23**

### **Visual inspection. Opening of the corpses. Procedural experiment**

**Article 207** § 1 If necessary, make a visual inspection of the place, person or thing.

§ 2 If the item can be destroyed or distorted study, part of the course should, where possible, keep unchanged, and when it is not possible - as the fix in another way.

**Article 208** Inspection or testing body, which can cause feelings of shame, should be made by a person of the same sex, unless it ties in with the special difficulties; other persons of the opposite sex may be present only when necessary.

**Article 209** § 1 If there is a suspicion of causing death leap, performed visual inspection and remains open.

§ 2 shall inspect the remains prosecutor, and court proceedings involving a medical expert, as far as possible from the scope of forensic medicine. In cases of urgency made an inspection of the police duty promptly to the prosecutor.

§ 3 inspection of carcasses shall be made on the spot they find. Until the arrival of the expert and the prosecutor or the court to move or delay can only move if necessary.

§ 4 opening corpses made in the presence of an expert prosecutor or the court. In the main proceedings the provisions of Article. 396 § 1 and 4 shall apply accordingly.

§ 5 The presence of the visual inspection and the opening of the body can, if necessary, in addition to the expert, ask your doctor, who recently gave assistance to the deceased. The inspection and opening of the body shall draw up an expert opinion to the requirements of Article. 200 § 2

**Article 210** In order to inspect or open the corpse prosecutor or the court may order the removal of corpses from the grave.

**Article 211** In order to verify the circumstances of relevance to the case can be made, by way of experiment, process, experience, or play the course of events which are the subject of diagnosis, or portions thereof.

**Article 212** In the course of the inspection process or experiment can be made also of hearings or other inquiries.

## Chapter 24

### A social and examination of the accused person

**Article 213** § 1<sup>(114)</sup> In the proceedings must establish the identity of the accused, his age, family and property, education, occupation and income sources, and data on their criminal records.

§ 2<sup>(115)</sup> If the suspect has already been finally convicted, to determine whether the offense was committed in a [Articles. 64](#) Penal Code or a tax crime - in terms of [Articles. 37](#) § 1 point 4 of the Penal Code, tax office, attached to the file copy or an extract of the Ruling and data to serve a penalty, these documents shall also be accompanied in cases of crimes.

§ 3<sup>(116)</sup> (Deleted).

**Article 214** <sup>(117)</sup> § 1 If necessary, especially when it is necessary to establish data on the properties and conditions of personal and current way of life of the accused, the court, and in preparatory proceedings the prosecutor, managed in relation to the conduct of the accused by interviewing probation officer or other person entitled under separate rules, in particularly justified cases by the police.

§ 2 of the environmental Interviewing is mandatory:

1) in cases of crimes

2) in relation to the accused, who at the time the act has not completed the age of 21 when he was accused of intentionally committing a crime against life.

§ 3 The Environmental Intelligence can not be carried out in relation to the accused, who is not in the country of residence.

§ 4 Result of interviewing should in particular include:

1) the name of the interviewer,

2) the name of the accused,

3) a brief description of the current age of the accused and detailed information about the environment of the accused, including family, school or work, and also information on the status of property and sources of income,

4) information concerning the health of the accused, as well as his abuse of alcohol, drugs, substitutes or psychotropic substances,

5) their own observations and conclusions of the interviewer, particularly on the characteristics and conditions of personal and current way of life of the accused.

§ 5 Data on people who provided information in the interviewing, the person conducting the interview revealed only at the request of the court, and in preparatory proceedings - the prosecutor.

§ 6 The persons who provided information in the interviewing, may if necessary be heard as witnesses.

§ 7 The police are obliged to provide assistance to the person conducting the interview for the performance of environmental intelligence in order to ensure its security.

§ 8 The person appointed to carry out interviewing apply the appropriate regulations to exempt the judge. Rule on the court, and in preparatory proceedings - the prosecutor.

§ 9 The Minister of Justice, in consultation with the minister responsible for internal affairs, shall determine, by regulation, the rules of the activities of the interview and the environmental design of the interview questionnaire, bearing in mind the need to collect comprehensive data about the person accused.

**Article 215**If necessary, the court, and in preparatory proceedings the prosecutor may order the examination of the accused by the experts, psychologists and doctors with the principles set out in Article. 74.

**Article 216**If necessary, you can hear as witnesses the persons who conducted the interview.

## **Chapter 25**

### **Detention of things. Searching**

**Article 217** <sup>(118)</sup> § 1 Things that could constitute evidence in the case or to be seized in order to secure the property sanctions, punitive measures for pecuniary interest or damages must be issued by the court or prosecutor, in urgent cases - and at the request of the Police or other authority.

§ 2 A person is subject to having the issue are invited to voluntarily release her.

§ 3 In case of retention, the provisions of Article. 228. Protocol may not be prepared if the thing is attached to the file.

§ 4 If the issue requires the police or other authority acting on their own, a person who has the will, has the right to immediately file a request for production and delivery of the order of the court or prosecutor to approve the arrest, which must be advised. Should be served within 14 days of retention.

§ 5 In the event of refusal to issue a voluntary things can be done to receive it. The provisions of Article. 220 § 3 and Article. 229 shall apply mutatis mutandis.

**Article 218** § 1 <sup>(119)</sup> Offices, institutions and entities operating in the field of mail or telecommunications activities, customs and institutions and transport companies are obliged to give the court or prosecutor, at the request contained in the order, correspondence and parcels and a list of the telecommunications and other transfers of information, including correspondence sent e-mail, including the time they were done, and other data relating to the merger or transfer, constituting the content of a telephone conversation or other communication, if they are relevant to its proceedings. Only the court or the prosecutor have the right to open or order to open them.

§ 2 <sup>(120)</sup> The provision referred to in § 1, served as recipients of correspondence and telephone subscriber or sender that the list of calls or other communications of information was released. The service order may be delayed for a definite period necessary for the good things but not later than the time of final completion of the proceedings.

§ 3 relevance for criminal proceedings correspondence and parcels should be returned immediately to the competent offices, institutions or companies listed in § 1

**Rule 218A.** <sup>(121)</sup> § 1 offices, institutions and operators of telecommunications activities are required immediately to secure, at the request of the court or the prosecutor in order, for a specified period not exceeding 90 days, however, the information stored in the devices containing the data on the media or in the system. Provision of Art. 218 § 2, second sentence shall apply accordingly.

§ 2 irrelevant to the criminal proceeding, information referred to in § 1 must be immediately released from the collateral.

**Rule 218b.** <sup>(122)</sup> Minister of Justice, in consultation with the minister responsible for Communications, Minister of National Defense and Minister responsible for internal affairs shall specify, by regulation, a technical preparation of the systems and networks for the transmission of information - to gather lists of telephone calls and other communications of information, including time their achievements and other data relating to the merger or transfer, constituting the content of a telephone conversation or other communication, as well as ways to protect computer data in devices containing such data and the systems and information media, including the data sent by e-mail, whereas Security lists of calls and other communications of information and computer data from loss, distortion or unauthorized disclosure.

**Article 219** § 1 In order to detect or stop, or forced to bring the suspected person and to find things that may constitute evidence in the case or be seized in criminal proceedings, you can search the premises and other places where there are reasonable grounds for believing that a person suspected or those things are there.

§ 2 In order to find the things mentioned in § 1, and provided for in this provision can also make a scan of the person's clothing and handheld items.

**Art 220** § 1 The search may be made by a prosecutor or a court order or a police prosecutor, in cases specified by law - and any other body.

§ 2 Order of the court or the prosecutor must prove the person who has been searching to be carried out.

§ 3 <sup>(123)</sup> In cases of urgency, if the decision of the court or the prosecutor has been issued, the authority issuing the search warrant shows the head of his unit or a business card, and then returns immediately to the court or prosecutor to approve the search. Decision of the court or the prosecutor's acceptance to be served on the person who has made the search, within 7 days from the date of action on a request made to the minutes of that person. The law demands the application should be advised.

**Article 221** § 1 search residential premises can be done at night only in cases of urgency, the night time is considered time from 22 hours to 6 hours

§ 2 A scan can be started the day still lead despite the advent of the night.

§ 3 In the night, you can search the apartments available at this time to an indeterminate number of persons, or used to store objects.

**Article 222** § 1 In the beginning of the search room or closed space, belonging to a state or local government institutions should be notified about the planned search of the institution's director and his deputy, or the parent body and allow them to participate in activities.

§ 2 A scan of the room occupied by the military may be only in the presence of the commander or a person designated by him.

**Art 223** Search the person and clothing for her to be interpreted as far as possible through a person of the same sex.

**Art 224** § 1 A person who has to be searched, you must notify before the start of its purpose and call for the issue of wanted items.

§ 2 When the search has the right to be present the person mentioned in § 1, and the person dressed by leading operation. You may also be present a person appointed by the Who has made the search, if not impossible to search or not to hinder it significantly.

§ 3 If the prospecting is not on the host site premises to be searched should bring at least one adult household member or neighbor.

**Art 225** § 1 If the head of the institution of state or local government or a person who has been detained or in which things are carried out a search, states that he made or found by searching the letter or other document contains messages under a state secret, official, professional or otherwise protected by law or has a personal character, the authority conducting the operation shall immediately forward a letter or other document without reading the prosecutor or the court in a sealed container.

§ 2 mode specified in § 1 shall not apply to letters or other documents which relate to professional secrecy, professional or otherwise protected by law, if their owner is a person suspected of committing a crime, and to the letters or other documents of a personal nature, which it is held, the author or addressee.

§ 3 If a defender or other person from whom he asked to release things and in which the search is made, declares that issued or found during the search of a letter or other document shall include the circumstances surrounding the exercise of functions of counsel, the authority carrying out activities referred to these documents leaves no person familiar with their content or design. However, if the statement is not a defender of people doubt, the authority carrying out these steps forward these documents subject to the disciplines set out in § 1 of the court that after hearing the documents return them in whole or in part, subject to the disciplines set out in § 1, a person from which it was taken, or shall make a decision on their detention for the purposes of the proceedings.

§ 4<sup>(124)</sup> Issued, received or found in the course of the search documentation psychiatric authority carrying out the operation shall, subject to the disciplines set out in § 1, the court or prosecutor.

**Article 226** <sup>(125)</sup> With regard to the use of documents containing state secrets, official or professional, as evidence in criminal proceedings shall apply mutatis mutandis prohibitions and restrictions set out in Article. 178-181. However, in the preparatory proceedings for use as evidence, the documents containing the medical mystery a prosecutor decides.

**Article 227** Search or seizure shall be made in accordance with the purpose of this activity, in keeping with moderation and dignity of persons whose activity is concerned, and without causing unnecessary damage and ailments.

**Article 228** § 1 objects made or found during the search should be after the inspection, draw up an inventory and description of the take or pay for storage of a trustworthy person with an indication of the obligation to present at the request of the investigating authority.

§ 2 The same rationale applies to the time it finds in search of items that may constitute evidence of another crime, subject to confiscation, or possession of which is prohibited.

§ 3 Those interested should immediately give a receipt stating the objects and by whom they were seized.

**Article 229** <sup>(126)</sup> The arrest or search of things should, in addition to the requirements listed in Article. 148, include the designation of the case, that a search or seizure is related to, and give the exact starting and finishing operations, a thorough list of items seized and, if necessary, their description, and also pointing to the court or prosecutor. If the command has not been previously issued, shall be included in the minutes mention of informing the people who carried out the operation that the request will receive approval on the order of operations.

**Article 230** § 1 <sup>(127)</sup> If a search or seizure occurred without a prior order of the court or prosecutor, and within 7 days of its operations have not been approved, you should immediately return the things seized to the person entitled, unless the issue was voluntary, and that person has not submitted an application referred to in Articles. 217 § 4  
§ 2 should also be paid to the person entitled stopped things immediately after finding their redundancies for criminal proceedings. If a dispute arises as to the ownership of things, and there are insufficient data to promptly resolve, refers to a person interested in the way of civil cases.  
§ 3 things, the ownership of which is prohibited, shall be forwarded to the appropriate office or institution.

**Article 231** § 1 <sup>(128)</sup> If a question arises, who should give custody to the court or the prosecutor made it to court deposit or gives up a trustworthy person to clarify the entitlement to receive. The provisions on the liquidation of deposits and not received goods shall apply accordingly.  
§ 2 Objects of artistic or historical places itself at the proper safekeeping of the institutions.

**Article 232** § 1 items ignite quickly destroyed or where the store would be combined with niewspólmiernymi excessive costs or difficulties or result in a significant reduction in the value of goods can be sold without a tender through the relevant trade bodies, subject to the provisions of the sale by the execution of movable property.  
§ 2 The resulting amount of money shall be deposited at the court.  
§ 3 The time and conditions of sale should be as much as possible to notify the accused and other interested persons.

**Rule 232A.** <sup>(129)</sup> § 1 The objects and substances presenting a danger to life or health, in particular, weapons, ammunition, explosives, or flammable, radioactive materials, toxic substances, suffocation or parzące, narcotic drugs, psychotropic substances or precursors, kept in place and in such a way that they appropriate security.  
§ 2 If the storage of objects or substances referred to in § 1, would be combined with niewspólmiernymi costs or were a source of danger to public safety, the court having jurisdiction at the request of the prosecutor may order their destruction in whole or in part.  
§ 3, if necessary, before issuing the order to seek expert opinion.  
§ 4 The Minister of Justice, in consultation with the Minister of National Defense and the minister responsible for internal affairs, shall determine, by regulation, detailed rules and a storage location of objects and substances referred to in § 1, and the conditions and manner of their destruction, with the the need to ensure the efficiency of the procedure and its costs.

**Art 233** Giving for safekeeping national currency or foreign exchange authority, giving them the nature of the deposit and the way regulation devoted to storage values.

**Article 234** Subject to regulation made after the receipt or security are ineffective in relation to the Treasury.

**Article 235** <sup>(130)</sup> The court is acting in this chapter in the court proceedings and the prosecutor in the preparatory proceedings, unless the law provides otherwise.

**Article 236** <sup>(131)</sup> § 1 In order for search and retention, and other activities may be appealed to people whose rights have been violated.

§ 2 The complaint in the order referred to in § 1, and the decision on the factual evidence, as well as other activities during the prosecutor's trial, the prosecutor recognizes the parent.

**Rule 236a.** <sup>(132)</sup> The provisions of this chapter shall apply mutatis mutandis to the trustee and the user of the device containing computer data or computer system, the data stored in the device or system, or on a carrier located at its disposal or use, including correspondence sent via email.

## Chapter 26

### And consolidating control talks

**Article 237** § 1 After the initiation of court proceedings at the request of the prosecutor may order the inspection and consolidating the contents of telephone conversations in order to detect and obtaining evidence for proceedings or to prevent his committing a new crime.

§ 2 <sup>(133)</sup> In urgent cases, and consolidating control of telephone conversations may order the prosecutor who is obliged to apply within 3 days of the court to approve the order. The court issues a decision on the application within 5 days of the meeting without the participation of the parties.

§ 3 The control and consolidate the content of telephone conversations is permissible only if the ongoing investigation, or well-founded fear of committing a new crime applies to:

- 1) murder,
- 2) exposure to danger or to bring universal catastrophe,
- 3) trafficking in human beings,
- 4) abduction of the person
- 5) and racketeering,
- 6) The abduction of an aircraft or water,
- 7) <sup>(134)</sup> robbery, theft, extortion and racketeering and extortion,
- 8) attack on the independence or integrity of the state,
- 9) attack on the constitutional system or the state supreme authority, or per unit of the Polish Armed Forces,
- 10) espionage or disclosure of state secrets,
- 11) the collection of weapons, explosives or radioactive
- 12) <sup>(135)</sup> counterfeiting and circulation of counterfeit money, means or instruments of payment or negotiable documents entitlement to receive a sum of money, goods, cargo or winning, or that contain substantive contributions to the capital, interest and participation in the profits or participation in a company statement,

- 13)<sup>(136)</sup> manufacture, processing, circulation and trafficking of narcotic drugs, precursors, substitutes or psychotropic substances,
- 14) an organized criminal group,
- 15) substantial property values,
- 16) use of unlawful violence or threat in connection with criminal proceedings,
- 17)<sup>(137)</sup> graft and paid patronage,
- 18)<sup>(138)</sup> stręczycielstwa, kuplerstwa and sutenerstwa,
- 19)<sup>(139)</sup> offenses referred to in [Chapter XVI](#) Act of 6 June 1997 - Penal Code (Journal of Laws No. 88, item. 553, as amended. zm.) and [Articles. 5-8](#) Rome Statute of the International Criminal Court, signed in Rome on 17 July 1998 (Journal of Laws of 2003 No. 78, item. 708), hereinafter "the Statute".

§ 4 and consolidating control the content of telephone conversations are admissible against the person suspected, accused, and in relation to the victim or another person with whom you can contact the accused or which may be linked with the perpetrator or the threatened crime.

§ 5<sup>(140)</sup> Offices, institutions and entities operating in the field of mail or telecommunications activities, are obliged to allow the execution of the order of the court or the prosecutor in the inspection of telephone calls and ensure that recording the fact their investigation.

§ 6 Right of library records to a court or prosecutor, in cases of urgency, with the consent of the court or prosecutor, and police.

§ 7 Right to make themselves familiar with the registry checks of telephone calls to the court, and in preparatory proceedings - the prosecutor.

**Article 238** § 1, and consolidate control of telephone calls may be placed on a maximum period of 3 months, with possibility of extension, especially in certain circumstances, for a maximum period of further 3 months.

§ 2 The check must be completed immediately after the end of the grounds mentioned in Article. 237 § 1-3, but no later than the end of the period for which has been introduced.

§ 3 When the control of the court order the destruction of fixed records, unless they are relevant to the prosecution, the destruction of records is established even if the court did not adopt the provisions of the prosecutor referred to in Article. 237 § 2

**Article 239** The notice provisions for control and consolidation of phone calls the person to whom it relates, may be postponed for the time necessary for the good things but not later than the time of final completion of the proceedings.

**Article 240** <sup>(141)</sup> The decision concerning the control and perpetuation of telephone conversations may be appealed. The subject of the provision in the complaint may require the examination of the merits and legality of control and consolidation of telephone conversations. Complaint against the prosecutor's decision by a court.

**Article 241** <sup>(142)</sup> The provisions of this chapter shall apply mutatis mutandis to the inspection and to persist with the technical content of the discussions or other communications of information, including correspondence sent via email.

**Article 242** <sup>(143)</sup> Minister of Justice, in consultation with the minister responsible for Communications, Minister of National Defense and Minister responsible for internal affairs,

shall determine, by regulation, a technical preparation for the network to transmit information to the control of telephone conversations or other transfers of information over a network using these and the manner of making, recording, storage, reproduction and destruction of records of the controlled telephone conversations and the content of other conversations or communications of information, including correspondence sent by e-mail, bearing in mind the need for appropriate protection and made the records against loss, distortion or unauthorized disclosure.

## **DIVISION VI**

### **Coercive measures**

#### **Chapter 27**

##### **Detention**

**Article 243** § 1 Everyone has the right to recognize a person in flagrante delicto or in the pursuit taken immediately after the crime, if there is a danger of hiding or not that person's identity can be determined.

§ 2 A person must be recognized immediately turn over the Police.

**Art 244** § 1 <sup>(144)</sup> Police have the power to stop a suspect if there are reasonable grounds to believe that she committed a crime, and there is a danger of absconding or concealment of the person or obliterate evidence of a crime or not possible to determine its identity, or there are reasons to make against that person in the expedited procedure.

§ 2 The detained person shall be immediately informed of the reasons for detention and asserting their rights and listen to him.

§ 3 The detention shall be drawn up, which should give the name and function of making this activity, the name of the detained person and, if unable to establish the identity - of its physical description and date, time, place and cause of the detention of administration, for which It is a crime is suspected. It should also be brought into the protocol submitted by the detainee statement and noted for his information about their rights. Copy shall be served on the detained.

§ 4 Immediately following the arrest of the suspected person must be ready to collect the necessary data, and notify the prosecutor of the detention. In the event of the grounds referred to in Article. 258 § 1-3, must apply to the prosecutor on the referral to the court an application for provisional arrest.

**Art 245** § 1 detainee on his request to be immediately possible to establish in an accessible form of contact with a lawyer, and a direct conversation with him, stopping may stipulate that it will present beside her.

§ 2 The provisions of Article. 261 § 1 and 3 shall apply mutatis mutandis, except that the notice shall at the request of the detainee.

**Art 246** § 1 <sup>(145)</sup> Detainee may be appealed to the court. The complaint may be retained to examine the merits of the claim, the legality and regularity of his arrest.

§ 2 The complaint shall be notified immediately the District Court of the place of detention or proceeding, which also immediately recognize them.

§ 3 In the case of recognition of the illegality of the detention is unjustified, or the court manages the immediate release of the detainee.

§ 4<sup>(146)</sup> In the case of unfounded statements, illegality or irregularity, the court shall retain the authority of the prosecutor and the chief of the department which has custody.

§ 5 In the event of complaints about the confluence of the arrest and temporary detention can identify them together.

**Art 247** § 1<sup>(147)</sup> The prosecutor may order the arrest and forced to lead a person suspected. For this purpose, may be ordered search. The provisions of Article. 220-222 and 224 shall apply *mutatis mutandis*.

§ 2<sup>(148)</sup> To detention referred to in § 1 shall apply respectively. 246.

§ 3 Orders for detention and forced to bring a soldier in active military service or carry out the appropriate military authorities.

**Art 248** § 1 The detained person must be immediately released if the termination grounds for detention, and if within 48 hours of detention by an authorized body it will not be made available to the court with an application for a temporary arrest, it must also be exempted on the order of the court or prosecutor .

§ 2 detained should be released if, within 24 hours to transfer him to the court's disposal is not served on him the order to take part in pre-trial detention.

§ 3 re-arrest a person suspected on the basis of the same facts and the evidence is inadmissible.

## **Chapter 28**

### **Preventive measures**

**Art 249** § 1 Preventive measures can be used to secure the proper course of proceedings, and exceptionally well to prevent the commission by the accused a new, serious crime and can be used only when the evidence suggests a high likelihood that the accused committed the offense.

§ 2 In the pre-trial preventive measures can be applied only to the person against whom the order was issued on the statement of objections.

§ 3<sup>(149)</sup> Before applying a precautionary measure the court or the prosecutor applying agent interrogates the accused, unless this is impossible because of its hiding or its absence in the country. Should be allowed to participate in the hearing set up by a defender, if they appear, the notice of the date of the hearing counsel is not mandatory, unless the defendant so requests, and not impede the conduct of operations. While the timing of the hearing the court shall notify the prosecutor.

§ 4 Preventive measures can be used until the start of execution of the sentence. This provision applies to pre-trial detention only if sentenced to imprisonment.

§ 5<sup>(150)</sup> Prosecutor and defender have the right to participate in the meeting of the court of an extension of the temporary detention and identification of a complaint to the application or extension of this preventive measure. Failure defender or prosecutor duly *zawiadomionych* the date *tamuje* not hear the case.

**Art 250** § 1 Provisional arrest may be made only by court order.

§ 2 Detaining used in the preparatory proceedings at the request of the district court prosecutor in whose jurisdiction leads the proceedings, and cases of urgency is another district court. After the initial indictment, the provisional arrest shall the court before which the case is pending.

§ 3 The prosecutor, along with sending a request case files referred to in § 2, at the same time manages to bring the suspect to court.

§ 4 Other precautionary measures the court shall, in preparatory proceedings and the prosecutor.

**Art 251** § 1 In order to apply the precautionary measure should include the person's alleged act, the legal classification and legal basis for such a measure.

§ 2<sup>(151)</sup> In order for a provisional warrant must specify its duration, and mark the date by which the arrest is expected to take. The obligation to act at all times a sign of pre-trial detention period lasts until the validation of the decision closing the proceedings. The pre-trial detention after the decision terminating the proceedings only by a court which issued the decision, and if referral to another court - the court of appeal.

§ 3 Rationale for the application of provisions of the preventive measure should include the presentation of evidence by the accused to commit the offense and cite some facts indicating the existence of the base and the need to apply a precautionary measure. In the case of temporary detention must also explain why it was not considered sufficient use of other preventive measure.

**Art 252** § 1 The decision on the precautionary measure may be appealed to the general rule, except as referred to in § 2

§ 2 The decision on the prosecutor's appeal of an order granted to the district court in whose jurisdiction leads the proceedings.

§ 3 The complaint concerning the provision of an order the court recognizes immediately.

**Art 253** § 1 preventive measure should be immediately rescinded or amended, if no longer causes a result of which it has been applied, or created reasons for its repeal or amendment.

§ 2 Used by the court a preventive measure may be in the preparatory proceedings revoked or amended by the prosecutor also milder.

§ 3<sup>(152)</sup> The court or prosecutor shall immediately notify the victim, his legal representative or person under whose custody the victim remains constant, the repeal or amendment not to renew a detention order for another precautionary measure, except that the injured party declares that it waives such right.

**Art 254** <sup>(153)</sup> § 1<sup>(154)</sup> The accused may at any time submit a request to waive or change the preventive measure, in the application shall be dealt with within 3 days, the prosecutor, and after bringing the indictment to the court - the court before which the case is pending.

§ 2<sup>(155)</sup> The decision on the application the accused shall be entitled to appeal only if the request was made after at least 3 months from the date of the order concerning provisional detention for the same defendant.

§ 3<sup>(156)</sup> Complaint against the decision of the court recognizes the same court of three judges.

**Art 255** Suspension of proceedings does not preclude the adjudication as to the preventive measures.

**Art 256** Supervision over the correctness of the arrest and execution of preventive measures has the court, and in preparatory proceedings - the prosecutor.

**Art 257** § 1 of the Provisional arrest shall not apply if enough is another preventive measure.

§ 2 Using the provisional arrest, the court may stipulate that the measure is changed from the time of the deposit, not later than the deadline specified pledged.

**Art 258** § 1 Provisional arrest may occur if:

1) there is a justified fear of absconding or hiding of the accused, especially when you can not determine its identity, or he is not in the country of habitual residence,

2) there is a justified fear that the accused would be induced to make false testimony or explanation, or otherwise unlawfully interfere with a criminal prosecution.

§ 2 If the accused is alleged to have committed a crime or offense punishable by imprisonment of a maximum of at least 8 years, or when the court of first instance sentenced him to imprisonment of not less than 3 years, the need for pre-trial detention in order to secure proper proceedings may be justified, the accused threatened severe punishment.

§ 3 Provisional arrest may be exceptionally well when there is a justified fear that the accused, who was accused of committing crimes or intentional offense, commits a crime against life, health or public safety, especially when he threatened to commit such an offense.

4 The provisions of § § 1-3 shall apply mutatis mutandis to other preventive measures.

**Art 259** § 1 If special consideration is not precluded, must withdraw from the provisional arrest, especially when deprivation of liberty of the accused:

1) would lead to his life or health is a serious danger

2) would mean extremely severe consequences for the accused or his immediate family.

§ 2 of the Provisional arrest shall not apply where the circumstances of the case can be anticipated that a court rules in relation to the accused's imprisonment with conditional suspension of performance or a lighter sentence, or that the period of provisional detention exceeds the expected penalty of deprivation of liberty without a conditional suspension.

§ 3<sup>(157)</sup> Provisional arrest may not be used if the offense is punishable by imprisonment not exceeding one year unless the offender has been included in the act or immediately thereafter.

§ 4<sup>(158)</sup> Limitations provided for in § 2 and 3 shall not apply if the accused absconds, stubbornly does not appear on the summons or otherwise unlawful manner, or impedes the investigation can not establish his identity.

**Art 260** If the health status of the accused so requires, the provisional arrest may be exercised only in the form of inclusion in the relevant medical institutions.

**Art 261** § 1 The use of temporary detention the court is obliged to promptly notify the person closest to the accused, it could be a person appointed by the accused.

§ 2 At the request of the accused may also notify the other person instead of or next to a person referred to in § 1

§ 3<sup>(159)</sup> The use of temporary detention the court shall immediately notify the employer, school or university, in relation to the soldier - his commander.

**Art 262** § 1 The Court applying provisional arrest shall:

- 1) notify the guardianship court, if there is a need to provide care for children arrested,
  - 2) notification authority social services if there is a need to care for a person roztoczenia infirm or sick, you took care of the arrested,
  - 3) undertaking the tasks necessary to protect property and arrested the apartment.
- § 2 O made speeches and decrees issued provisionally arrested shall be notified.

**Art 263** <sup>(160)</sup> § 1 In pre-trial court, applying the provisional arrest, means its time for a period not exceeding 3 months.

§ 2 If, because of the particular circumstances of the case could not complete the trial within the period specified in § 1, at the request of the prosecutor, the court of first instance jurisdiction to hear cases where there is such a need, may extend the period of provisional arrest, which together do not exceed 12 months.

§ 3 The total period of temporary detention until the first verdict by the court of first instance can not exceed 2 years.

§ 4 <sup>(161)</sup> Extension of provisional detention for a limited period, exceeding the limits specified in § 2 and 3, may appeal court in whose jurisdiction leads the investigation at the request of the court before which the case is pending, and in preparatory proceedings at the request of the competent prosecutor immediately superior to the prosecutor leading or supervising an investigation - if such a need arises in connection with the suspension of criminal proceedings, the activities aiming to identify or confirm the identity of the accused, a prolonged psychiatric observation of the accused, the continuing development of the expert's opinion, the exercise of inquiries on a particularly complicated or outside the country, and the intentional delay the proceedings by the accused.

§ 4. <sup>(162)</sup> The Court of Appeal in whose jurisdiction leads the investigation at the request of the court before which the case is pending, may extend the application of provisional detention for a limited period, exceeding the time limit specified in § 3, also because of other important obstacles whose removal was impossible.

§ 5 <sup>(163)</sup> The provisions of the appellate court issued pursuant to § 4 and 4a may be appealed to the Court of Appeal hearing the three judges.

§ 6 The request for extension of temporary detention must occur while uploading the file to the competent court, not later than 14 days before the date specified period of the measure.

§ 7 <sup>(164)</sup> If there is a need for pre-trial detention after the first verdict by the court of first instance, each time an extension may be followed for a period no longer than 6 months.

**Art 264** § 1 In case of acquittal of the accused, remission or conditional discontinuance of the proceedings, conditional suspension of sentences, impose a custodial sentence corresponding to a maximum period of temporary detention, sentenced to a lighter punishment than imprisonment, or in the event of withdrawal from the punishment shall be administered in immediate release temporarily arrested, if he is not deprived of his liberty in another case.

§ 2 In the event of a conviction of the accused provisionally arrested on the penalty other than mentioned in § 1, the court, after hearing the parties present, make an order as to the continued use of detention.

§ 3 <sup>(165)</sup> If the termination of the proceedings is due to the insanity of the accused, can keep a provisional arrest pending the beginning of their detention.

**Art 265** The period of temporary detention shall be counted from the date of arrest.

**Art 266** § 1 The guarantee wealth in the form of cash, securities, pledge or mortgage may make the accused or another person.

§ 2 The amount, type and conditions of pledged, in particular, the time deposit guarantee item, you must specify in the order, given the financial situation of the accused and property consisting of a guarantee, the amount of injury and the nature of the act committed.

**Art 267** The person who made the guarantee to property shall be called whenever the accused to appear, the person lodging the surety for the accused's property shall apply respectively. 138 and 139 § 1

**Art 268** § 1 covered by the guarantee of property or liabilities shall be forfeited in the event you download or escape or hide the accused. In the case of otherwise inhibit the prosecution can decide the forfeiture or recovery of these values.

The content of § 2 § 1 and Article. 269 must warn the person who made the guarantee to property.

**Art 269** § 1 items surety be forfeited or recovered amounts pledged to be transmitted or transferred to the Treasury, the victim is the priority for them to meet their claims resulting from the offense, if you can not otherwise obtain redress.

§ 2 Whenever the subject of guarantees pledged calls, and the sum of the surety shall be released, but under the condition that in the event of final sentencing of the accused to imprisonment is that when they start serving his sentence. In the event of failure to notify the call to serve a penalty applies. 268 § 1

§ 3 Revocation pledged shall become effective upon the adoption of new pledged, use other remedy or waive the application of this measure.

4 The provisions of § 2 and 3 do not include the withdrawal of pledged and return items if they are already collapsed on its forfeiture order or download the sum of the guarantee.

**Art 270** § 1 The forfeiture of a surety or download the item sum rule automatically guarantees the court before which proceedings are pending, and in preparatory proceedings at the request of the prosecutor - the court has jurisdiction to hear the case.

§ 2<sup>(166)</sup> The accused, poręczający and prosecutor have the right to participate in the meeting of the court or to make comments in writing. The accused person deprived of liberty is reduced to a meeting where the President of the court or the court deems it necessary.

§ 3 The provision referred to in § 1 may be appealed.

**Art 271** § 1<sup>(167)</sup> From the employer, in which the accused is employed, the management school or college, where the accused is a student or student team from where the accused work or learn, either from a social organization, of which the accused is a member, you can, at their request, accept guarantee that the accused appear on every call, and will not unlawfully interfere with the proceedings, if the accused is a soldier, you can take a guarantee from the team of soldiers, reported through the appropriate commander.

§ 2 The application for admission guarantees the team or social organization attached extract from the minutes containing the resolution to take up the guarantee.

§ 3 The proposal to adopt a surety, indicate the person who is to perform the duties of guaranteeing, that person shall file a declaration of acceptance of those obligations.

**Art 272** <sup>(168)</sup> Guarantee that the accused appear at very short notice and would not unlawfully interfere with the proceedings, it may also be from a trustworthy person. Provision of Art. 275 § 2 shall apply accordingly.

**Art 273** § 1 In case of receiving the guarantee shall be providing or performing duties of a surety guaranteeing the content of the plea stawianego accused and the obligations arising from guarantees and the consequences of their breach.

§ 2 Poręczający is obliged to immediately inform the court or prosecutor of his doings known to the accused intended to avoid its obligation to attend the call or to hinder in any other manner unlawful conduct.

**Art 274** <sup>(169)</sup> If, despite guarantees the accused did not respond to the summons or otherwise unlawful manner interfere with the proceedings, the authority applying a precautionary measure, it shall notify the provider of a surety, and may also notify the immediate supervisor of the person who made the guarantee, and social organization to which it belongs, and statutory authority superior to the guaranteeing social organization, if it is found negligent obligations under the guarantee. Prior notice should be the person who made the guarantee, ask to be heard.

**Art 275** § 1 As a precautionary measure, you can give the accused under the supervision of the Police and the accused soldier - under the supervision of superior military.

§ 2 <sup>(170)</sup> Traded under the supervision must comply with the requirements contained in the order of the court or prosecutor. This obligation may include a prohibition on leaving a particular place of residence, reporting to the authority dozorującego at specified intervals, to alert him of the intended date of departure and return, as well as other restrictions on his freedom necessary to exercise supervision.

**Art 276** By way of precaution, you can suspend the accused in the business or activities in the legal profession or have to refrain from certain activities or from doing certain types of vehicles.

**Art 277** § 1 In case of well-founded fear of escape can be used as a precaution ban on leaving the country by the accused, which may be connected to the detention of his passport or other document valid for crossing the border or the prohibition to issue such a document.

§ 2 Until the provisions in question, referred to in § 1, the body conducting the proceedings may retain the document, but for no longer than 7 days. To receive documents shall apply mutatis mutandis the provisions of Chapter 25

## **Chapter 29**

### **Search and arrest warrant accused**

**Art 278** <sup>(171)</sup> Where the whereabouts of an accused or suspect is not known, it manages to its search. Provision of Art. 247 shall apply mutatis mutandis.

**Art 279**§ 1 If an accused against whom the order has been issued for the provisional arrest, hiding, the court or the prosecutor may decide to find him a letter gończym.

§ 2 If a temporary detention order was not issued, such provision shall be issued irrespective of whether a suspect's interrogation.

**Art 280**§ 1 In a letter gończym indicate:

1) the court or the prosecutor who issued the order to find a letter gończym,  
2) data about a person, which may facilitate the search, and above all personal details, physical description, distinguishing marks, place of residence and work, supplying the photographs sought wherever possible,

3) information about the content of the plea and the accused pursued by the order for his provisional arrest or for zapadłym appeal,

4) call anyone who knows the whereabouts sought to notify the nearest unit of the Police, the prosecutor or the court,

5) warning of criminal liability for harboring or sought shall assist him in escaping.

§ 2 In the letter, can be determined gończym award for coverage or contribute to the recognition sought, and provide assurance of maintaining secrecy as to the person informing.

§ 3 letter distributed to cry, as necessary, by sending, rozplakatowanie or publication, in particular through the press, radio and television.

## Chapter 30

### Letter iron

**Art 281** <sup>(172)</sup> If a defendant residing abroad will make a statement that appear to the court or prosecutor within the specified period, provided free to reply with interest, jurisdiction lies with the district court may give the accused a letter iron.

**Art 282**§ 1 Letter iron provides the accused to remain at liberty until the final completion of the proceedings if the accused:

1) will be put in the time allowed to call the court and in preparatory proceedings - including the prosecutor's request,

2) will not be wydalal without permission of the court of the chosen place of residence in the country,

3) will not induce false testimony or explanation, or other unlawful means attempted to hinder the criminal proceedings.

§ 2 <sup>(173)</sup> If you do not excusable accused of not coming to the call or breach of other conditions specified in § 1, the local jurisdiction a district court decides to revoke the laissez-passer.

**Art 283**§ 1 issue laissez-passer may be subject to deposit pledged.

§ 2 In the event of cancellation due to the laissez-passer to the conditions set out in breach of Article. 282 § 1, the value of property provided under the guarantee shall be forfeited or download, will rule on the court referred to in Article. 282 § 2

**Art 284**§ 1 <sup>(174)</sup> (repealed).

§ 2 The court order issued in accordance with art. 282 § 2 and Article. 283 § 2 may be appealed.

## Chapter 31

### Penalty order

**Art 285** <sup>(175)</sup> § 1 <sup>(176)</sup> On the witness, expert, interpreter or a specialist who, without proper justification has not appeared at the invitation of the investigating authority or without the authorization of that body expelled from his place of operations prior to its completion, can impose a penalty of up to 10,000 zlotys.

§ 1a. <sup>(177)</sup> The provision of § 1 shall apply mutatis mutandis to the counsel or agent, in specific cases because of their impact on the conduct of operations, pre-trial penalty, at the request of the prosecutor, require the district court in whose jurisdiction the investigation is conducted.

§ 2 In the cases referred to in § 1 can be also ordered the arrest and forced to lead the witness. Detention and forced to lead an expert, translator and specialist used only in exceptional cases. In relation to the soldier applies. 247 § 3

**Art 286** Penalty should be repealed if put to justify their failure to adequately or to arbitrarily dismiss. Justification can be made within one week from the date of service of the order wymierzającego penalty.

**Art 287** § 1 <sup>(178)</sup> Provision of Art. 285 § 1 shall apply mutatis mutandis to a person who unjustifiably refuses to submit testimony, perform the operations expert, interpreter or a specialist, an oath, to issue the item, to comply with obligations or meet any other guarantor of its obligation to the proceedings, as well as a representative or Head of the institution, legal person or organizational unit without legal personality OMMITMENTS assist body conducting criminal proceedings, which are not unduly assist in the prescribed time limit.

§ 2 If you persistently fail to make a statement, perform the operations expert, interpreter or a specialist subject and the issue can be used, regardless of penalty, the arrest of time not exceeding 30 days.

§ 3 The arrest should be repealed, if the person arrested or required to comply with an investigation or proceeding was completed in a given instance.

4 The provisions of § § 1 and 2 shall not apply to the parties, their advocates and representatives, and the penalties for failure to release things - even to those who decline to testify.

**Art 288** § 1 In case of failure by a soldier in active service obligations referred to in Article. 285 § 1 and art. 287, the court or prosecutor present to the commander of a military unit in which the soldier performs the service, to be brought to disciplinary liability.

§ 2 The provision of § 1 applies even for the failure of which he is guilty of a soldier before joining the army, he had previously imposed on the serial, but not until then executed.

**Art 289** § 1 <sup>(179)</sup> Person, including the defender, a representative or a public prosecutor that the failure to the duties mentioned in Articles. 285 § 1 and 1a or the Articles. 287 § 1 resulted in additional costs, these costs may be charged, it is possible to order the costs of several persons jointly. Soldier held key military service and serving as a candidate for the soldier's training does not charge these costs.

§ 2 In the event of the repeal of the penalty ordinal cease to cover the costs.

**Art 290** § 1 The provisions of this chapter seems to the court, and in preparatory proceedings and the prosecutor. Arrest, referred to in Article. 287 § 2, in the preparatory proceedings at the request of the prosecutor applies the district court in whose jurisdiction the investigation is conducted.

§ 2<sup>(180)</sup> Ordinance and the provisions provided in this chapter may be appealed, on the orders of the prosecutor referred to in Article. 285 § 2, shall be entitled to appeal the district court in whose jurisdiction leads the proceedings.

§ 3 The submission of a complaint suspends the execution of the order of arrest.

## **Chapter 32**

### **Security property**

**Art 291** § 1<sup>(181)</sup> In the event of a criminal offense for which he can decide the fine, forfeiture, exemplary or cash benefit, or impose the obligation to remedy or compensation for damage suffered, the office may be a security enforcement for property of the accused.

§ 2 In the case of crime against property or cause damage to property crime, it can automatically be secure damages.

**Art 292** § 1 The security is as indicated in [Code of Civil Procedure](#).

§ 2<sup>(182)</sup> Forfeiture of the security threat is the seizure of movable property, debts and other property rights and by establishing a prohibition on disposing of and encumbering real estate. This prohibition shall be disclosed in the land register, and its absence in the set of complex documents. Where necessary, can be established property management company or the accused.

**Art 293** § 1 A freezing seems to the court, the prosecutor in the preparatory proceedings. In order to determine the scope and manner of security.

§ 2<sup>(183)</sup> The decision on the security may be appealed. Complaint against the prosecutor's decision recognizes the district court in whose jurisdiction the investigation is conducted.

**Art 294** § 1<sup>(184)</sup> The security lapse, they have been finally ordered: a fine, forfeiture, exemplary, or a cash benefit will not be imposed to remedy or compensation for damage suffered or will not be awarded a claim for damages, and action for those claims not brought within 3 months from the date the decision becomes final.

§ 2 If he brings an action within the period specified in § 1 of the security is in force, in civil proceedings if the court decides otherwise.

**Art 295** § 1<sup>(185)</sup> If the offense referred to in Article. 291, police may make a provisional seizure of movable property of the suspected person, if there is a concern to remove the property.

§ 2 The provisions of Article. 217-235 shall apply accordingly.

§ 3 The provisional attachment may not apply to items that are not enforced.

§ 4<sup>(186)</sup> Provisional seizure lapse if within 7 days from the date of filing will not be issued a freezing property.

**Art 296** <sup>(187)</sup> (repealed).

## DIVISION VII

### PREPARATORY TREATMENT

#### Chapter 33

##### General Provisions

**Art 297**§ 1 The purpose of pre-trial proceedings is to:

- 1) determine whether the prohibited act was committed and whether it constitutes a crime,
- 2) to detect and if necessary the inclusion of the offender,
- 3) collect data according to the Article. 213 and 214,
- 4)<sup>(188)</sup> comprehensive explanation of the circumstances of the case, including determining the persons injured and extent of injury,
- 5)<sup>(189)</sup> collecting, securing and consolidating the evidence for a court order to settle the matter took place at the first trial.

§ 2 In the preparatory proceedings should also seek to clarify the circumstances that foster the commission of the crime.

**Art 298**§ 1<sup>(190)</sup> Conduct or supervise the preparation by the prosecutor, and the extent provided by law is conducted by the Police. In the cases provided for in the Act the Police have powers to other bodies.

§ 2 defined in the act steps in the preparatory proceedings conducted by the court.

**Art 299**§ 1 In the preparatory proceedings the victim and the suspect are parties.

§ 2 In the cases mentioned in the Act is also entitled to certain privileges to non-parties.

§ 3 In the court action in the preparatory proceedings the prosecutor have the right of the page.

**Art 300**<sup>(191)</sup> Before the first hearing should be advised the suspect of his rights: to provide explanations, to refuse to answer questions or refuse to answer questions, to submit requests for investigations or investigations, to the assistance of counsel, the final familiar with the case materials, as well as right referred to in Article. 301 and the obligations and the consequences indicated in Article. 74, 75, 138 and 139 Instruction must be in writing, give the suspect, the suspect signature confirms receipt of instruction.

**Art 301**At the request of a suspect to question him established with the participation of counsel. Failure is not a defender tamuje hearing.

**Art 302**§ 1 Those who are not parties may be appealed to the provisions and regulations violate their rights.

§ 2 The parties and persons who are not parties to serve the complaint on activities other than the provisions and regulations violate their rights.

§ 3<sup>(192)</sup> Complaint to the provisions and regulations and other steps in the preparatory proceedings the prosecutor referred to in § 1 and 2, recognizes the prosecutor immediately postponed.

## Chapter 34

### Initiation of investigations<sup>(193)</sup>

**Art 303** <sup>(194)</sup> If there is reasonable suspicion of having committed a crime, it seems the office or as a result of the notification of the order to initiate the crime investigation, which determined the conduct at issue in the case and its legal classification.

**Art 304** § 1 Every heard of the crime prosecuted ex officio has a social obligation to notify the prosecutor or the police. Provision of Art. 191 § 3 shall apply accordingly.

§ 2 The state and local government institutions, which in connection with his activities became aware of the crime prosecuted ex officio, are required to immediately notify the prosecutor or the police and take the necessary steps until the arrival of the body responsible for prosecuting crimes or pending by the authority of the relevant ordinance, to prevent blurring of traces and evidence of a crime.

§ 3<sup>(195)</sup> Notice of the offense for which the prosecutor conducting the investigation is mandatory, or your own data providers to commit such an offense the police communicate with the public prosecutor immediately collected materials.

**Rule 304a.** <sup>(196)</sup> Draw up a joint protocol with the adoption of an oral notice of the offense and the hearing as a witness the person giving notice, in this protocol can also post a request for prosecution.

**Art 305** § 1<sup>(197)</sup> Immediately after receiving notice of the offense the body responsible for conducting pre-trial proceedings is obliged to issue a decision to initiate or not to initiate an investigation.

§ 2<sup>(198)</sup> (repealed).

§ 3<sup>(199)</sup> Order of initiation of investigation it seems the prosecutor. An order refusing to initiate or to discontinue the investigation it seems the prosecutor or the police, the order issued by the Police Prosecutor approved.

§ 4<sup>(200)</sup> The initiation, refusal to initiate or to discontinue the investigation shall be communicated to any person or institution of the state, local government or society that made the notification of the offense, and the disclosure of the victim, the suspect ao redemption - with the instruction of their rights.

**Art 306** § 1<sup>(201)</sup> The victim and the institutions mentioned in Article. 305 § 4 may be appealed to the decision not to initiate an investigation, and the parties - on the order of its discontinuation. Entitled to lodge a complaint have the right to review the file.

§ 2<sup>(202)</sup> (repealed).

§ 3<sup>(203)</sup> If a person or institution which submitted a notice of the offense, will not be notified within 6 weeks of initiation or refusal to initiate an investigation, may appeal to the prosecutor's parent or appointed to the oversight body, which filed the notice.

**Art 307** § 1<sup>(204)</sup> If necessary, you can request additions to the prescribed period, the data contained in the notice of the offense or to verify the facts in this regard. In this case, the

decision to initiate an investigation or not to initiate to be issued no later than 30 days after receipt of the notification.

§ 2 In the screening is not performed with the expert evidence, or activities that require transcribe the minutes, with the exception of the adoption of an oral notice of the offense or the prosecution of the application and acts as defined in § 3

§ 3 Follow-up data contained in the notice of the offense may also be the hearing as a witness the person giving notice.

§ 4<sup>(205)</sup> (repealed).

§ 5<sup>(206)</sup> The provision of § 2 shall apply mutatis mutandis in the case of making the law enforcement authorities before issuing the order to initiate an investigation to verify their information, rise to a presumption that the offense was committed.

**Art 308** <sup>(207)</sup> § 1 Within the limits necessary to protect the traces and evidence of crimes against loss, distortion or destruction, the prosecutor or the police may in any case, in urgent cases, before issuing the order to initiate an investigation or an investigation, carried out the necessary procedural steps and especially make an inspection, if necessary, with the participation of an expert search or acts listed in Article. 74 § 2 paragraph 1 in relation to the suspected person, and the other to take the necessary steps, including the collection of blood, hair and body secretions. After these steps, in cases where the conduct of investigations by the prosecutor is required, conducting the proceedings the prosecutor shall refer the matter immediately.

§ 2 In urgent cases, particularly when this could cause the blurring of traces or evidence of crime may be in the course of the activities listed in § 1 of the interview a person suspected of committing a crime as a suspect before issuing the order of objections, if there are conditions for preparation of such a provision. Hearing starts with information about the contents of the plea.

§ 3 In the case provided for in § 2, in cases where it is mandatory to carry out investigations at the latest within 5 days from the date of the hearing appears to be the order of objections, or, in the absence of conditions for its preparation, remit the proceedings in relation to those hearings.

§ 4<sup>(208)</sup> In cases where it is mandatory to carry out investigations, the order provided for in § 3, it seems the prosecutor.

§ 5 activities referred to in § 1 and 2 may only be made within 5 days from the date of the first steps.

§ 6 The cases referred to in § 1 and 2, the duration of the inquiry or investigation shall be counted from the date of the first steps.

## Chapter 35

### The course of the investigation<sup>(209)</sup>

**Art 309** <sup>(210)</sup> The investigation leads to the following matters:

- 1)<sup>(211)</sup> in which the diagnosis in the first instance to the jurisdiction of the district court,
- 2)<sup>(212)</sup> of crimes - when a suspect is a judge, prosecutor, police officer, the Internal Security Agency, Intelligence Agency, the Military Counter-Intelligence Service, Military Intelligence Service or the Central Anti-Corruption Bureau,
- 3)<sup>(213)</sup> of crimes - when a person presumed to be an officer of the Border Guard, Military Police, the financial authority of trial or of the parent body of the financial pre-trial proceedings in

respect of matters falling within the jurisdiction of the bodies or the transgressions committed by these officers in connection with the performance of official duties,

4) the crimes, which do not lead to investigation,

5) the crime, which leads to an investigation, if the prosecutor so decides because of the importance or complexity of the case.

**Art 310** <sup>(214)</sup> § 1 The investigation should be completed within 3 months.

§ 2 <sup>(215)</sup> In justified cases, the investigation period may be extended for a further period determined by the prosecutor supervising the investigation or the prosecutor directly superior to the prosecutor who leads the investigation, but not more than one year. In particularly justified cases, the competent prosecutor immediately superior to the supervising prosecutor leading the investigation, or may extend the period for a further fixed period of time.

**Art 311** <sup>(216)</sup> § 1 The investigation by the prosecutor.

§ 2 The Prosecutor may delegate to the Police investigate the whole or a specified field or make the individual acts of investigation, in cases specified in Articles. 309 points 2 and 3 may be entrusted to the Police only make the individual steps of the investigation.

§ 3 Entrusting provided in § 2 may not include activities related to the statement of objections, the amendment of the provisions of objections and closing the investigation, may, however, apply Article. 308 § 2

§ 4 The case referred to in § 2, the police can make the other steps if necessary to emerge.

§ 5 The Prosecutor may claim to comply with any act of personal inquiry, and in particular the provision requiring.

**Art 312** <sup>(217)</sup> Police also have powers:

- 1) <sup>(218)</sup> authorities of the Border Guard, Internal Security Agency and the Central Anti-Corruption Bureau, in terms of their properties,
- 2) other authorities provided for in the regulations.

**Art 313** § 1 <sup>(219)</sup> If the data existing at the time of initiation of investigation or gathered in the course of a sufficiently justify the suspicion that the person identified committed an act, shall be the order of objections, publish them immediately suspect and heard in it, unless notice or hearing order the suspect is not possible because its concealment or absence in the country.

§ 2 Order of objections shall indicate the suspect, the precise alleged act and its legal qualification.

§ 3 <sup>(220)</sup> The suspect may be the time notice of the deadline familiar with the investigation request materials, giving him grounds for complaints orally and in writing to produce justification, as it advised. Justification shall be served on the suspect and set up a defender within 14 days.

§ 4 In support, in particular, indicate what facts and evidence have been adopted as the basis for the allegations.

**Art 314** <sup>(221)</sup> If during the investigation, it appears that the suspect is accused of acts not covered by a previously issued order of objections, or act in a modified form of a significant or that the alleged conduct should be classified with the stricter rule, it is a new provision shall be published as they suspect and heard of him. Provision of Art. 313 § 3 and 4 shall apply accordingly.

**Art 315** § 1 <sup>(222)</sup> The suspect and his lawyer and the victim and his representative, may submit an application for an inquiry activity.

§ 2 Party which submitted the application, and its counsel or representative can not refuse to participate in activities if they so request. Provision of Art. 318, second sentence, shall apply.

**Art 316** § 1 <sup>(223)</sup> The investigations can not be repeated at the hearing, should be suspect, victim and their legal representatives, and the defender and representative, if they are already on the established, allowed to participate in activities, unless there is a danger of loss or distortion of evidence in the case of delay.

§ 2 of the suspect deprived of liberty can not be reduced if the delay threatens the loss or distortion of evidence.

§ 3 Where there is a danger that a witness can not be heard at the hearing, the party or the prosecutor or other body conducting the proceedings may apply to the court requesting a court hearing it.

**Art 317** <sup>(224)</sup> § 1 The parties and counsel or representative, if they are already on the established, should also be allowed to request to participate in other activities of the investigation.

§ 2 In the particular case, the prosecutor may be justified decision to refuse to allow participation in activities due to the important interests of the investigation or refuse to bring the accused person deprived of liberty when it would serious difficulties.

**Art 318** Once admitted expert evidence or scientific institution or a specialist, the suspect and his counsel and the victim and his attorney is served on the provision of the release of such proof, and allows to take part in the hearing of experts and to familiarize themselves with the opinion, if it was made in writing. Suspect deprived of liberty can not be reduced when the cause is a serious difficulty.

**Art 319** <sup>(225)</sup> (repealed).

**Art 320** <sup>(226)</sup> (repealed).

## **Chapter 36**

### **Closure of investigation** <sup>(227)</sup>

**Art 321** § 1 <sup>(228)</sup> If there are grounds for closing the investigation, at the request of the suspect or his counsel to familiarize with the materials to the final procedure, conducting the proceedings shall notify the suspect and a defender of the date of the final familiarization, instructing them on the law prior to review documents in sufficient time to the seriousness or complexity of the case, as defined by the procedural.

§ 2 The term familiarization with the materials of the suspect case should be so designated, in order of receipt of notification of the suspect and his counsel have passed at least 7 days.

§ 3 <sup>(229)</sup> The activities of the suspect from familiar materials are entitled to participate defender.

§ 4 <sup>(230)</sup> Not justified by the failure to suspect or his counsel did not tamuje further proceedings.

§ 5 <sup>(231)</sup> Within 3 days of familiarization with the materials of the suspect, the parties may submit applications to supplement the investigation. Provision of Art. 315 § 2 shall apply accordingly.

§ 6<sup>(232)</sup> If you do not need to complete the investigation, it seems his decision to quit and announced to them, or its contents shall be communicated to the suspect and his defender.

**Art 322** § 1<sup>(233)</sup> If the procedure does not provide grounds for bringing an indictment, and there are no conditions specified in Article. 324, redeems the investigation without having to become acquainted with the materials and the conduct of the closure.

§ 2<sup>(234)</sup> Decision to discontinue the investigation should include, in addition to the data listed in Article. 94, the precise action and its legal qualification, and an indication of the reasons for cancellation.

§ 3 If the cancellation occurs after the order of objections or a hearing person as a suspect, a decision to discontinue should include the name of the suspect and, if necessary, other information about him.

**Art 323** § 1<sup>(235)</sup> In the event of redemption of the investigation the prosecutor shall make a decision as to the factual evidence pursuant to the provisions of Article. 230-233.

§ 2 The decision referred to in § 1, may be appealed suspect, victim and the person from whom these items are received, or which has made a claim to them.

§ 3<sup>(236)</sup> Once the order becomes final to discontinue the investigation into the prosecutor, if there are grounds specified in [Articles. 99](#) § 1 and [Articles. 100](#) Penal Code or in [Articles. 43](#) § 1 and 2 and [Articles. 47](#) § 4 of the Criminal Code the tax, there is the court to the decision by way of forfeiture of a preventive measure. With this application the prosecutor may also occur in the event of detection of the discontinuance of the proceedings against the offender, the offense or offenses tax revenue, unless the provision provides for the forfeiture ruling.

**Art 324** <sup>(237)</sup> § 1 If it is determined that the suspect has committed an act of insanity, state, and there are grounds for the application of safeguard measures, the prosecutor after the close of the investigation report the matter to court to terminate the proceedings and the application of preventive measures. Provision of Art. 321 shall apply mutatis mutandis.

§ 2 If the court is not grounds for a claim referred to in § 1, refer the matter to the prosecutor to continue.

§ 3 The court's decision may be appealed.

**Art 325** <sup>(238)</sup> Decision to suspend the investigation if it was not issued by the prosecutor, require the written approval.

## **Chapter 36a**<sup>(239)</sup>

### **Investigation**

**Rule 325a.** <sup>(240)</sup> § 1 The investigation by the police or authorities referred to in Article. 312, unless it is conducted by the prosecutor.

§ 2 The provisions relating to the investigation shall apply mutatis mutandis to the investigation, if the provisions of this chapter provides otherwise.

**Rule 325B.** § 1 The investigation is carried out in cases of crimes within the jurisdiction of the district court:

1)<sup>(241)</sup> punishable by not more than 5 years of imprisonment, except that in the case of crimes against property only when the value of a crime or injury caused or threatens to not exceeding PLN 100,000,

2) provided for in [Articles. 159](#) and [262](#) § 2 of the Penal Code,

3)<sup>(242)</sup> under [Articles. 279](#) § 1, [Articles. 286](#) § 1 and 2 and in [Articles. 289](#) § 2 of the Penal Code, if the value of a crime or injury caused or threatens to not exceeding PLN 100,000.

§ 2<sup>(243)</sup> Among the cases the offenses listed in § 1 point 1 does not lead to investigation of crimes defined in the Penal Code in [Articles. 155](#), [Articles. 156](#) § 2, [Articles. 157a](#) § 1, [Articles. 164](#) § 2, [Articles. 165](#) § 2, [Articles. 168](#), [Articles. 174](#) § 2, [Articles. 175](#), [181-184](#), [186](#), [201](#), [Articles. 231](#) § 1 and 3, [Articles. 233](#) § 1 and 4, [Articles. 240](#) § 1, [Articles. 250A](#) § 1-3, [Articles. 265](#) § 3 and [Chapter XXXVI](#) and [XXXVII](#).

**Rule 325C.** <sup>(244)</sup> Investigation is carried out:

1) in relation to the accused person deprived of liberty in this or any other matter, unless:

a) used to stop,

b) the offender contained in the act or immediately thereafter temporarily arrested,

2) if the accused is a minor, deaf, dumb, blind, or when experts doctors, psychiatrists called to give its opinion on the find that imputability accused of committing at the time of the alleged offense or during the proceedings is excluded or significantly limited.

**Rule 325d.** Minister of Justice, in consultation with relevant ministries, shall determine, by regulation, next to the Police authorities empowered to investigate and the authorities are entitled to bring and promote the prosecution before the court of first instance in matters of diagnosis in summary proceedings, as well as the scope of matters entrusted to these bodies, whereas the range set by the powers of these bodies.

**Rule 325e.** § 1 The provisions of initiation, not to initiate an investigation, discontinue the investigation and the case entered in the register of crime, discontinue the investigation and its suspend it conducts the procedure. They may be included in the Protocol referred to in Article. 304a, and do not require justification.

§ 2<sup>(245)</sup> The provisions referred to in § 1, with the exception of the provisions of the investigation, and remitted the matter and entered in the register of crime, the prosecutor approves. Prosecutor apply Article. 323, does not apply to the case that the redemption was listed as a crime.

§ 3<sup>(246)</sup> Notification is not required the prosecutor to initiate an investigation.

§ 4<sup>(247)</sup> Complaint against the decision to discontinue the investigation and the case entered in the register is lodged with the criminal prosecutor is competent to supervise the investigation. If the prosecutor is not in favor of the complaint, it directs them to court.

**Rule 325F.** § 1 If the data obtained in the course referred to in Article. 308 § 1, or run for a period of at least 5 days of the investigation do not provide a sufficient basis to detect the offender in the way of further procedural steps, you can make a decision to discontinue the investigation and the case entered in the register of crimes.

§ 2 After the release provisions referred to in § 1, Police, under separate provisions, leads operations in order to identify perpetrators and obtain evidence.

§ 3 If the data is disclosed to detect the offender, the police issue an order to launch a new investigation. Provision of Art. 305 § 4 shall apply mutatis mutandis, the provisions of Article. 305 § 3, first sentence, and Article. 327 § 1 shall not apply.

§ 4 The decision referred to in § 1, may be appealed to the general principles.

**Article 325g.**§ 1 <sup>(248)</sup> It is not required to draw up provisions for the submission of objections and an order to close the investigation, unless the suspect is in detention awaiting trial.

§ 2 The hearing begins with a person suspected of notification of the contents of the plea entered in the minutes of the hearing. Person was from the beginning of the hearing shall be considered suspect.

§ 3 The suspect should be allowed to defend a particular establishment or appointment of counsel.

**Article 325h.**The investigation may be limited to determining whether there are sufficient grounds to indict or other termination of proceedings. Needs to be made to the operations provided for in Article. § 321 and Article 1-5. 325g § 2, interrogate the suspect and victim, and carry out and consolidate operations in the protocols, which can not be repeated. The consolidation of other inquiries in the form of a protocol is limited to recording the most significant statements of people involved in the activity; provision of Art. 148 § 2, first sentence shall not apply.

**Article 325i.**§ 1 <sup>(249)</sup> The investigation should be completed within 2 months. Prosecutor may extend this period to 3 months, and in particularly justified cases - for a further fixed period of time.

§ 2 The authority is authorized by the investigating prosecutor referred to in Article. 23a.

§ 3 The powers of the prosecutor referred to in Article. 335 § 1, art. 336 and 387 § 2 have the authority referred to in Article. 325d.

## **Chapter 37**

### **Supervision over the prosecutor's pre-trial procedure**

**Art 326**§ 1 <sup>(250)</sup> Prosecutor supervises pre-trial procedure, in which he himself does not, the prosecutor may also include supervision of the proceedings referred to in Article. 307.

§ 2 The Prosecutor is obliged to ensure the proper and efficient conduct of the whole monitored by their conduct.

§ 3 In respect of surveillance prosecutor may, in particular:

- 1) to familiarize themselves with the intentions of conducting the proceedings, indicate the directions of the case and issue as to the ordinance,
- 2) require the submission of materials collected in the proceedings,
- 3) participate in the activities carried out by conducting the proceedings, be done in person or take the matter into his conduct,
- 4) issue the order, decree, or command, and change or abolish regulations and orders issued by the investigating.

§ 4 In the event of default by the authority of a prosecutor who did not order, decree, or order issued by a prosecutor supervisor, at his request, chief business officer shall proceed, the outcome of the case informed the prosecutor.

**Art 327** § 1 decommitted preparatory steps can be taken at any time again under the provisions of the prosecutor, if it will not proceed against a person who appeared in the previous investigation as a suspect. This provision shall apply mutatis mutandis in the case, which refused to initiate an investigation or inquiry.

§ 2<sup>(251)</sup> Acquitted finally resume the preliminary inquiry against a person who appeared as a suspect, under the provisions of the Public Prosecutor of the parent who has or has approved a decision to discontinue, only when the reveal important new facts or evidence not known at the previous proceedings, or if there is circumstance referred to in Article. 11 § 3 Under the law reducing the period of temporary detention shall be that the total duration of the measure.

§ 3 Before issuing the order to launch or resume, the prosecutor may take the person or the Police have to make the necessary inquiries to verify the circumstances justifying an order.

§ 4 After the indictment, the court remit the proceedings if it finds that an investigation was resumed despite the lack of support.

**Art 328** § 1 The Attorney General may waive the final decision to discontinue the investigation in relation to a person who appeared as a suspect, if it finds that the termination of the proceedings was groundless. Does not apply to the case where the court upheld the decision to discontinue.

§ 2 After 6 months from the date of validation of the order to discontinue the Attorney General may waive or modify the order or its justification only for the benefit of the suspect.

## **Chapter 38**

### **Judicial acts in the preparatory proceedings**

**Art 329** § 1 provided for by law steps in the preparatory proceedings the court made at the meeting called to consider the case in the first instance, unless a statute provides otherwise.

§ 2 The court shall act individually even if they recognize the appeal of trial operations, unless the law provides otherwise.

**Art 330** § 1 Setting aside the decision to discontinue the investigation or the refusal of its initiation, the court shall state the reasons for repeal, and if necessary also the circumstances which should be clarified or activities to be carried out. These indications are the prosecutor binding.

§ 2<sup>(252)</sup> If the prosecutor is still no basis to indict, it seems once again a decision to discontinue the proceedings or the refusal of its initiation. In this case, the victim, who has used the powers provided for in Articles. 306 § 1, may bring an indictment referred to in Article. 55 § 1 - as it should be advised.

§ 3 In the case of the indictment, the victim has sent the President a copy of the court the prosecutor, calling him to the sending of documents within 14 days of trial proceedings.

## **Chapter 39**

## Indictment

**Art 331** <sup>(253)</sup> § 1 Within 14 days from the closing date of receipt of the investigation or indictment, drawn up by the police in the investigation, the Prosecutor shall approve the indictment or the indictment drawn up by the police in the investigation and asks him to court, or he shall make a decision, to suspend or to supplement the investigation or inquiry.

§ 2 The authority referred to in Article. 325d, may bring an indictment directly to the court, unless the prosecutor decides otherwise.

§ 3 If the suspect is in custody pending trial, the period referred to in § 1 is 7 days.

§ 4 The case in which the suspect is applied to provisional arrest, the indictment must be made no later than 14 days before the date specified period of the measure.

**Art 332** § 1 The indictment should contain:

- 1) the name of the accused, other data about his person and the data on the use of a preventive measure,
- 2) a precise indication of the alleged offense has been charged with an indication of the time, place, manner and circumstances of its commission and the impact of a particular amount of injury,
- 3) <sup>(254)</sup> indication that the act was committed in circumstances specified in [Articles. 64](#) Penal Code or [Articles. 37](#) § 1 point 4 of the Criminal Code, the tax
- 4) an indication of the criminal provisions of the Act, under which the alleged act falls,
- 5) indication of the court competent to hear the case and appeal procedures
- 6) justification of the charges.

§ 2 In the explanatory memorandum to recall facts and evidence upon which the prosecution is based, and where necessary to clarify the legal basis for the indictment and discussed the circumstances relied on by the accused in his defense.

§ 3 <sup>(255)</sup> The indictment drawn up by the police or the authority referred to in Article. 325d, may not contain reasons.

**Art 333** § 1 The indictment should also include:

- 1) a list of people whose calls accuser asks
  - 2) a list of other evidence, which carried out the trial prosecutor demands.
- § 2 The Prosecutor may request the omission of the call and read the trial testimony of witnesses residing abroad or to determine the circumstances in which the accused did not deny his explanations, and facts are not so important that it was necessary to direct examination of witnesses at the hearing. Does not apply to persons referred to in Article. 182.
- § 3 The indictment shall be accompanied, to the court, revealed the list of victims with their addresses, and addresses of the persons referred to in § 1 paragraph 1
- § 4 The Prosecutor may also add to the indictment, the request for an order requiring the entity referred to in [Articles. 52](#) Penal Code to reimburse the Treasury received a material benefit of the entity and a notice of the date the hearing, the proposal should include a justification.

**Art 334** § 1 The indictment sent to the trial court file and its annexes, and the extract thereof one indictment for each defendant.

§ 2<sup>(256)</sup> The indictment sent to the court and the content of the Article. 335 and 387 notify the public prosecutor and the accused's disclosure of the victim and the person or institution which submitted a notice of the offense. The victim should be advised of the rights related to the investigation of claims to property, and if necessary also the right to submit a statement of the action as an auxiliary prosecutor.

**Art 335** <sup>(257)</sup> § 1 The Prosecutor may put in the indictment request for a criminal conviction and a decision agreed with the accused or the means of criminal penalties for the offense punishable of not more than 10 years of imprisonment without a hearing if the circumstances of the crime is not in doubt, and the attitude of the accused indicates that objectives of the proceedings will be achieved.

§ 2 If there are conditions to the request referred to in § 1, and in light of the evidence to clarify the suspect is not in doubt, further inquiries in the preparatory proceedings can not be carried out, however, carried out activities for which there is a danger that will not be able to perform at the hearing.

§ 3 Rationale of the indictment can be reduced to indicate the circumstances referred to in § 1

**Art 336** § 1 If you are satisfied the conditions justifying the conditional discontinuance of proceedings, the prosecutor may, instead of indictment drawn up and sent to the court an application for such remission.

§ 2 The application shall apply mutatis mutandis the provisions of Article. 332 § 1 item 1, 2, 4 and 5 Justification for this proposal may be limited evidence to indicate that the wine of the accused beyond doubt, and also the circumstances in favor of the conditional waiver.

§ 3 The Prosecutor may indicate the proposed duration of the sample, the duties to be imposed on the accused and, where appropriate, conclusions as to the surveillance.

§ 4<sup>(258)</sup> The application shall be accompanied, to the court, revealed the list of victims with their addresses. Provision of Art. 334 shall apply mutatis mutandis.

§ 5 The application for conditional discontinuance of proceedings shall apply mutatis mutandis the provisions of the indictment contained in Chapter 40

## **SECTION VIII**

### **PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE**

#### **Chapter 40**

##### **Initial inspection charges**

**Art 337** § 1<sup>(259)</sup> If the indictment does not meet the formal conditions set out in Article. 119, 332, 333 or 335, and when not met the conditions set out in Article. 334, President of the Court Prosecutor asks him to remove the defects within 7 days.

§ 2 The ordinance referred to in § 1, the prosecutor may be appealed to the court competent to hear the case.

§ 3 The Public Prosecutor, who does not make a complaint, is obliged to make the deadline specified in § 1, amended or supplemented in the indictment.

**Art 338** § 1<sup>(260)</sup> If the indictment complies with the conditions formally, president of the court manages the delivery of a copy of the accused, asking him to submission of proof within 7 days of notification of his indictment. If the indictment contains a request referred to in Article. 335 § 1, a copy thereof served on the ujawnonemu injured.

§ 2 The accused has the right to lodge, within 7 days of notification of his indictment, a written response to the indictment, as it advised.

§ 3 Where there is a risk of disclosure of state secret, the accused shall be served a copy of the indictment without justification. Justification of the indictment made available, consistent with the disciplines laid down by the president of the court or the court.

**Art 339** § 1 The President of the court shall refer the matter to the meeting if:

- 1) the prosecutor has requested a ruling safeguards,
- 2) there is a need to consider a conditional discontinuance of the proceedings,
- 3)<sup>(261)</sup> indictment contains a request referred to in Article. 335.

§ 2<sup>(262)</sup> (repealed).

§ 3 The President of the court shall refer the matter to the meeting even if there is a need for another settlement in excess of his powers, namely:

- 1) does not proceed on the basis of Article. 17 § 1 paras 2-11,
- 2) does not proceed because of the manifest lack of factual basis for prosecution,
- 3) issue the order for lack of competence or a change in the indictment indicated the mode of conduct,
- 4) return the case to the prosecutor to remove material deficiencies trial,
- 5) issue the order to suspend the proceedings,
- 6) provisions concerning the issue of temporary detention or any other means of coercion,
- 7)<sup>(263)</sup> judgment injunctive relief.

§ 4<sup>(264)</sup> President of the Court shall refer the matter to the meeting also, when you need to consider the possibility of referral to the mediation proceedings, the provision of Article. 23a shall apply mutatis mutandis.

§ 5<sup>(265)</sup> Parties, counsel and representatives may take part in the meetings referred to in § 1 and § 3 paragraph 1, 2 and 6, except that the participation of the prosecutor and defense counsel in the meeting on the decision of detention referred to in [Articles. 94](#) either [95](#) Penal Code is mandatory.

**Art 340** § 1 In the discontinuance of the proceedings apply respectively. And Article 322. 323 § 1 and 2

§ 2<sup>(266)</sup> In the event of the grounds specified in [Articles. 99](#) § 1 of the Penal Code or in [Articles. 43](#) § 1 paragraph 1 of the Penal Code the tax court to dismiss the proceedings or ruling on the request of the prosecutor referred to in Article. 323 § 3, the forfeiture rule.

§ 3 The person the claimant the right to benefits or items, which held the title forfeiture remedy, can only enforce their claims in civil proceedings.

**Art 341** § 1<sup>(267)</sup> Prosecutor, the accused and the victim are entitled to participate in the meeting. Their participation is mandatory, if the President of the court or the court so ordered.

§ 2<sup>(268)</sup> If he opposes the conditional redemption, as well as when the court recognizes that contingent debt would be unjustified, shall refer the case to trial. Request of the prosecutor for a

conditional waiver procedure replaces an indictment. Within 7 days the prosecutor shall act referred to in Article. 333 § 1-2.

§ 3 If the court deems appropriate given the possibility to communicate with the accused to the victims and the remedy or relief, may postpone the meeting, specifying the parties a reasonable time limit. At the request of the accused and victim, justified by the need to make arrangements, the court manages the appropriate break or postpone the meeting.

§ 4 The court ruling on conditional discontinuation takes into account the results agree with the defendant suffered in the indicated in § 3

§ 5<sup>(269)</sup> The conditional discontinuance of the proceedings the court decides to sentence the meeting.

**Art 342** <sup>(270)</sup> § 1 In its ruling conditionally umarzającym proceedings should be precisely defined act of the accused, noted the provision of criminal law, under which falls within the act, and determine the sample period.

§ 2 In its ruling the court also determines the duties imposed on the accused and the manner and timing of their implementation, and if it appropriate to recognize - the supervision of a guardian, a trustworthy person or institution or social organization.

Case § 3, if necessary, should include the decision as to the factual evidence. The court shall apply the Article. 230 § 2 and 3 and Articles. 231-233, including the need to preserve evidence in case of taking the case.

§ 4 contained in the judgment decision referred to in § 3, may be contested by a complaint referred to in Article. 323 § 2

§ 5 Case served on the aggrieved

**Art 343** <sup>(271)</sup> § 1 of the request referred to in Article. 335, the court may apply extraordinary mitigation of punishment, conditionally suspend the execution of the rule or merely a means of penalty mentioned in [Articles. 39](#) paras 1-3, 5-8 of the Criminal Code.

§ 2 In the case specified in § 1:

1) extraordinary mitigation of punishment may also be in other cases than those provided for in [Articles. 60](#) § 1-4 of the Criminal Code,

2) a conditional suspension of sentence may take place irrespective of the conditions set out in [Articles. 69](#) § 1-3 of the Criminal Code, but it does not apply to imprisonment for more than 5 years, and the sample period may not exceed 10 years,

3) to reduce the conviction to the ruling may be a corrective measure, if assigned to the accused offense is punishable by not more than 5 years imprisonment.

§ 3 If you do not apply [Articles. 46](#) Penal Code, the court may make an application to take account of damages, in whole or in part or in compensation for damage suffered. Provision of Art. 341 § 3 shall apply accordingly.

§ 4 Conduct of inquiry did not lead to. Provision of Art. 394 shall be applied accordingly.

§ 5 The Prosecutor, the accused and the victim are entitled to participate in the meeting. The victim can at least make a statement that the meeting referred to in Article. 54 § 1 Participation of the prosecutor, the accused or the victim in the meeting is mandatory if the president of the court or the court so ordered.

§ 6 The Court, having regard to the proposal, condemning the accused sentence.

§ 7 If the court finds that there is no basis for a claim, the matter shall be subject to identify in general terms.

**Art 344**If he is detained on remand, the court ex officio decide to maintain, amend or repeal the measure. If necessary, the rules of other preventive measures.

**Art 345**§ 1 The Court shall refer the prosecutor in order to complete the investigation or an investigation, if the file is that important shortcomings of this investigation, in particular the need for evidence, and make the necessary steps by the court would cause considerable difficulties.  
§ 2 forwarding the case prosecutor, the court indicates the direction to complete, and if necessary the appropriate steps to be taken.

§ 3 The provision referred to in § 1, serves the parties to the complaint.

**Art 346**After completing the investigation or the investigation the public prosecutor made a new indictment or maintains the previous one, asks the court or file an application for conditional discontinuance of proceedings or proceedings shall.

**Art 347**In further proceedings the court is not bound by either the actual assessment, neither law adopted as the basis for decisions and orders issued at the meeting.

## **Chapter 41**

### **Preparation for the main hearing**

**Art 348**Hearing must be determined and carried out without undue delay.

**Art 349**President of the Court may refer the matter to the meeting, if given the complexity of the case or for other important reasons why it considers that this may contribute to improved conduct, especially the proper preparation and organization of the main hearing.

**Art 350**§ 1 The President shall issue a written order of the court to designate a main hearing, which indicates:

- 1) the judge or members of the bench,
- 2) The date, time and hearing room,
- 3) the parties and others who should be invited to a hearing or notify the date,
- 4) other activities necessary to prepare the hearing.

§ 2 As for the accused to be deprived of liberty in any case, may decree to bring him to trial.

**Art 351**§ 1 <sup>(272)</sup> Judge or judges appointed to decide on the set in the order of the impact of the case and open to the parties a list of judges of the court or the department. Departure from this sequence is permitted only with the judge because of illness or other valid reason, as it should be noted in the Order of the appointment of the hearing.

§ 2 When the indictment alleged to have committed a crime punishable by 25 years imprisonment or life imprisonment, the designation of the bench is made at the request of the prosecutor or defender by lot, at which they are entitled to be present. Prosecutor may submit an application no later than 7 days after submission to a court indictment, a defender within 7 days from the date of service upon him of a copy of the indictment.

§ 3<sup>(273)</sup> Minister of Justice shall determine, by regulation, detailed rules for determining and drawing the bench, mindful of the need to ensure equal probability of participation in the composition of the forum in any case all the judges of the court or the department.

**Art 352** <sup>(274)</sup> President of the Court after considering the submissions of the parties and the entity referred to in Article. 416, or the evidence permits office and manages to bring to trial. Provision of Art. 368 shall apply mutatis mutandis.

**Art 353** § 1 Between the date of service of notice and hearing, the main period of at least 7 days.  
§ 2 In the event of non-compliance of the term in relation to the accused or his counsel a hearing on their request, filed before the trial, is postponed.

**Art 354** In the case of request of the Prosecutor to discontinue the proceedings by reason of insanity, the offender and the application of safeguard measures shall apply mutatis mutandis the provisions of this chapter with the following modifications:

- 1) do not apply to auxiliary oskarżycielu a civil action is unacceptable,
- 2) <sup>(275)</sup> request shall be made at the trial, unless the materials in the light of pre-trial proceedings criminal act committed by the suspect and his insanity at the time of the act is not in doubt, and the President deems appropriate court hearing the case at a meeting with the prosecutor, defender and the suspect, the suspect did not take part the meeting, if the expert's opinion that it would be inappropriate, unless the court finds it necessary to share, the victim has the right to participate in the meeting,
- 3) In the event of discontinuance of the proceedings shall apply. 322 § 2 and 3

## **Chapter 42**

### **Openness of the main hearing**

**Art 355** The hearing shall be public. Restrictions on disclosure specified by statute.

**Art 356** § 1 At the hearing, but people involved in the proceedings may be present only to adults, are not armed.

§ 2 The President may authorize the presence at the hearing to minors and persons obligated to bear arms.

§ 3 may not be present at the hearing persons in a position not seriously licującym court.

**Art 357** § 1 The court may authorize representatives of radio, television, film and print media to make fixations of the apparatus by means of video and audio from the conduct of the hearing, if a legitimate public interest in favor of this speaks to making these activities will not impede the conduct of the hearing, and the important interest of the participant's conduct ago is not opposed.

§ 2 The court may specify conditions which makes the authorization provided for in § 1

**Art 358** If you do not speak against it because of the regularity of the proceedings, the court at the request of the parties consents to the consolidation of its conduct of the hearing through audio recording equipment.

**Art 359** Implicit is the trial, which involves:

- 1) request the prosecutor to discontinue the proceedings by reason of insanity, the offender and the use of detention
- 2) cases of libel or slander, at the request of the victim, however, hearing will take place openly.

**Art 360** § 1 The trial court excluded disclosure in whole or in part, if disclosure would:

- 1) cause a public disturbance,
- 2) offensive to public decency,
- 3) disclose the fact that due to the important state interests should be kept secret,
- 4) affect the important private interest.

§ 2 The court excludes disclosure of all or part of the hearing and at the request of the person who applied for the prosecution.

§ 3<sup>(276)</sup> The court may exclude all or part of the disclosure hearing if at least one of the accused is a child or for the duration of the witness who has not attained 15 years.

**Art 361** § 1 In case of exemption of publicity may be present at the hearing, but people involved in the investigation, two persons designated by the public prosecutor, subsidiary prosecutor, private prosecutor and the accused. If there are several plaintiffs or defendants, each of which may require leaving the courtroom after one person.

2 § § 1 provision does not apply if there is a fear disclosure of state secrets.

§ 3 if you disable the transparency of the President may allow individuals to present at the hearing.

**Art 362** The President instructed those present to maintain the confidentiality obligation to the circumstances disclosed at the hearing, the proceeding in camera, and warns of the consequences of failure to do so.

**Art 363** Upon request a hearing to exclude disclosure of that application shall be held in camera, if a party so requests or the court deems it necessary.

**Art 364** § 1 The judgment is carried out openly.

§ 2 If the admission of the public are excluded in whole or in part, to cite some reasons for judgment may also be in camera, in whole or in part.

## **Chapter 43**

### **General provisions on trial**

**Art 365** The hearing shall be oral.

**Art 366** § 1 The President shall direct the trial and ensure its proper course, taking care to have explained all the relevant circumstances, and where possible the circumstances conducive to offense.

§ 2 The President shall seek to ensure that the decision of the case was the first trial.

**Art 367** § 1 The President allows the parties to be heard as to any matter subject to the outcome.

§ 2 If, in any matter one party takes the floor, shall have the right to vote and all other parties. Defenders of the accused and the accused shall be entitled to vote last.

**Art 368**The application of evidence favorable settling time, which other party has objected to the President finally decides, in other cases, the court issues an order.

**Art 369**Evidence to support the accusation should be made as far as possible before evidence servants to defend.

**Art 370**§ 1<sup>(277)</sup> After the termination of the freedom of the person heard the call of the President, pursuant to Article. 171 § 1, they can ask her questions in the following order: the public prosecutor, civil prosecutor, subsidiary prosecutor agent, private prosecutor, private prosecutor acting as Agent, the civil plaintiff, civil plaintiff's agent, the expert, the person referred to in Article. 416, defender of the accused, members of the bench.

§ 2 The party at whose request the witness is released, asking questions before the other parties.

§ 3<sup>(278)</sup> If necessary, the members of the bench may ask additional questions out of order.

§ 4<sup>(279)</sup> President repeals the questions referred to in Article. 171 § 6, or if for other reasons considers it to be inappropriate.

**Art 371**§ 1 In the hearing of a witness should not be present witnesses who had not yet been heard.

§ 2 The President should embark measures to prevent the communication of people interviewed with people who have not yet been heard.

**Art 372**The President shall issue any order necessary to maintain the courtroom of peace and order.

**Art 373**<sup>(280)</sup> Since the President issued orders for the main hearing may be appealed to the bench, unless the court decides in our company.

**Art 374**§ 1 The presence of the accused to trial is mandatory, unless a statute provides otherwise.

§ 2 The President may issue an order to prevent the expulsion of the accused to the court before the end of the hearing.

**Art 375**§ 1 If the accused despite the admonition by the chairman it behaves in a way that distorts still order the hearing or reconciling the seriousness of the court, the President may expel him from time to time with the hearing room.

§ 2 allowing the accused to return, without delay, inform him of the conduct of the hearing in his absence, and allows him to be heard as to the conducted in his absence of evidence.

**Art 376**§ 1<sup>(281)</sup> If an accused who has been to clarify, he left the hearing room without the permission of the President, the court may conduct the trial continues despite the absence of the accused, and the judgment in this case not be considered a default. The court managed to stop and forced to bring the accused, if it considers his presence essential. The decision may be appealed to any similar composition of the court.

§ 2 This provision shall apply mutatis mutandis, if the accused after the explanation, notified of the date of the hearing, deferred or interrupted, failed to appear at this hearing without justification.

§ 3 If the trial is not deferred or interrupted appeared współoskarżony, who apologized for any absence, the court may conduct a hearing to the extent not directly relating to the absent defendant, if it does not restrict his right to a fair hearing.

**Art 377** § 1 If he put the blame on the state of his inability to participate in the hearing or meeting, in which his participation is mandatory, the court may investigate, despite his absence, even if he has not made a clarification.

§ 2<sup>(282)</sup> Before issuing the order referred to in § 1, the court examines the evidence the doctor, who said such a state of incapacity, or hear him as an expert. Inability of the state of the accused to attend the hearing can be held also on the basis of an examination without linking the violation of the integrity of the body, carried out by a suitable device.

§ 3<sup>(283)</sup> If the accused informed of the date of the hearing that he is not taking part in the hearing, bring it impossible for the hearing either personally informed about it does not appear at the trial without justification, the court may continue the proceedings without him, unless it considers the presence of the accused to be necessary, the provision Articles. 376 § 1, second sentence shall apply.

§ 4<sup>(284)</sup> If he failed to even explain before the court can apply Rule. 396 § 2, or be deemed sufficient to read the explanations given previously.

§ 5 When the trial was stopped or postponed setting a new date thereof, the court shall notify the accused, and if the accused to appear - the provision of Article. 375 § 2 shall apply accordingly.

§ 6 does not believe the verdict in this case as a default.

**Art 378** <sup>(285)</sup> § 1 If, in a case where the accused has to be the defender and use the defense of choice, a defender or accused expresses the ratio of guard, president of the court or the court will appoint a defense counsel, the office, if the accused did not plead counsel of choice. If necessary, a hearing shall be interrupted or postponed.

§ 2 In a case where the defendant uses the office of counsel, the court reasoned request of a defender or a defender of the accused released from his duties and appoint another defender of the accused from office.

§ 3 In the cases referred to in § 1 and 2, the court shall also decide whether the current defender may, without prejudice to the rights of the accused to perform the duties of defense until the defense of the new defender.

**Art 379** § 1 When the court enters or leaves the room, all present stand up.

§ 2 gets up and any person to whom the court asks the court or who is speaking, unless the President exempt her from that obligation.

**Art 380** Provisions concerning the accused shall apply mutatis mutandis to the person whom the prosecutor alleged criminal act committed in insanity, and asks for termination of the proceedings and to take the precautionary measures.

## Chapter 44

## **Begin the main hearing**

**Art 381**The main trial starts calling the case. The Chairman then checks whether all summoned presented themselves and there are no obstacles to hear the case.

**Art 382** <sup>(286)</sup> In the event of unjustified failure to appear the accused, whose presence is mandatory, the President manages his immediate arrest and bring or terminate this order or the trial court postpones it. Provision of Art. 376 § 1, third sentence, shall apply.

**Art 383**The plaintiff in a civil case for failure to appear at the start of the trial, the court is left without a diagnosis of a civil action unless the claimant made an application for recognition, despite his absence.

**Art 384**§ 1 After verifying the presence of the President managed to leave the courtroom by a witness. Experts remain in the courtroom, if the President orders otherwise.

§ 2 <sup>(287)</sup> The victim has the right to participate in the hearing, if they appear, and remain in the room, even if he had to testify as a witness. In this case, the court heard it first.

§ 3 Taking it appropriate, the court may require the victim to be present at the hearing or part thereof.

§ 4 <sup>(288)</sup> The provisions of § 2 and 3 shall apply mutatis mutandis to the entity referred to in Article. 416.

## **Chapter 45**

### **Cable judicial**

**Art 385**§ 1 cable starts from the court by the prosecutor read the indictment.

§ 2 <sup>(289)</sup> With the agreement of the parties present and, in the case of particularly extensive grounds of the indictment, without their consent, may confine the presentation of the grounds for prosecution.

§ 3 If the answer is sought in the indictment, the President informed of its contents.

**Art 386**§ 1 After reading the indictment, the President instructed the accused the right to answer questions, refuse to explain or answer questions, then asks him if he admits to the alleged act and if he wants to make a clarification and that.

§ 2 After hearing the accused President, taught him the right to ask questions and persons to be questioned for clarification on any evidence.

**Art 387**§ 1 <sup>(290)</sup> Until the end of the first hearing of all the defendants on trial accused, who alleged offense, may apply for a criminal conviction and imposition of his sentence or measure a specific criminal case without any evidence, if the accused has no counsel of choice, the court may, at his request, assign him a defender of the office.

§ 2 <sup>(291)</sup> The court may take into account the accused's request for a criminal conviction if the circumstances of the crime is not in doubt and objectives will be achieved in spite of the case for missing the hearing in its entirety, taking into account such a request is possible only if this does

not object to the prosecutor and the victim duly notified of the date of hearing and instructed the possibility for the accused to this proposal.

§ 3 The court may make an application to take account of the accused to make it specified by the amendment. Provision of Art. 341 § 3 shall apply accordingly.

§ 4 to the request, the court may be regarded as disclosed evidence listed in the indictment or documents submitted by the party.

§ 5 If the application is filed before the hearing, the court will recognize it at the hearing.

**Art 388** With the agreement of the existing parties, the court may conduct the proceedings of evidence only partially, if the explanation for granting the accused not guilty in doubt.

**Art 389** § 1 <sup>(292)</sup> If he refuses to explain or explain differently than before, or states that certain facts do not remember, must be read at the hearing only to the extent his statements protocols previously as a defendant in this or another case in preparatory proceedings or before a court or other proceedings provided by law.

§ 2 After reading the minutes of the chairman asks the accused to be heard on its merits and to clarify the ongoing conflict.

**Art 390** § 1 The accused has the right to be present at all activities of evidence.

§ 2 In exceptional cases, where it must be feared that the presence of the accused could affect współoskarzonego embarrassingly for an explanation or the testimony of a witness or an expert, the President may order that the interrogation of a person accused left the courtroom. Provision of Art. 375 § 2 shall apply accordingly.

**Art 391** § 1 <sup>(293)</sup> If a witness refuses to testify wrongly, testifying differently than before, or declare that certain facts do not remember, either abroad or can not he was served the summons, or failed to appear because of Uncombable remove the obstacles or the President of the court failed to call a witness pursuant to Article . 333 § 2, and if the witness has died, may be construed as the minutes of its previously submitted testimony in the preliminary proceedings or proceedings in this or another case or other proceedings provided by law.

§ 2 The conditions set out in § 1, as well as in the case referred to in Article. 182 § 3, must also be read at the trial protocols submitted previously by the witness as an explanation of the accused.

§ 3 The provision of Art. 389 § 2 shall apply accordingly.

**Art 392** <sup>(294)</sup> § 1 The Court may be read in open court records to examine witnesses and defendants, made in investigations or proceedings or other proceedings provided by law, the direct taking of evidence is not necessary, and none of the existing parties will not oppose this.

§ 2 The opposition parties, whose testimony or explanations do not apply, does not preclude the reading of the minutes.

**Art 393** § 1 <sup>(295)</sup> Allowed to read the trial protocol inspection, search and detention of things, the opinions of experts, institutes, businesses or institutions, data on criminal records, interviewing the results and any official documents submitted in investigations or prosecutions or other proceedings provided by law. Must not be read notes on the activities of which is required to draw up a protocol.

§ 2<sup>(296)</sup> Also allowed to read the notice of the offense, unless it has been submitted to the Protocol referred to in Article. 304a.

§ 3 can be read at the hearing, all private documents arising outside the criminal proceedings and not to its objectives, in particular, statements, publications, letters and notes.

§ 4 are allowed to read the minutes of the hearing testimony of a witness przesłuchanego in terms of Article. 184. The hearing is the secret; provision of Art. 361 § 1 shall not apply.

**Rule 393a.** <sup>(297)</sup> In terms of Article. 389 § 1, art. 391 § 1 and 2, Art. 392 and 393 must also read and play the records referred to in Article. 145 § 1 and art. 147 § 3

**Art 394**§ 1 The data on the person accused and the results of interviewing deemed to be disclosed without reading. It should however be read at the request of the accused or counsel.

§ 2<sup>(298)</sup> Protocols and documents to be read at the hearing may be without their reading as disclosed in whole or in part. However, it should read, if either party so requests. Provision of Art. 392 § 2 shall apply accordingly.

**Art 395**If not precluded by the properties of material evidence, it boils down to the courtroom and made available to the parties and, if necessary - to witnesses and experts.

**Art 396**§ 1 If you read the evidence of physical or carry out an inspection by the full composition of the court considerable difficulties, or if the parties so agree, the court will appoint a judge for the operation of its membership or the requested court.

§ 2 The court may order that a witness the judge designated from among its members or the requested court in whose jurisdiction the witness resides, if the witness failed to appear because of the obstacles too difficult to remove.

§ 3 The activities mentioned in § 1 and 2 have the right to take part time, counsel and agents. The accused person deprived of liberty is reduced only if the court deems it necessary.

§ 4 The judge appointed or requested court may also conduct other evidence, which need to emerge in the course of activities specified in § 1 or 2

**Art 397** <sup>(299)</sup> § 1 If it was only during the trial reveal a significant lack of preparatory proceedings, and their removal by the court ruling would prevent the issue properly within a reasonable time, and these obstacles can not be removed by applying a provision of Article. 396, the court may terminate or postpone the trial date outlining the public prosecutor to present evidence which would be carried out to remove dostrzeżonych deficiencies.

§ 2 Public Prosecutor in order to gather evidence referred to in § 1 may take the person and the prosecutor and police have to make the necessary inquiries.

§ 3 The Public Prosecutor in the event of failure to meet the prescribed deadline may apply to the court for an extension.

§ 4 If the public prosecutor within the prescribed period does not provide relevant evidence, the court decides in favor of the accused arising from the failure to question the evidence.

**Art 398**§ 1 If, on the basis of the facts which came to light during the hearing, the prosecutor accused the defendant in addition to other acts covered by the indictment, the court may with the consent of the accused to recognize the new indictment on the same hearing, unless there is a need for a trial on the new deed .

§ 2 If you postpone the hearing and the prosecutor seeks a new or additional indictment.

**Art 399**§ 1 If at the hearing, it appears that without going beyond the boundaries of criminal prosecution can be classified according to another provision of law, the court warns the parties present at the hearing.

§ 2 At the request of the accused can interrupt the trial to enable him to prepare his defense.

**Art 400** <sup>(300)</sup> If, after the start of the trial reveal that the accused is a criminal offense, the court, not passing the matter to the competent court, hears it in the same composition, using its further course of legislation [Code of Conduct for misdemeanors](#).

**Art 401**§ 1 The chairman may interrupt the trial to bring proof of home or for recreation or for any other valid reason.

§ 2 Each time a break in the trial may last no longer than 35 days.

**Art 402**§ 1 If the chairman, managing a break, mark both the time and place within a further hearing, the persons present at the hearing interrupted are required to appear in the new time without notice. Provision of Art. 285 shall apply mutatis mutandis.

§ 2 The hearing interrupted by a break in the still, and since the beginning - if it has changed the composition of the court or the court deems it necessary.

§ 3 In case of delay in the trial interval is considered to be postponed.

**Art 403**Judgments collapsing during a break in the hearing appears to be composed of hearing the case, and in case of impossibility of its creation - in the same composition.

**Art 404**§ 1 The Court may postpone the trial only if the ordinance would not be sufficient breaks.

§ 2 <sup>(301)</sup> Hearing deferred by the new time from the beginning. The court may exceptionally lead trial continues deferred unless the court has changed the composition.

§ 3 <sup>(302)</sup> In the case of taking the case of suspended provisions of § 2 shall apply accordingly.

**Art 405**After the evidence admitted at the time the President asks whether the claim that the addition of evidence, and if the answer - it closes the judicial line.

## Chapter 46

### The votes of the parties

**Art 406**§ 1 <sup>(303)</sup> After the closure of the proceedings the Chairman shall call the parties, their representatives and, where necessary, the representative of society, who speaks against the defender and the accused. Take votes in the following order: the public prosecutor, civil prosecutor, private prosecutor, civil plaintiff, the person referred to in Article. 416, defender of the accused and the accused. Representatives of the parties to be heard in the process before the parties.

§ 2 If a prosecutor or civil plaintiff speaks again, it should also give the floor to counsel and the accused.

**Art 407** <sup>(304)</sup> (repealed).

## **Chapter 47**

### **Judgments**

**Art 408** After hearing of parties, the court shall immediately proceed to the meeting.

**Art 409** Court until the judgment court can resume the lead, especially in the case provided for in Articles. 399, or provide an additional voice to the parties.

**Art 410** Judgment basis can only be all the circumstances disclosed in the main hearing.

**Art 411** § 1 In the intricate, or other important reasons, the court may defer judgment at the time of not more than 7 days.

§ 2 In the case of exceeding this limit the trial is conducted from the beginning.

§ 3 In order to defer judgment indicate the time and place of publication.

**Art 412** Immediately after the completion of voting the court shall sentence writing.

**Art 413** § 1 Each sentence should include:

- 1) the court which issued it, and judges, jurors, prosecutors and the clerk,
- 2) the date and place of hearing of the case and the judgment,
- 3) the name and other particulars of the accused,
- 4) quoting the description and the legal action, the commission accused the prosecutor alleged,
- 5) the decision of the court,
- 6) an indication of the criminal provisions of the Act applied.

§ 2 Criminal conviction should also include:

- 1) the precise acts attributed to defendant and its legal qualification,
- 2) decision as to penalties and punitive measures and, if necessary, as a credit against their provisional arrest and detention and the preventive measures listed in Article. 276.

**Art 414** § 1 In case found after the start of the trial or the circumstances excluding prosecution of evidence for a conditional waiver of proceedings, court proceedings or sentence redeems redeems them conditionally. However, in the event of the circumstances listed in Article. 17 § 1 point 1 and 2, the court seems to acquittal, unless the offender at the time the act was irresponsible.

§ 2 to dismiss the proceedings the court shall apply the Article. 322 § 2 and 3, Art. 323 § 1 and 2 and Art. 340 § 2 and 3

§ 3 <sup>(305)</sup> The court applied the security measure indicated in [Articles. 99](#) § 1 of the Penal Code or in [Articles. 43](#) § 2 of the Penal Code the tax, if the results of the trial justify a remission occurs because of insanity at the time the offender committed the act.

§ 4 conditionally dismiss the proceedings, the court shall apply the Article. 341.

§ 5 Anticipating the possibility of conditional discontinuance of the proceedings or the possibility of deciding the penalty of conditional suspension of execution, the court may lead the court to resume the proper application of Articles. 341 § 3, the court may order the break.

**Art 415** <sup>(306)</sup> § 1 In the event the court convicting the accused account, or reject the civil action, in whole or in part.

§ 2 In the event of another court decision left the civil action without a diagnosis.

§ 3 The court decides to leave the civil action without a diagnosis, even if the evidence disclosed at the hearing is not sufficient to settle the civil action, and to supplement this material could cause significant excessive length of proceedings.

§ 4 If convicted the accused, the court may also award compensation for the office of the victim, unless the law provides otherwise. Damages from the office is not allowed if the circumstances mentioned in Articles. 65 § 1 points 2, 4 or 5

§ 5 In the event of a conviction of the accused or conditional discontinuance of the proceedings in the cases mentioned in the statute the court rules in favor of exemplary victim, compensation for damages or compensation for damage suffered. EXEMPLARY of the victim, the obligation to remedy or compensation for damage suffered no rules, if a claim resulting from the offense is the subject of other proceedings or the claim that finally adjudicated.

§ 6 If awarded damages, compensation for damages or compensation for damage suffered or exemplary predicated on the victim does not cover the entire damage, or does not constitute full compensation for damage suffered, the victim may assert additional claims in civil proceedings.

§ 7 If a decision by the court for the damage, compensation for damage suffered, OR EXEMPLARY of the victim, shall not apply to § 1 and 4

**Art 416**§ 1 In the event the court convicting the accused, having regard to the request of the prosecutor, requires judgment person who has been economic advantage in terms of [Articles. 52](#) Penal Code, for its return in whole or in part, to the Treasury. Perhaps excuse the accused or condemned him for a crime he did not bring the benefits of, or dismiss the proceedings - the court leaves the prosecutor's request, without further examination.

§ 2 Before the end of the trial the court heard a witness in an entity referred to in [Articles. 52](#) Penal Code. If this entity is not a natural person, heard the authority empowered to act on his behalf.

§ 3 The person referred to in § 2, may refuse to testify.

§ The provisions of Article 4. 72, 75, 87 and 89 shall apply mutatis mutandis.

**Art 417**Deducted in sentences is also subject to a detention period that received by the defendant in another case in which the proceedings were held simultaneously, and fell in her final acquittal, the proceedings were discontinued or abandoned as punishment.

**Art 418**§ 1 After the signing of the judgment President announces it publicly, at the time of publication judgment everyone present, with the exception of the court stand.

§ 2 Application dissenting opinion shall be made, and if a member of the bench who has a dissenting opinion, has agreed to this, his last name.

§ 3 After the announcement of the chairman or a member of the bench top reasons given orally appeal.

**Rule 418A.** <sup>(307)</sup> In the case of sentencing outside the trial, the content available to the public judgment by submitting his copy for a period of 7 days in the Registry of the court, which should make mention in the minutes of the meeting.

**Art 419** § 1 The Failure of the parties, their advocates and agents does not preclude a judgment.  
§ 2 If the accused is not deprived of liberty, was present at the hearing notice of the decision closing the proceedings, and had no counsel, the decision is served on the accused. Provision of Art. 100 § 6 shall apply accordingly.

**Art 420** § 1 <sup>(308)</sup> If the above does not resolve what to forfeiture, off a temporary arrest, detention or preventive measures listed in Article. 276 or factual evidence, the court will rule on the decision at the meeting.

§ 2 <sup>(309)</sup> If the court improperly counted a period of temporary detention against the sentence, the provisions of § 1

§ 3 The Parties shall have the right to participate in this meeting. Accused arrested boils down to a meeting only if the President of the court or the court deems it necessary.

§ 4 The provisions referred to in § § 1 and 2, may be appealed.

**Art 421** Not a person accused, who have a claim to the property covered by the forfeiture of items, have the right to assert their claims only in civil proceedings.

**Art 422** § 1 <sup>(310)</sup> Within a mandatory 7 days from the date of its delivery site, an entity referred to in Article. 416, in the case of conditionally umarzającego judgment proceedings, issued at the meeting, the victim may request to draw up a written explanation of the verdict and service. Draw up a statement of reasons from the office does not relieve the parties of that entity and the victim of the request for service reasons. Application must be filed in writing. Non-originating the request of the accused must show that the accused concerned.

§ 2 for the defendant deprived of liberty, who has no protector and was not present during its delivery, the period referred to in § 1 runs from the date of service of appeal.

§ 3 The President of the court refuses to accept the application submitted by an unauthorized person or time. On the orders of the President may be appealed.

**Art 423** § 1 <sup>(311)</sup> Explanation of the verdict should be made within 14 days from the date of the request to draw up a statement of reasons, and in case of draw justification from the office - from the date of its delivery, the intricate, if unable to draw up a statement of reasons within the period, the President of the court may extend this period for a definite period .

§ 1a. <sup>(312)</sup> In the case of application for explanation of the verdict in part related to certain defendants, the court may limit the scope of justification for these parts only appeal, which the application relates.

§ 2 <sup>(313)</sup> Case served on the ground, and the company referred to in Article. 416, who made the request on the basis of Article. 422. Provision of Art. 100 § 5 shall apply.

**Art 424** § 1 Justification must include:

- 1) identification of which facts the court found it proven or not proven, on which, in so far resisted the evidence and why it has not found evidence to the contrary,
- 2) to clarify the legal basis for appeal.

§ 2 The motivation of the verdict should also mention the fact that the court had regard to the punishment, especially using the extraordinary leniency, safeguard measures, having regard to civil actions and decisions of the other contained in the appeal.

## **SECTION IX**

### **APPEALS PROCEDURE**

#### **Chapter 48**

##### **General Provisions**

**Art 425**§ 1<sup>(314)</sup> From the decision given in the first instance of appeal to the parties, the company referred to in Article. 416 and other persons designated in the provisions of the Act.

§ 2 The decision can be challenging, in whole or in part. You can also challenge the reasons for the decision itself.

§ 3 The applicant may only complain about the settlement or determination affecting his rights or detrimental to its interests. This restriction does not apply to a public prosecutor.

§ 4 Public Prosecutor has the right to appeal and in favor of the accused.

**Art 426**§ 1 Decisions handed down by an appeal court on appeal no further appeal.

§ 2 other appeals court rulings and the decisions issued by the Supreme Court no further appeal, unless the law provides otherwise.

§ 3 From the ballot in the course of the appeal provisions of an observation in medical institutions, to apply a precautionary measure and the imposition of a sentence may be appealed to the ordinal any similar composition of the appellate court.

**Art 427**§ 1 The applicant should indicate the contested decision or determination, and indicate what he seeks.

§ 2 If the appeal comes from the public prosecutor, defender or a representative, should also include an indication of the charges against the allotment and justification.

§ 3 The applicant may also indicate new facts or evidence.

**Art 428**§ 1 The appeal must be filed in writing to the court which issued the contested decision.

§ 2 A party may file a written response to the appeal.

**Art 429**§ 1 The President of the court of first instance, refuses to accept the appeal if it was lodged after the deadline or by an unauthorized person, or is inadmissible under the law.

§ 2 In order refusing to adopt remedy under § 1 or Article. 120 § 2 may be appealed.

**Art 430**§ 1 The court of appeal is left unconsidered approved remedy, if the circumstances set out in Article. 429 § 1, or if the adoption of this measure was due to unreasonable time to restore.

§ 2 The decision may be appealed to any similar composition of the appellate court, unless it was issued by the Supreme Court.

**Art 431**§ 1 An appeal can be undone.

§ 2 The accused may withdraw filed on his behalf remedy unless it has made a public prosecutor or is provided for in Article accident. 79.

§ 3 The appeal lodged in favor of the accused can not be withdrawn without his consent.

**Art 432** <sup>(315)</sup> Withdrawn appeal court of appeal is left unconsidered, unless it is one of the reasons specified in Articles. Or Article 439. 440.

**Art 433**§ 1 The court of appeal hears case within the remedy, and in a wider range, in so far as the law provides.

§ 2 The court of appeal shall be obliged to consider all requests and complaints referred to in the middle of the appeal, unless the law provides otherwise.

**Art 434**§ 1 The appeal court can rule against the defendant only if it sought to appeal against him, and only within the appeal, unless the law provides otherwise. If the appeal comes from the public prosecutor or a representative, the appeal court may rule against the defendant in addition only if found to be deficient in the middle of the raised subject to appeal or the account of the office.

§ 2 The appeal lodged against the decision of the accused may also benefit the accused.

§ 3<sup>(316)</sup> Specified in § 1 of the prohibition rule to the detriment of the accused does not apply in cases specified in [Articles. 60](#) § 3 and 4 of the Penal Code or in [Articles. 36](#) § 3 of the Penal Code and the tax in cases of conviction with the use of [Articles. 343](#) or [Articles. 387](#) Code of Criminal Procedure, or [Articles. 156](#) Penal Code treasury.

**Art 435**Appeal Court revokes or amends a decision in favor of co-defendants, even though not brought an appeal, if they set aside or changed for współoskarżonego, the appeal concerned when the same considerations militate in favor of repeal or amendment to the others.

**Art 436**The court may limit the appeal only to identify the specific deficiencies raised by a party or subject into account ex officio, if the search in this area is sufficient to give a ruling, and to identify remaining weaknesses would be premature or irrelevant for the further course of action.

**Art 437**§ 1 Recognizing the appeal court decides to maintain in force, amendment or repeal of the contested decision in whole or in part. This applies to properly identify the reasons appeal the decision.

§ 2 If you allow the evidence, the court of appeal amended the contested decision, ruling differently on the merits, or repeal them, and remit the proceedings, in other cases, quash the decision and refer the matter to the court of first instance for reconsideration; provision of Article. 397 shall apply mutatis mutandis.

**Art 438**Ruling is repealed or amended in the event of:

- 1) images of substantive provisions
- 2) images of the proceedings, if it could affect the content of the decision,
- 3) error of fact adopted as the basis for the decision if it could affect the content of this ruling,
- 4) a blatant disparity of unjust punishment or non-use or detention or any other measure.

**Art 439** <sup>(317)</sup> § 1 Apart from the borders of appeal and objections raised and the impact on the content of the notice of appeal the court ruling at its meeting repealed the contested decision, if:

- 1) in the decision was involved unauthorized person or unable to give or to be exempted under Article. 40,
- 2) the court was unduly planted or any of its members was not present throughout the hearing,
- 3) a court of law ruled on belonging to a particular jurisdiction or the court specifically ruled on the jurisdiction belonging to the universal
- 4) a lower court ruled on the jurisdiction belonging to the higher-order
- 5) adjudicated a penalty or penal measure unknown detention statute,
- 6) had fallen in violation of the principle of majority or has not been signed by any of the people involved in it,
- 7) there is a contradiction in the wording of the decision, that prevented its implementation,
- 8) was issued despite the fact that criminal proceedings in respect of the same act the same person has been validly terminated,
- 9) it is one of the circumstances which exclude the proceedings referred to in Article. 17 § 1 point 5, 6 and 8-11,
- 10) <sup>(318)</sup> accused in court proceedings was not counsel in the cases provided for in Articles. 79 § 1 and 2, Art. 80 and. 517i § 1 or counsel did not engage in activities in which his participation was mandatory,
- 11) case was diagnosed in the absence of the accused, whose presence was required.

Repeal of § 2, only a decision for the reasons set out in § 1 paragraph 9-11 may be made only in favor of the accused.

§ 3 The meeting shall be entitled to attend the parties, counsel and agents. Provision of Art. 451 shall apply mutatis mutandis.

**Rule 439a.** <sup>(319)</sup> Judgments on the offense does not exempt from this simply because the court ruled that in criminal proceedings, instead of proceeding in cases of misconduct.

**Art 440** If you keep in force a decision would be grossly unfair, it is subject to change in favor of the accused or waive appeal, irrespective of borders and raised objections.

**Art 441** § 1 When the diagnosis remedy emerges legal issue requiring substantial interpretation of the Act, an appeal court may stay the proceedings and refer the matter to the Supreme Court decision.

§ 2 The Supreme Court decision may provide a legal issue in extended composition of the court.

§ 3 The Resolution of the Supreme Court is binding on the matter.

§ 4 <sup>(320)</sup> Prosecutor, defender, and representatives shall have the right to participate in the meeting.

§ 5 The Supreme Court may take the matter to his diagnosis.

**Art 442** § 1 The Court, which referred the case back to, within the rules under which the transfer occurred. Set aside the judgment only on the resolution of the penalty, or other means does not preclude absolved the accused or discontinue the proceedings.

§ 2 <sup>(321)</sup> In the case of referral back to the court adjudicating in the first instance, by carrying out the proceedings on evidence that did not affect the waiver of appeal, be satisfied with their disclosure.

§ 3 views indicate the legal and appellate court for further proceedings which are binding on the court, to which the case was submitted for further examination.

**Art 443** <sup>(322)</sup> In cases where the case back for further proceedings not make the decision tougher than repealed only when the decision was challenged to the detriment of the accused or where the circumstances referred to in Article. 434 § 3 This rule does not apply the measures listed in [Articles. 93](#) and [94](#) Penal Code.

## **Chapter 49**

### **Appellation**

**Art 444** <sup>(323)</sup> From the court of first instance the parties, the company referred to in Article. 416, a victim of conditionally umarzającego judgment proceedings, issued at the meeting, are entitled to appeal, unless the law provides otherwise.

**Art 445** § 1 deadline for an appeal is 14 days and run for each eligible from the date of service upon him of the reasons for ruling.

§ 2 The appeal brought before the deadline for submission of application to draw up reasons to have effects referred to in Article. 422 and subject to examination; such an appeal may be supplemented by the date specified in § 1

**Art 446** § 1 <sup>(324)</sup> An appeal from the court of the county, which does not come from the prosecutor or the person referred to in Article. 88 § 2 and 3 should be written and signed by a lawyer.

§ 2 The appeal made by the prosecutor, counsel or agent shall be accompanied by a sufficient number of copies for the parties to the contrary, contributed to the appeal to the Court of Appeal shall be accompanied by one additional copy.

**Art 447** § 1 of the guilt Appeals considered to be turned against the whole appeal.

§ 2 Appeals as to the sentence considered to be turned against the whole decision on sentencing and appropriations matters.

§ 3 The appeal may raise objections, which were not or could not be the subject of the complaint.

**Art 448** § 1 The admission of the appeal shall be communicated to the prosecutor and the defenders and representatives, as well as the parties, and files to be transmitted immediately to the court the review.

§ 2 In the case of an appeal by the prosecutor, counsel or agent attached to the notice of appeal a copy of the opposing party, unless the admission of the public were excluded due to state secrecy.

**Art 449** Court of appeal hears case at the hearing, in cases provided for by law - at the meeting.

**Rule 449a.** <sup>(325)</sup> In the case referred to in Article. 423 § 1a before an appeal court ruling may refer the matter to the court of first instance in order to establish grounds judgment in so far as necessary, if it is to ensure correct judgments in the case.

**Art 450** § 1 Participation in the hearing, the prosecutor and defense counsel in cases provided for in Articles. 79 and 80 is compulsory.

§ 2 participation in the hearing of other parties and their attorneys and counsel in cases not mentioned in § 1 is mandatory if the President of the court or the court deems it necessary.

§ 3 Failure to properly zawiadomionych within hearing of the parties, advocates or agents tamuje not the case, unless their participation is mandatory.

**Art 451** <sup>(326)</sup> Court of appeal, at the request of the accused person deprived of liberty shall be managed by bringing him to trial, unless it deems sufficient presence of counsel. The right to request to be advised of the accused. If the court does not manage to bring the accused, who has no counsel, appoint a defender of the office.

**Art 452** § 1 The court of appeal can not carry out the taking of evidence on the merits.

§ 2 The court of appeal may, however, in exceptional circumstances, recognizing the need to complete the trial, evidence at the hearing conducted, if this will help to accelerate the proceedings, and it is not necessary to perform a new cable in whole or in substantial part. Proof may also be allowed before the hearing.

**Art 453** § 1 cable at the Court of appeal begins an oral report in which the judge rapporteur presents the course and outcome of the proceedings, in particular, the content of the contested Ruling and complaints and appeal requests, as well as outstanding issues with the office. Where necessary, the documents should be read in their individual parts.

§ 2 The Parties may submit explanations, statements and conclusions, orally or in writing submitted in writing to be read, the provision of Article. 394 shall apply.

§ 3 The President shall call the parties in the order established by it, but first give the floor to the applicant. The accused and his counsel may not be refused to speak after the speeches of other parties.

**Art 454** § 1 The court of appeal may not convict the accused, who was acquitted in the first instance, or is waived in the first instance or conditionally discontinued the proceedings.

§ 2 The court of appeal may decide a more severe penalty of deprivation of liberty only if it does not alter the findings of fact adopted as the basis for under appeal.

§ 3 <sup>(327)</sup> Court of appeal can not tighten the penalties for punishment of life imprisonment.

**Art 455** Without changing the facts on appeal court corrects erroneous legal qualification, irrespective of borders and appeals raised objections. Improving the legal qualification to the detriment of the defendant may occur only when the remedy is sought against him.

**Art 456** About maintain in force, revoke or amend the court of first instance court of appeal decides sentence.

**Art 457** <sup>(328)</sup> § 1 Justification judgment made from the office within 14 days.

§ 2 If the court maintains the contested sentence in force, considering an appeal for manifestly unfounded, reasons shall be made at the request of the parties, unless it has been declared a dissenting opinion. The provisions of Article. 422 and 423 shall apply mutatis mutandis.

§ 3 The explanatory memorandum should indicate what led to the court issuing sentence and why the allegations and conclusions of the appeals court found it reasonable or groundless.

**Art 458** Provisions relating to proceedings before the court of first instance shall apply mutatis mutandis to proceedings before the court of appeal, unless the provisions of this chapter provides otherwise.

## **Chapter 50**

### **Complaint**

**Art 459** § 1 complaint is entitled to a court order closing the road to the judgment, unless the law stipulates otherwise.

§ 2 The complaint also granted to the provisions as to detention, and other provisions in the cases provided by law.

§ 3 The complaint is entitled to the parties, as well as a person who is directly affected by the order, unless the law provides otherwise.

**Art 460** The complaint must be lodged within 7 days from the date of notification of the order, and if the law requires service provision - from the date of service. This also applies to complaints about the decision on costs or charges contained in the appeal; however, if the appellant requests submitted in writing and served reasoning appeal, the complaint may be filed within the time limit to lodge an appeal.

**Art 461** § 1 The complaint against the decision terminating the proceedings, prepared by the prosecutor, defender, or agent, accompanied by the appropriate number of copies for people affected by the order under appeal. These write-offs shall be served to those persons immediately.

§ 2 If the complaint comes from people not mentioned in § 1 of its submission shall be communicated to persons affected by the order under appeal.

**Art 462** § 1 If a statute provides otherwise, the complaint does not suspend execution of the contested order, but the court which issued it, or the court responsible for hearing an appeal may suspend the execution order.

§ 2 The refusal suspension does not require justification.

**Art 463** § 1 The Court, in which an order filed the complaint may be taken into account if the rules in the same composition, which issued the contested decision, in other cases, the president of the court shall forward the complaint immediately with the necessary instruments or copies of the file, the court set up to hear the complaint.

§ 2 The complaint concerning the order of temporary detention, and material security shall be given to identify within 48 hours.

**Art 464** <sup>(329)</sup> § 1 Parties and counsel, and representatives shall have the right to participate in the meeting of the appellate court hearing the appeal of the order terminating the proceeding and to

retain. They have the right to participate in the meeting of the appellate court, even when they have the right to participate in the meeting of the court of first instance.

§ 2 In other cases, the appeal court may allow the parties or counsel or representative to take part in the meeting.

§ 3 The provision of Art. 451 shall apply mutatis mutandis when the subject of the meeting is to identify a complaint against the order terminating the proceeding and to retain.

**Art 465** § 1 <sup>(330)</sup> Provisions relating to complaints on the order of the court shall apply mutatis mutandis to the provisions of complaints and the prosecutor leading an investigation.

§ 2 <sup>(331)</sup> The decision of the prosecutor may be appealed to the court with jurisdiction to hear the case, unless the law provides otherwise.

§ 2a. <sup>(332)</sup> In cases of private prosecution complaint against the prosecutor's decision not to initiate or to discontinue the trial prosecutor recognizes the parent, if the order collapsed due to lack of public interest in prosecuting the perpetrators from office.

§ 3 The complaint leading to the provision of the preliminary inquiry, if it were not the prosecutor, the prosecutor recognizes the supervisor of the proceedings.

**Art 466** § 1 The provisions relating to complaints about provisions shall apply mutatis mutandis to the complaints of ordinance.

§ 2 The complaint on the orders of the President recognizes the court of appeal.

**Art 467** § 1 The provisions of this chapter shall apply mutatis mutandis to those provided in the Act complaints about acts or omission of action.

§ 2 Recognizing the merits of the complaint, the review body finds non-compliance with the law of action or lack of action and managed, which should, in particular to remedy the effects of misconduct and to prevent similar shortcomings in the future, and take other measures provided for in the Act.

## **DIVISION X**

### **SPECIAL HANDLING**

#### **Chapter 51**

##### **Simplified Proceedings**

**Art 468** In summary proceedings shall be governed by the ordinary procedure, if the provisions of this chapter provides otherwise.

**Art 469** <sup>(333)</sup> The court hears the case in the simplified mode, in which there was an ongoing investigation.

**Art 470** <sup>(334)</sup> (repealed).

**Art 471** <sup>(335)</sup> (repealed).

**Art 472** <sup>(336)</sup> (repealed).

**Art 473** <sup>(337)</sup> (repealed).

**Art 474** <sup>(338)</sup> (repealed).

**Rule 474a.** <sup>(339)</sup> § 1 The application of the accused referred to in Article. 387 § 1, filed before the hearing, the court can resolve at the meeting.

§ 2 The date of a meeting shall notify the parties by sending them a copy of the application.

§ 3 unexcused failure to the victim or the public prosecutor does not preclude taking account of the proposal, if the other conditions laid down in Article. 387.

§ 4 If you hear the proposal at the hearing provisions of § 3 shall apply accordingly.

**Art 475**If an indictment formally comply with the conditions, and the matter was referred to the main hearing, a copy of the indictment, the accused can be served together with a notice for the hearing.

**Art 476** <sup>(340)</sup> § 1 cases in the simplified mode individually considered by the court, the judge has the rights and duties of the President. Provision of Art. 28 § 3 shall not apply.

§ 2The President may order the district court hearing the case on appeal as a single judge.

**Art 477**Failure is not the accuser tamuje hearing or meeting.

**Art 478**If, on the indictment did not participate in the hearing, the prosecutor, the indictment reads recorder.

**Art 479**§ 1 If the accused, who served with summons, fails to appear at the main trial, the court may continue the proceedings without him, and if he did not attend the defender - pass a sentence in absentia.

§ 2 If the defendant fails to appear at the trial, read the explanation offered previously. Provision of Art. 396 § 2-4 shall apply accordingly.

**Art 480**The main hearing can not be performed in the absence of the accused, if his failure to usprawiedliwiony has requested postponement of the hearing.

**Art 481** <sup>(341)</sup> By judgment rule can be a preventive measure, only by way of forfeiture of items.

**Art 482**§ 1 Case served on the accused in absentia. Within 7 days after service of a copy of the default judgment defendant may lodge an objection, which should justify his absence at the hearing. It may combine with opposition request for explanation of the verdict in the event of non-acceptance or rejection of the opposition.

§ 2 The Court did not consider the opposition, if it considers the absence of the accused at the trial as not justified. The decision can be appealed to.

§ 3 of the opposition makes review of the case. Default judgment expire when the accused or his counsel appear at the trial.

**Art 483** <sup>(342)</sup> If, after the start of the trial, it appears that the matter can not be examined in simplified proceedings, the court with the consent of the accused is called upon to continue in the ordinary case.

**Art 484** § 1 <sup>(343)</sup> Each time the break in the trial may last no longer than 21 days.  
§ 2 <sup>(344)</sup> If the matter can not be resolved by the deadline specified in § 1, the court is called upon to continue the proceedings in the ordinary.

## **Chapter 52**

### **Proceedings in cases of private prosecution**

**Art 485** In cases of private prosecution, the provisions on summary proceedings, subject to the provisions of this chapter. Provision of Art. 470 does not apply.

**Art 486** <sup>(345)</sup> (repealed).

**Art 487** The indictment may be limited to the determination of the accused person, the alleged offense and the evidence already on which to base the prosecution.

**Art 488** § 1 The police at the request of the victim oral or written complaint and, if necessary, secure evidence, and send a complaint to the competent court.

§ 2 The order of the court referred to the Police made inquiries by the court, and the results transmitted to the court. Provision of Art. 308 shall apply mutatis mutandis.

**Art 489** § 1 The hearing precedes the main conciliation meeting, which leads the judge.

§ 2 <sup>(346)</sup> At the request or with the consent of the parties, the court may appoint a conciliation rather than a reasonable period for conducting mediation. Provision of Art. 23a shall apply mutatis mutandis.

**Art 490** § 1 The conciliation meeting called for parties to begin reconciliation.

§ 2 The minutes of the conciliation meeting, in particular, noted the position of the parties to call for reconciliation and the results was carried out in conciliation, and if there was a reconciliation, the protocol signed by the parties.

**Art 491** § 1 Failure private prosecutor and his representative in the conciliation meeting without just cause shall be deemed to waive prosecution, in which case proceedings shall lead the meeting.

§ 2 If the accused is not excusable failure to appear engaged in conciliation meeting shall refer the matter to the main trial, and if possible immediately sets her deadline.

**Art 492** § 1 In case of reconciliation proceedings shall be selected.

§ 2 If the reconciliation occurred as a result of mediation, the provision of Article. 490 § 2 shall apply accordingly.

**Art 493**In the course of conciliation or mediation by conciliation is permissible to include other cases of private prosecution, pending between the same parties.

**Art 494**§ 1 In parallel with the reconciliation, the parties may conclude a settlement, which may also be subject to claims in connection with the charge.

§ 2 The agreement reached at the conciliation is the way of judicial enforcement by the court after the granting of enforceability.

**Art 495**§ 1 In case niedojścia reconciliation shall be guided by the main issue at the trial, and if possible immediately sets her deadline, unless there is a need to refer the matter to the meeting to another settlement.

§ 2 The parties present at the meeting should submit requests evidence.

§ 3<sup>(347)</sup> (repealed).

**Art 496**§ 1 Proceedings in cases of private prosecution are redeemed with the consent of the accused, if the private prosecutor withdraws from the prosecution before the final termination of the proceeding.

§ 2 The consent of the accused is not required if the private prosecutor withdraws the indictment before the trial on the first trial.

§ 3 Failure private prosecutor and his representative in the trial without proper reasons shall be deemed to waive the charges.

**Art 497**§ 1 The accused may be up to the start of the trial in open court action against a private prosecutor who is injured by a mutual indictment prosecuted with criminal private prosecution, remaining in connection with the act he is accused. The Court recognizes the two cases together.

§ 2 Withdrawal of a private prosecution from prosecution for causing termination of the proceedings only in part on the lodged his accusations.

§ 3 The two private prosecutors exercise the rights of the accused. Priority to ask questions and speeches entitled ago by a private prosecutor who brought the first indictment. Judgment court notes that the proceedings were pending because of mutual accusations.

**Art 498**§ 1 mutual accusation is inadmissible if the prosecutor has brought proceedings before either joined the proceedings.

§ 2 If, after the prosecution cross prosecutor to join one of mutual accusations, the court excluded the prosecution opposed to a separate investigation. Provision of Art. 60 § 2 shall apply.

§ 3 In the event of entry by the public prosecutor accused each other of the two proceedings are conducted ex officio, and the accused shall enjoy the relevant powers of the auxiliary prosecutors.

**Art 499**The provisions of Article. 492-494 apply mutatis mutandis to the hearing.

## **Chapter 53**

### **Injunction**

**Art 500**§ 1<sup>(348)</sup> In cases of crimes within the diagnosis in a simplified procedure, based on recognizing the collected material in the preparatory proceedings, the hearing is not necessary in the circumstances the court may allow a decision restricting the freedom of the penalty or fine, pass a sentence prescriptive.

§ 2 In the proceedings shall apply mutatis mutandis the prescriptive provisions of the summary proceedings, if the provisions of this chapter provides otherwise.

§ 3<sup>(349)</sup> The court may issue a prescriptive sentence, if on the basis of the evidence and circumstances of the act of the accused is not the wine is in doubt.

§ 4<sup>(350)</sup> Prescriptive sentence the court shall issue at the meeting without the participation of the parties.

**Art 501** <sup>(351)</sup> Judgment injunctive relief is not allowed:

- 1) in relation to a person in custody in this or any other matter,
- 2) on the private prosecution,
- 3) if the circumstances referred to in Article. 79 § 1

**Art 502** <sup>(352)</sup> § 1 can be prescriptive judgment rule to imprisonment or a fine of up to 100 daily rates, or to 200,000 zlotys.

§ 2 In addition to the penalties specified in § 1 may, in the cases provided for by law, rule penal measure.

§ 3 The court ruling may simply measure the criminal, if there are conditions for a decision only the measure.

**Art 503**§ 1<sup>(353)</sup> Adopting the prescriptive sentence the court is based entirely on the claim made or civil action for monetary damages under Articles. 415 § 5

§ 2 If the evidence collected in the preliminary proceedings is not sufficient to settle the civil action, civil action leaves the court without a diagnosis.

**Art 504** <sup>(354)</sup> § 1 Case prescriptive and should include:

- 1) the court and the judge who issued it,
- 2) the date of the appeal,
- 3) the name and other particulars of the accused,
- 4) the precise action prescribed by the court the accused, with an indication of the criminal provisions of the Act,
- 5) penalty and any other necessary decision.

§ 2 Case prescriptive may not contain reasons.

**Art 505** <sup>(355)</sup> Copy served on the judgment injunctive relief accuser and the accused and his counsel - along with a copy of the indictment. In any case, a copy of the judgment served on the prosecutor. Together with a copy to be served on the judgment instruction quoting the provisions of the law, time and method of the opposition and the consequences of its non-payment.

**Art 506**§ 1<sup>(356)</sup> The accused and the accuser have the right to object to the court, which ruled prescriptive, mandatory within 7 days of receipt of the appeal.

§ 2 The President of the court refuses to accept the objections, if filed after the deadline or by an unauthorized person.

§ 3<sup>(357)</sup> In the event of opposition prescriptive sentence expires, the matter shall be subject to identify in general terms.

§ 4<sup>(358)</sup> If the only objection raised objections against the settlement of a civil claim, ruling prescriptive repealed only in this part, and court in a civil action leaves the meeting without a diagnosis.

§ 5 objection may be withdrawn until the start of the trial on the first trial.

§ 6<sup>(359)</sup> The court hearing the case after opposition is not bound by the judgment injunctive relief, which lost power.

**Art 507** <sup>(360)</sup> Case prescriptive, from which no objection or opposition was withdrawn, it becomes final.

**Chapter 54**<sup>(361)</sup> (Deleted).

**Art 508**(Deleted).

**Art 509**(Deleted).

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**Art 515**(Deleted).

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**Chapter 54a**<sup>(362)</sup>

### **Accelerated procedure**

**Rule 517a.**The expedited procedure shall be governed by the ordinary procedure, if the provisions of this chapter provides otherwise.

**Rule 517b.**§ 1 In an expedited proceeding may be heard the case of crimes within the diagnosis in the simplified mode, if the offender was captured in flagrante delicto committing a crime or immediately afterwards, and stopped within 48 hours brought by the police and made available to the court with a request for recognition case in an expedited proceeding, 'the application for recognition.

§ 2 proceeding pending in the accelerated mode publicznoskargowym also prosecuted criminal private prosecution, if they were tough character.

§ 3 The investigation may be dispensed with, or perform them as necessary. In the case of the investigation procedural steps set out in Article. 303, 313 and 321 can not be made. If the hearing of a person suspected of a suspect tells her about the powers: to provide explanations, to refuse to answer questions or refuse to answer questions, to the assistance of counsel, as well as the obligations and the consequences indicated in Article. 74, 75, 138 and 139 Receipt of this instruction confirms the signature of the person interviewed.

§ 4 If there are sufficient grounds to prepare an application for recognition, a police officer shall submit the request in writing to the prosecutor, who approved it, and then headed to the court an application for recognition is replaced by the indictment. In the event of refusal to approve the prosecutor decide the further course of the case.

§ 5 before taking a decision referred to in § 4, the prosecutor interrogates a suspect, or - if earlier the hearing - suspect.

§ 6 The application for recognition should contain the data referred to in Article. 332 § 1 point 1-5, the provisions of Article. 333 § 1-3, and Article. 334 § 1 shall apply accordingly; Articles. 334 § 2 shall not apply. Police served a notice of a written victim rights under Articles. 49a and 387 and the right to make a statement about the action in the proceedings as an auxiliary prosecutor.

§ 7 A copy of the application for recognition of the President of the Court shall serve the defendant and his counsel, indicating the time to prepare the defense. The accused should be allowed contact with counsel without the participation of third parties.

§ 8 Civil Action is unacceptable.

§ 9 detained should be immediately released if the termination grounds for detention, and if within 48 hours of detention by an authorized body it will not be made available to the court with an application for recognition, it must also be exempted on the order of the court or prosecutor. The provisions of Article. 248 § 2 and 3 shall apply.

§ 10 The Court shall proceed forthwith to hear the case, the provisions of Article. 335, 339 § 1 and § 3-5, art. 351 § 1 and Article. 353 does not apply.

§ 11 The district court hears the case individually. In an appeal, the President may order the district court hearing the case individually, if it is justified by special circumstances. If the court hears the case individually, the judge has the rights and duties of the President.

§ 12 Any person summoned by the police as a witness, expert, interpreter or a specialist is required to appear in court within a prescribed period.

**Article 517c.** § 1 The accelerated procedure is also carried out in the event of a single break in the hearing lasted no longer than 14 days, ordering the break, the court will decide on the application of a precautionary measure. In the case of an offense of a court shall chuligańskim a precautionary measure, the tough nature of the offense is a spontaneous basis of this measure, provision of Art. 259 § 3 shall not apply.

§ 2 If the court before the hearing or in the main course finds that the matter can not be examined in an expedited procedure, or it can not be identified within 14 days, is called upon to continue in the simplified mode in the same composition. In the event of inability to hear the case also in the simplified mode, the court will decide on the precautionary measure and refer the matter to the prosecutor to conduct pre-trial proceedings as a general rule, notifying the victim.

§ 3 If, under the circumstances disclosed after the start of the trial court finds that there is a need to complement the taking of evidence, and make the necessary steps in the proceedings would

cause serious problems, refer the matter to the public prosecutor to conduct pre-trial proceedings as a general rule, notifying the victim; before forwarding the case the court shall decide on the precautionary measure.

§ 4 If convicted the accused to imprisonment without a conditional suspension of execution the court, after hearing the parties, decide on the precautionary measure. Tough nature of the offense is a spontaneous basis of this measure, provision of Art. 259 § 3 shall not apply.

**Rule 517d.**If, on the basis of facts disclosed at the start of the trial court provides for the punishment of more than 2 years imprisonment, a decision on the precautionary measure and refer the matter to the prosecutor to conduct pre-trial proceedings as a general rule, a judge who participated in the release order is under law excluded from further participation in the case.

**Rule 517e.**The expedited procedure of Article. 98 § 2 and Article. 411 § 1 shall not apply.

**Rule 517f.**§ 1 within the mandatory 3 days of judgment party may submit a request for production and delivery of a written explanation of the verdict. This request may be made orally to the Protocol or in writing. Non-originating the request of the accused must show that the accused concerned.

§ 2 The deadline to appeal is 7 days and run for each eligible from the date of service upon him of the reasons for ruling.

**Article 517g.**§ 1 The explanation of the verdict, the Court shall, within 3 days from the date of the request to draw up a statement of reasons.

§ 2 files to be transmitted immediately to the court the review, which understands the matter no later than one month of receipt of the file with on appeal. Provision of Art. 448 does not apply.

§ 3 In the case of an appeal by the prosecutor, defender or agent of the court of appeal attached to the notice of the date of the appeal trial of the opposing party a copy of the appeal.

**Article 517h.**§ 1 If, after recognizing appeal court finds that there is a need to complement the admissibility of evidence as to the merits, may refer the matter to the prosecutor to conduct preliminary proceedings in general terms.

§ 2 In the case set aside the judgment and referral back to the further proceedings in a simplified mode. In the event of inability to hear the case in summary proceedings, avoiding sentence, the court shall refer the matter to the prosecutor to conduct preliminary proceedings in general terms.

**Article 517i.**§ 1 In an expedited proceeding before a court the accused must have a defender. Provision of Art. 79 § 3 shall apply accordingly.

§ 2 If he does not have counsel of choice, president of the court competent to hear the case sets a defender of his office, the provision of Article. 81 § 2 shall apply.

§ 3 If the case in which the accused enjoys the selection of counsel, defender or accused expresses the ratio of guard, president of the court or the court will appoint a defense counsel, the office, unless the accused is not established immediately counsel of choice.

§ 4 For the realization of the rights of the accused to the assistance of counsel in an expedited procedure established to carry out the roster of lawyers at a time and place determined by separate regulations. Defender of the office of president of the court or the court will appoint

lawyers from performing duty, and if that is not possible for objective reasons, it can be determined from other lawyers.

**Article 517j.** Minister of Justice shall determine, by regulation, the way to ensure the accused the possibility of using the defenders, including the roster of the organization referred to in Article. 517i § 4, whereas the participation of counsel in the proceedings expedited.

## **SECTION XI**

### **EMERGENCY PROCEDURES**

#### **Chapter 55**

##### **Cassation**

**Art 518** If the provisions of this chapter provides otherwise, the proceedings in cassation shall apply mutatis mutandis the provisions of Chapter IX.

**Art 519** From the court of final appeal terminating the proceeding may be brought cassation. Provision of Art. 425 § 2, second sentence shall not apply.

**Art 520** § 1 to bring the parties are entitled to appeal.

§ 2 A Party which has not challenged the court of first instance, may not appeal the court's ruling on appeal if the decision of the court of first instance upheld or changed in its favor.

§ 3 The restriction referred to in § 2, does not apply to infringements listed in Article. 439.

**Art 521** <sup>(363)</sup> The Attorney General and the Ombudsman may bring an appeal from any final court decision terminating the proceeding.

**Art 522** Appealed against the same defendant and from the same ruling, each holder may make only once.

**Art 523** <sup>(364)</sup> § 1 The cassation can be brought only because of the shortcomings referred to in Article. 439, or other serious breach of law, if it could have a significant impact on the content of the decision; cassation can not be brought solely because of disproportionate punishment.

§ 2 appealed to the benefit may only be made when sentencing the accused for a crime or a crime bills to imprisonment without a conditional suspension of its implementation.

§ 3 appealed against may only be made if the accused is acquitted, or does not proceed for the reasons set out in Article. 17 § 1 point 3 and 4 and because of the insanity of the perpetrator.

§ 4 The restrictions provided for in § 2 and 3 do not apply to appeal:

- 1) brought by reason of misconduct referred to in Article. 439,
- 2) In the case referred to in Article. 521.

**Art 524** § 1 deadline for bringing an appeal to the parties is 30 days from the date of service thereof on the ground. Request for service with the reasons for the decision should be reported to

the court which issued the decision, within the mandatory 7 days after the notice of the decision. Provision of Art. 445 § 2 shall apply accordingly.

§ 2<sup>(365)</sup> Limit for submitting the appeal, as indicated in § 1 shall not apply to appeal contributed by the Attorney General and the Ombudsman.

§ 3 It is impermissible to take into account the appeal lodged against the accused after 6 months from the date the decision becomes final.

**Art 525** § 1 website claims that an appeal to the Supreme Court through the appellate court.

§ 2 In the case referred to in Article. 521 an appeal must be filed directly to the Supreme Court.

**Art 526** § 1 The appeal must specify what the alleged breach.

§ 2<sup>(366)</sup> If the cassation does not come from the prosecutor, the Attorney General or the Ombudsman should be written and signed by counsel or agent who is an advocate or solicitor.

**Art 527** § 1 The appeal site accompanied by proof of payment of judicial and does not apply to the prosecutor.

§ 2 A person deprived of liberty shall not pay fees to pay the appeal, in the case of leave without recognition or rejection of her appeal brought by the rests of the fee.

§ 3 The soldier engaged in military service or military serving in the military as a candidate for the soldier's job does not pay the fee.

§ 4<sup>(367)</sup> The fee is refundable at which it paid, if the cassation will be included, at least in part, or will be revoked.

§ 5<sup>(368)</sup> Minister of Justice shall, by regulation, the fee, whereas the actual costs and the principle of access to court.

**Art 528** § 1 The appeal is not entitled to refuse:

- 1) exemption from payment of the fee referred to in Article. 527 § 1,
  - 2)<sup>(369)</sup> appointment of the lawyer to draw up an appeal,
  - 3)<sup>(370)</sup> restoration period referred to in Article. 524 § 1, first sentence.
- § The provision of Article 2. 447 § 3 shall apply accordingly.

**Art 529** Bring recognition and appeal in favor of the accused does not preclude the enforcement of the sentence, the blurring of a conviction, an act of grace or circumstance justifying exclusion or suspension of prosecution proceedings.

**Art 530** <sup>(371)</sup> § 1 In the case referred to in Article. 525 § 1, adopting the appeal, the court president shall serve a copy thereof to the other parties and, upon submission by the prosecutor's written response to the appeal shall immediately send a file to the competent court to hear the appeal if the court to which an appeal is not entitled to hear it.

§ 2 The President of the court to which an appeal, denied the adoption, if the circumstances referred to in Article. 120 § 2, or Article. 429 § 1, or when an appeal based on grounds other than those mentioned in Articles. 523 § 1

§ 3<sup>(372)</sup> On the orders referred to in § 2, shall be entitled to appeal to the Supreme Court. The Supreme Court hears appeal individually. Cassation court issues an order without the participation of the parties, unless the President of the Supreme Court orders otherwise.

§ 4 The case of acceptance of final appeal, the prosecutor did not consider manifestly unfounded, the prosecutor a copy of a written response to an appeal shall be served on other parties, their representatives and defenders. Further pleadings shall be filed directly to the Court of Cassation.

§ 5 The Prosecutor considering an appeal for manifestly unfounded, it shall send a copy of the response to an appeal to the other parties, their defenders and representatives, who within 14 days of receipt of the prosecutor may provide the court with their views in writing.

**Art 531** § 1<sup>(373)</sup> The Supreme Court is left without a diagnosis of appeal agreed, if it does not correspond to the provisions of the Articles. 530 § 2, or where acceptance of the kill was a result of unfounded restoration period. Cassation court issues an order without the participation of the parties, unless the President of the Supreme Court orders otherwise.

§ 2 The Supreme Court may, however, ask the review to the court file, if it finds that have not been complied with steps to help remedy the deficiencies brought a formal appeal.

§ 3<sup>(374)</sup> The provision of § 1, second sentence shall apply mutatis mutandis in the event of withdrawal of appeal.

**Art 532** § 1 In case of the appeal, the Supreme Court may suspend the contested decision, as well as other decisions, the enforcement of which depends on the outcome of final appeal.

§ 2 Suspension of enforcement can be combined with the application of the measures set out in Article. 266, 271, 272, 275 and 277

§ 3<sup>(375)</sup> Cassation court issues an order at the meeting without the participation of the parties, unless the President of the Supreme Court orders otherwise.

**Art 533** If an appeal lodged against the accused, the Supreme Court may adopt a precautionary measure, unless the accused was acquitted.

**Art 534** § 1 If a bill does not require the issue of appeal, the Supreme Court decides individually, unless the President of the Supreme Court hearing the case ordered the three judges.

§ 2 If the cassation ruling applies to the Supreme Court, be examined in the composition of seven judges, unless it was given individually, in which case the Supreme Court decides the three judges.

**Art 535** <sup>(376)</sup> § 1 The Supreme Court hears an appeal at the hearing, in cases provided for by law - at a meeting without the participation of the parties.

§ 2 Pages deprived of liberty can not be reduced to a hearing, unless the President of the Supreme Court or the Supreme Court deems it necessary.

§ 3 Rejection of appeal as unfounded, of course, does not require a written explanation, if the order was issued at the meeting and when it was issued at the hearing and the party in custody was not representative of a procedural and was not brought to trial, the reasons shall be made upon request. The provisions of Article. 422 and 423 shall apply mutatis mutandis.

§ 4 cassation brought under Articles. 521 Supreme Court at the hearing.

§ 5 cassation brought for the benefit of the accused may be taken up in full at the meeting without the participation of the parties, if its obvious merits.

**Art 536** The Supreme Court hears an appeal within the appeal and raised objections, and the wider - only in cases specified in Articles. 435, 439 and 455

**Art 537** § 1 The Supreme Court dismissed the case after recognizing the contested decision appealed or repealed in whole or in part.

§ 2 Setting aside the contested decision, the Supreme Court shall refer the matter to the competent court or back to remit the proceedings and, if the conviction is clearly wrong - the accused innocent.

**Art 538** § 1 Once set aside the judgment enforcement of the sentence continues, the penalty has already done - in the event of subsequent re-sentencing - count towards the new sentences.

§ 2 The court may apply a precautionary measure.

**Art 539** There shall be no appeal against the decision of the Supreme Court following a diagnosis zapadlego appeal.

## Chapter 56

### Resumption of proceedings

**Art 540** § 1 The legal proceedings ended by a final decision shall be resumed when:

1) in connection with the investigation committed a crime, and there is a reasonable basis to assume that this could affect the content of the decision,

2) after the decision to reveal new facts or evidence not previously known to the court, indicating that:

- a) the convicted did not commit any act or acts did not constitute the crime or not punished
- b) he was sentenced for a crime punishable by more severe or do not take into account the extraordinary circumstances requiring the leniency or wrongly adopted extraordinary circumstances affecting the severe penalties,
- c) the court conditionally discontinued or dismissed the prosecution erred in adopting the defendant committed the alleged offense.

§ 2<sup>(377)</sup> Proceedings resumed in favor of the accused, if the result of a decision of the Constitutional Court had lost the power or alter the legal provision which forms the basis of conviction or conditional remission.

§ 3 The proceeding shall be resumed for the benefit of the accused, the need for such a result of the settlement of an international body acting under an international agreement ratified by the Polish Republic.

**Rule 540A.** <sup>(378)</sup> Court proceedings ended by a final decision can be resumed when:

1) <sup>(379)</sup> convicted, for whom the provision [Articles. 60](#) § 3 or 4 of the Penal Code or [Articles. 36](#) § 3 of the Penal Code, tax office, not confirmed in the criminal proceedings revealed by the information itself,

2) there is a circumstance referred to in Article. 11 § 3

**Art 541** § 1 The act referred to in Article. 540 § 1 item 1, must be determined by a final conviction, unless such decision shall not be given for the reasons listed in Article. 17 § 1 point, or in Articles 3-11. 22.

§ 2 In this case, the application for renewal of the procedure should indicate the conviction or decision sunk in criminal proceedings, stating the impossibility of conviction.

**Art 542** § 1 <sup>(380)</sup> Reopening of proceedings at the request of a party or ex officio.

§ 2 An application for renewal of the benefit may apply if the sentenced person closest to death.

§ 3 <sup>(381)</sup> Proceedings shall be resumed from office only if the disclosure is one of the breaches listed in Article. 439 § 1, with the reopening of proceedings only for the reasons stated in paragraph 9-11 may be made only in favor of the accused.

§ 4 <sup>(382)</sup> The renewal can not be for the reasons mentioned in § 3, where they were subject to be dealt with under appeal.

§ 5 <sup>(383)</sup> It is unacceptable to the resumption of proceeding on its own to the detriment of the accused after 6 months from the date the decision becomes final.

**Art 543** § 1 Resumption of the proceedings, limited to ruling on claims of property resulting from the offense, may be made only by the court shall have jurisdiction in civil matters.

§ 2 to resume and continue the proceedings after the resumption of the court shall have jurisdiction in civil matters shall apply the provisions of [Code of Civil Procedure](#).

**Art 544** § 1 <sup>(384)</sup> On the resumption of the district court decides the case, and on the resumption of proceedings culminating in the district court ruling - the court of appeal. The court decides the three judges.

§ 2 In the resumption of proceedings culminating in a court ruling the Supreme Court of Appeal or the Supreme Court decides the three judges.

§ 3 <sup>(385)</sup> On the resumption of proceedings the court decides at the meeting without the participation of the parties, unless the President of the court or the court decides otherwise.

**Art 545** § 1 <sup>(386)</sup> In proceedings for renewal shall apply respectively. 425 § 2, first sentence, § 3 and 4, Art. 429, 430 § 1, art. 431, 432, 435, 442, 456, 529, 530, 532 and 538, and if resumption of proceedings in favor of the accused shall apply respectively. 434 and 443

§ 2 <sup>(387)</sup> Request for reopening of proceedings, if not from the prosecutor, should be drawn up and signed by a lawyer or solicitor. Provision of Art. 446 § 2 shall apply accordingly.

**Art 546** If the court has ordered to check the circumstances under Art. 97, the parties have the right to participate in verification activities.

**Art 547** § 1 The order dismissing the application or leaving it without a diagnosis may be appealed, unless held by the Court of Appeal or the Supreme Court.

§ 2 of the reopening of the case ruling, the court repealed the contested decision and refer the matter to the competent court for further examination. This decision is not entitled to appeal.

§ 3 Setting aside the contested decision, the court may sentence the accused acquitted, if new facts or evidence indicates that the decision is obviously wrong, or the proceedings terminated. This sentence was an acquittal or umarzającego proceeding shall be entitled to appeal.

§ 4 The rulings referred to in § 3, issued by the Supreme Court is not entitled to appeal.

**Art 548** If the procedure was resumed as a result of the proposal in favor of the accused, and it takes place after his death, or if there is a reason for the suspension of the proceedings, the

President shall appoint the court to defend the rights of the accused defense counsel, the office, unless the applicant has already established a defender.

## **CHAPTER XII**

### **PROCEEDINGS AFTER decision becomes final**

#### **Chapter 57**

##### **Take the case conditionally depreciated**

**Art 549** <sup>(388)</sup> The resumption conditionally depreciated the court decides on the request of the prosecutor, the victim or the probation officer or the office.

**Art 550** § 1 In the proceedings taken conditionally depreciated only by a court of first instance having jurisdiction.

§ 2 <sup>(389)</sup> The meeting is entitled to attend the prosecutor, the accused and his lawyer and the victim and his representative.

§ 3 The decision to leave the application without a diagnosis and in taking the case may be appealed.

§ 4 The resumption conditionally guaranteeing depreciated should be notified.

**Art 551** <sup>(390)</sup> In the event that the proceedings conditionally depreciated, the case is pending again as a general rule, before a court competent to hear it. Provision of Art. 341 § 2, second sentence shall apply accordingly.

#### **Chapter 58**

##### **Compensation for wrongful conviction, the provisional arrest or detention**

**Art 552** § 1 <sup>(391)</sup> The accused, who as a result of resumption of proceedings or the appeal has been finally acquitted or convicted of a lighter penalty, the Treasury is the compensation for the damage and compensation for material loss, resulting from the implementation in relation to him in whole or in part of the sentence, which should not have to bear.

§ 2 <sup>(392)</sup> The provision of § 1 shall also apply if, after the repeal of a decision convicting the proceedings were discontinued as a result of circumstances which are not included in the earlier proceedings.

§ 3 The right to damages arises also in connection with the use of detention under the conditions specified in § 1 and 2

§ 4 Compensation and restitution are also entitled to in case of doubt wrongly provisional arrest or detention.

**Art 553** § 1 claim for damages or compensation shall not be granted to those who with intent to mislead the court or law enforcement agency made false notice of an offense or a false explanation, and caused the adverse decision for themselves on the conviction, the provisional arrest, detention or use of detention .

2 § 1 provision does not apply to persons making a statement on the conditions laid down in Articles. 171 § 3, 4 and 6, as well as where the injury or harm is caused by exceeding their authority or by a failure to state.

§ 3 In the case of the accused to contribute to the decision referred to in § 1, [Articles. 362](#) Civil Code shall apply accordingly.

**Art 554** <sup>(393)</sup> § 1 claim damages must be reported in the district court in whose jurisdiction the decision was made in the first instance, in the case referred to in Article. 552 § 4 - the district court competent for the place in which the temporary release of the arrested person or release the detainee.

§ 2 The District Court rules sentence at the hearing of three judges, the matter of compensation should be recognized in the first place, the procedure is free of cost.

**Art 555** Claims under this chapter shall lapse after one year from the date of validation of the decision giving rise to damages in the case of temporary detention - after validation of the decision terminating the proceedings, if the detention - from the date of dismissal.

**Art 556** § 1 In case of death of the accused right to compensation for those who by the execution of a sentence or a detention will undoubtedly unjustly lost:

- 1) due to it from the holder by law to maintain,
- 2) continuously supplied to him by the deceased to maintain, if considerations of fairness militate in favor of an award of damages.

§ 2 claim damages must be reported within the period provided for in Article. 555 or one year after the death of the accused.

§ 3 The requestor claims may appoint a representative. The provisions of Article. 78-81 shall apply accordingly.

§ 4 The authorization granted to the defense counsel on power remains as authorized to act as a proxy.

**Art 557** § 1 In case of damages and compensation for the damage, the Treasury has recourse to persons who are his wrongful act caused the wrongful conviction, the application of a preventive measure, undoubtedly temporary wrongful arrest or detention.

§ 2 An action concerning the claims referred to in § 1, may bring civil proceedings in the public prosecutor or the authority which is responsible for representing the State Treasury. If the prosecutor sees no grounds to bring proceedings, it appears in this issue the order and shall notify the authorized body.

**Art 558** In matters of compensation for wrongful conviction, the provisional arrest or detention provisions [Code of Civil Procedure](#) applies only to matters not regulated in this Code.

**Art 559** The provisions of this chapter shall apply to foreigners on a reciprocal basis.

## **Chapter 59**

### **Pardon**

**Art 560** § 1 A request to pardon the convicted person can make himself, the person entitled to the benefit of its legal remedies, relatives in the direct line, adoptive or adopted, siblings, spouse and dependent of a person convicted of common livable.

§ 2 The request for clemency lodged by an unauthorized person or inadmissible under the Act leaves the court without a diagnosis.

§ 3<sup>(394)</sup> The person who filed the request for clemency, it can withdraw.

**Art 561** § 1 request for a pardon shall be submitted to the court, which ruled in the first instance.

§ 2 The court referred to in § 1, should recognize the request for clemency within 2 months from the date of its receipt.

**Art 562** § 1 The Court recognizes the request for clemency in the same composition in which they ruled. The court should, as far as possible include judges and lay judges, who took part in sentencing.

§ 2<sup>(395)</sup> (repealed).

**Art 563** Recognizing the court's request for clemency, in particular, have regard to the behavior of the prisoner after the ruling, the size of the penalties already done, the health conditions of the convicted person and his family, compensation for damage caused offense, and above all the special events that take place after the ruling.

**Art 564** § 1 If, in the case which brought the request for clemency, the court ruled only the first instance and issue a positive opinion - Attorney-General shall forward the file or the necessary parts together with their opinion, in the absence of grounds for a positive opinion - leave the request without further action.

§ 2 If, in the case which brought the request for clemency, the court ruled on appeal, the court of first instance, send him the necessary files, or parts thereof, together with its opinion.

§ 3 The court of appeal leaves the request without further action only if it seems negative opinion and the opinion of this court has already given the first instance, in other cases, the appeal court sent the Attorney-General, together with the opinions of the files.

§ 4 Positive feedback is not available to persons referred to in Article. 560.

**Art 565** § 1 If the request for clemency at least one positive opinion on the court, the Attorney General shall submit to the President of the Polish Republic's request for clemency with the case files and their application.

§ 2 The request for pardon addressed directly to the Polish President shall transmit to the Attorney-General in order to give its course in accordance with Article. Or Article 561. 567.

**Art 566** Renewed request for clemency, filed within one year from the previous negative settlement request, the court may be left unconsidered.

**Art 567** § 1 of the clemency proceedings may be initiated from the office of the Attorney General, who may request the file itself with the opinions of the courts or the present President of the Republic Polish files without seeking the opinion.

§ 2 The Attorney General shall submit to the President of the Republic of Polish file or initiate proceedings ex officio for a pardon in any case, when the President so decides.

**Art 568** Recognizing that it is particularly important reasons militate in favor of clemency, especially when there is an short time remaining to serve a penalty, the court issuing the opinion and the Attorney General may suspend the execution of the sentence or order a pause in its execution pending completion of proceedings for a pardon.

## **Chapter 60**

### **Case total**

**Art 569** § 1 If there are conditions for a total penalty decision against the person finally convicted of various judgments of the courts, the jurisdiction the judgment total is the court which issued the last sentence in the first instance.

§ 2 If, in the first instance, courts have pronounced a different row, the total sentence the court shall issue a higher order.

§ 3 If the confluence of court rulings in general and specific, for a total penalty of the rules of the courts, which imposed a more severe penalty is subject to the merger.

**Art 570** Case total court issues its own motion or at the request of the convicted person or the prosecutor.

**Art 571** § 1 The Court, if necessary, asks the prisons in which he was convicted, send an opinion about the behavior of the prisoner during his imprisonment, as well as information about the conditions of family, wealth, and a health and sentenced to a sentence of the individual judgments.

§ 2 Application for a judgment total coming from the prosecutor should contain the data referred to in § 1

**Art 572** If the lack of the judgment total, the court shall issue an order to discontinue the proceedings.

**Art 573** § 1 Case aggregate appears to be following the hearing.

§ 2 <sup>(396)</sup> Personal appearance of the convicted person is not mandatory, unless the court decides otherwise. Provision of Art. 451 shall apply mutatis mutandis.

§ The provisions of Article 3. 84 § 1 shall not apply.

**Art 574** In matters not governed by the provisions of this chapter to conduct a joint judgment provisions shall apply mutatis mutandis to proceedings before an ordinary court of first instance. Provision of Art. 422 § 2 shall apply.

**Art 575** § 1 If, after the ruling of the total need of total new proceedings, the time of its release the previous sentence is the total power.

§ 2 If at least one of the convictions underlying judgment total waive or change, the aggregate sentence is hereby repealed, and the court, if necessary, issue a new sentence cumulative.

**Art 576**§ 1 Upon validation of the judgment total, the sentences to be combined are not performed within the scope of the total sentence.

§ 2 In the case of fixing the judgment total penalty of less than the period already completed and the combined penalties of imprisonment or equal to this period, the President shall immediately release the convicted person be managed if it is deprived of his liberty in another case. Sending the order to perform, accompanied by their verdict overall.

**Art 577**In its ruling the total should be checked if necessary the date from which there must be the beginning of his imprisonment imposed sentence together, and exchange periods counted towards the total penalty.

## **DIVISION XIII**

### **PROCEDURE IN CRIMINAL MATTERS OF INTERNATIONAL RELATIONS**

#### **Chapter 61**

#### **Immunities of persons belonging to diplomatic missions and consular offices of foreign countries**

**Art 578**Polish is not subject to the jurisdiction of criminal courts:

- 1) authenticated in the Polish Republic Heads of diplomatic representations of foreign states,
- 2) a person belonging to the diplomatic staff of these agencies,
- 3) a person belonging to the administrative and technical staff of these agencies,
- 4) family members of persons listed in paragraph 1-3, if they are with them in a community home
- 5) other persons benefiting from diplomatic immunities under the laws, treaties and generally accepted international practices.

**Art 579**§ 1 not subject to the jurisdiction of Polish courts in the criminal activities carried out during and in connection with the performance of their official functions, and reciprocity in other areas:

- 1) managers and other consular posts, the consular officials of foreign states,
- 2) persons equated to them on the basis of universally recognized agreements or international customs.

§ 2 Leader consular and other consular officials of foreign countries are subject to arrest or temporary detention only if the plea of committing crimes. Their arrest or provisional arrest shall be notified immediately of the Minister of Foreign Affairs.

§ 3 In addition to the accident referred to in § 2, a person may be deprived of liberty in the execution of a final judgment Polish.

**Art 580**§ 1 The provisions of Article. 578 and 579 do not apply if the sending state waives immunity clearly in relation to the person referred to in those provisions.

§ 2 In respect of officers of the international organizations benefiting from the waiver of immunity referred to in § 1, a decision the competent international organization.

**Art 581** § 1 The persons mentioned in Articles. 578 are not required to testify as a witness or to act as an expert or interpreter, but you can ask for express consent by those persons to give evidence or to appear as an expert or interpreter.

§ 2 In the event of consent referred to in § 1, served notice to those persons may not include the use of coercive threats, and if failure to appear on the summons or refusing to testify against them can not apply these measures.

**Art 582** § 1 The persons referred to in Article. 579 apply respectively. 581, if the circumstances of whose testimony or opinions are concerned, are associated with the exercise by those persons of official or service passports, but on a reciprocal basis and in other circumstances.

§ 2 The persons mentioned in Articles. 578 and 579 are not required to produce correspondence and documents relating to these functions.

**Art 583** § 1 search the premises of the diplomatic representation should be made only with the consent of the head of the agency or person temporarily discharging its function.

§ 2 to search the premises is required the consent of the consular office manager or person temporarily discharging its functions, or the Head of diplomatic representation.

**Art 584** Provisions of Article. 578-583 does not apply to the persons mentioned therein, the steps do not exercise during and in connection with the performance of their official functions, if they are Polish citizens or are in the Polish Republic resident.

## **Chapter 62**

### **Legal assistance and service in criminal matters**

**Art 585** By way of legal aid may be made the necessary steps of criminal proceedings, in particular:

- 1) service of documents to persons abroad or institutions established abroad,
- 2) questioning of persons as accused, witnesses or experts,
- 3) making the inspection and search of premises and other places and people, and the issue of seizure of such items abroad,
- 4) calling people staying abroad for personal voluntary appearance before the court or prosecutor to question a witness or confrontation, as well as pushing for this purpose persons deprived of their liberty at this time,
- 5) sharing of files and documents, and information on criminal defendants,
- 6) providing information on the law.

**Art 586** § 1 The letter of notification to the person resident abroad, who has Polish citizenship, or heard of such a person as a defendant, witness or expert in court or the prosecutor asks the Polish diplomatic or consular office.

§ 2 In the event of inability to perform activities as specified in § 1, may be requested to carry out these activities to the court, prosecutor or other competent authority of a foreign state. In the case of search, seizure and release of course be accompanied by a copy of the request or court order requiring the prosecutor to carry out this operation in a given case.

**Art 587** Prepared at the request of Polish courts or the prosecutor inspection protocols, interrogation of persons as accused, witnesses, experts or other protocols inquiries made by prosecutors or the courts of foreign countries or bodies acting under their supervision, may be read at the hearing on the principles set out in Article. 389, 391, and 393, where the way of the operation is not contrary to the principles of law in the Polish Republic.

**Art 588** § 1 Courts and prosecutors provide legal assistance at the request of prosecutors and courts of foreign countries.

§ 2 The court and prosecutors refuse to grant legal aid and refusing to communicate to the competent authorities of a foreign country if the action sought would be contrary to the principles of the Republic of Polish law or infringe its sovereignty.

§ 3 The court and the prosecutor may refuse to grant legal aid if:

1) execution of the desired action does not fall within the scope of the court or the prosecutor under Polish law,

2) the state, from which the request for assistance comes from, does not guarantee reciprocity in this regard,

3) the request relates to acts which is not a crime under Polish law.

§ 4 The procedural steps, performed at the request of the court or the prosecutor of a foreign state, shall apply Polish law. Must, however, to satisfy the wish of these authorities, when an action uses a specific mode of conduct or a particular form, if it is not contrary to the principles of law the Polish Republic.

§ 5 The costs of legal assistance shall be determined in accordance with Article. 616-619.

**Art 589** § 1 Called from abroad or expert witness is not a Polish citizen, who appear voluntarily before a court, can be neither prosecuted nor arrested or detained on remand because the crime for which the subject of criminal proceedings and any other crime committed before crossing the Polish state border. There can also be compared to him, made the penalty imposed for such offense.

§ 2 A witness or expert who loses the protection provided for in § 1, if not leave Polish territory, although he could do so, within 7 days from the time when the court told him that his presence has become redundant.

§ 3 the requested witness or expert shall be entitled to reimbursement of travel and subsistence expenses and reimbursement of lost earnings, and expert - pay for the opinion.

§ 4 The notice which was received expert witness or permanently residing abroad must bear a warning about the content of § 1-3. You should not use the post threats of coercive measures because of failure to appear.

**Rule 589a.** <sup>(397)</sup> § 1 In view of the person deprived of liberty in the territory of a foreign state, temporarily released to testify as a witness or to make its share of another procedural step before the Polish court or prosecutor, the district court the place of performance management activities put a person surrendered to the Polish prison or jail investigators for the duration of the stay on Polish territory, but not exceeding the time of imprisonment specified in the issuing State.

§ 2 The court's complaint is not entitled to.

**Rule 589b.** <sup>(398)</sup> § 1 Legal Aid in the preparatory proceedings between the Polish authorities authorized to conduct such proceedings and the competent authorities of EU Member State or

another State, if it allows the international agreement to which the Republic of Poland is a party or on a reciprocal basis, may also rely on the performance as the investigations in the joint investigation team, 'the team'.

§ 2 team appoint, by agreement, the Attorney General and the competent authority of the State referred to in § 1, hereinafter referred to as "Cooperating State 'for a particular trial, for a definite period.

§ 3 Agreement on the establishment of the team should specify:

- 1) the subject, purpose, place and period of cooperation,
- 2) band, indicating the person in charge of,
- 3) the task of individual team members.

§ 4 The agreement to set up a team, you can provide for the possibility of release to the team, under certain conditions, a representative of an international body set up to fight crime.

§ 5 Period of cooperation within the team, as indicated in the agreement to set up a team, may be extended for a further fixed period of time needed to achieve the objective of this cooperation, the extension requires the consent of all parties to the agreement.

**Article 589c.** <sup>(399)</sup> § 1 team, in which cooperation takes place on Polish territory, 'the Polish team, you can rely in particular where:

- 1) in the course of the Polish territory in the trial of a terrorist crime, trafficking in narcotic drugs, psychotropic substances or their precursors, or of other serious crime revealed that the perpetrator acted or the consequences of his act occurred on the territory of another Member and need to carry out acts of investigations in that State or with its authority,
- 2) conducted on Polish territory of the preliminary inquiry is related to the subjective question of the investigation or preparation of a crime listed in paragraph 1, conducted in the territory of another state and need to comply with the majority of acts of investigation in the two proceedings on Polish territory.

§ 2 The work of the Polish team Polish prosecutor directs.

§ 3 The Polish team may include other Polish prosecutors and representatives of other bodies authorized to conduct an investigation and officials of the competent authorities of the state cooperating, hereinafter referred to as "officers of the delegation.

§ 4 The activities in the preparatory proceedings undertaken in the Polish team, the provisions of national law, subject to § 5-8 and Articles. 589e.

§ 5 The officers posted may be present at all procedural activities carried out under Polish team, except in special circumstances, a legitimate need to protect important interests of the Republic of Polish or of individual rights, including the person in charge of team orders otherwise.

§ 6 If the parties to the agreement establishing the Polish team person in charge of this team may delegate enforcement officer delegated specific acts of investigation, with the exception of the issue otherwise provided in this Code. In this case, the steps involved member of the Polish team and draw up the protocol.

§ 7 If there is a need to carry out acts of investigations on the territory of cooperating with the request for mutual legal assistance requests the competent authority or officer of the authority delegated by the State. Drafted in to run this application protocols, the provisions of Article. 587.

§ 8 The limits specified in the agreement to set up a Polish team representative international institution referred to in Article. 589b § 4, have the powers set out in § 5

**Rule 589d.** <sup>(400)</sup> § 1 representative of the prosecutor or other authority empowered to conduct investigations may be delegated to the team on the territory of another State cooperating in the cases prescribed by the State in whose territory is the team collaboration. The posting of the Attorney General determines appropriate or competent authority.

§ 2 A member of the team referred to in § 1, who is a Polish prosecutor's prosecutor shall have the power of a foreign state as defined in Article. 588 § 1 Provision of Art. 613 § 1 shall not apply.

§ 3 The institutions and bodies of the Republic of Polish, other than the prosecutor referred to in § 2, assist the Polish team member referred to in § 1, within the limits and the application of national laws.

**Rule 589e.** <sup>(401)</sup> § 1 Information obtained by a team member in connection with participation in the work of the team, inaccessible by other means for states that have delegowało may be used by the competent authority of that State and in order to:

- 1) conduct criminal proceedings on its own - with the consent of the cooperating country, institution or body which provided information
- 2) to prevent immediate, serious threat to public safety,
- 3) other than those mentioned in paragraphs 1 and 2, if so, is an agreement to set up a team.

§ 2 The consent referred to in § 1 point 1 may be revoked only if such use would endanger the welfare of preparatory proceedings conducted in the cooperating country, institution or body which provided information, and in the case where the State would be able to refuse mutual assistance.

**Rule 589f.** <sup>(402)</sup> § 1 The damage caused by a team member in connection with the performance equivalent to state operations, which it delegowało, under the terms of the provisions of the State in which the cooperation takes place team.

§ 2 If the injury suffered by another person is a consequence of an act or omission by a member of the delegation by other cooperating State, an amount of money equivalent to the compensation paid to the victim temporarily competent authority of the state in which the cooperation takes place team.

§ 3 In the case specified in § 2 of the amount paid is non-refundable monetary authority, which it was provisionally paid, at his request.

## **Chapter 62a** <sup>(403)</sup>

### **Presentation by the European Union Member State to carry out the provisions for detention of evidence or to ensuring the protection of property**

**Article 589g.** § 1 In case of findings that could constitute evidence of the things, correspondence, shipping, lists of telephone calls or other communications of information or data stored in a computer system or on a carrier, including correspondence sent by electronic mail, or property to be seized in order to secure implementation of the provisions for forfeiture are on the territory of another EU Member State, the court has jurisdiction to hear the case or the prosecutor may request the execution of a detention or freezing them directly to the competent judicial authority of that State.

§ 2 transmitting to comply with the order to arrest the evidence, the competent court or the prosecutor present at the same time to the competent judicial authority of the state comply with the provisions of the request for their extradition.

§ 3 Immediately after the decision becomes final the order for forfeiture of secured property, referred to in § 1, the competent court is the competent judicial authority of the State comply with the provisions of the proposal for enforcement of the forfeiture.

§ 4 speech to give evidence and the execution of forfeiture referred to in § 2 and 3, is based on the provisions of Chapters 62 and 66, and international agreements on legal assistance in criminal matters involving the Polish Republic.

§ 5 The provisions referred to in § 1 shall be accompanied by a certificate containing all relevant information to allow its proper implementation.

§ 6 The documents must be translated into the official implementation of the provisions of the State or any other language indicated by that State.

Transmission to the provisions of § 7, and the certificate referred to in § 5, may also be using the device for automatic transmission, so as to establish the authenticity of those documents.

§ 8 If you have difficulty in determining the proper authority of the implementation of the provisions of the competent court or the prosecutor may also ask the relevant bodies of the European Judicial Network.

§ 9 The Minister of Justice shall determine, by regulation, a model certificate referred to in § 5, whereas the implementation of the provisions of the state provide all necessary information, including information on the date to which the duration of retention of evidence or the security of property.

**Article 589h.** Issued evidence points to the state comply with the order immediately after use, if the transfer of their claimed refund, or if they are recovered the victim or another qualified entity, residing in the territory.

**Article 589i.** In the event of a repeal of the detention order freezing property or evidence to the competent court or prosecutor about its content without delay inform the competent authority of the Member States of the European Union.

**Article 589j.** § 1 The decision referred to in Article. 589g § 1, issued by the prosecutor, may be appealed to the district court in whose jurisdiction leads the proceedings. The deadline for lodging a complaint from the date of service of the order.

§ The provision of Article 2. 589g § 6 shall apply accordingly.

**Rule 589k.** § 1 If a state law implementing the provisions of the state is liable for damage caused in connection with the execution of the order to arrest the evidence or to ensuring the protection of property, issued by a Polish court or the prosecutor, at the request of the competent authority of the State Treasury calls it the amount of money equivalent to the compensation payments.

2 § § 1 provision does not apply if the damage is a consequence of acts or omissions only authority of the implementation.

**Chapter 62b**<sup>(404)</sup>

## **Presentation by European Union member state for enforcement of the detention of evidence or to ensuring the protection of property**

**Article 589l.** § 1 The competent territorial district court or the prosecutor is performed immediately issued by the competent judicial authority in another Member State of the European Union decision to arrest could constitute evidence of the things, correspondence, mail, lists of telephone calls or other communications of information or data stored in the computer system or medium, including correspondence sent by electronic mail, or ruling on seizure of assets to secure the enforcement of forfeiture, if these things, correspondence, consignment inventories, data or property located or stored on Polish territory.

§ 2 If the court or prosecutor, which was addressed to the ruling, is not competent to give it a run, forward them to the competent authority and shall notify the competent judicial authority of a Member State of the European Union, who made the decision.

§ 3 If the provisions of this chapter provides otherwise, the enforcement referred to in § 1, the provisions of Polish law.

**Art 589m.** § 1 may be refused enforcement of the detention of evidence referred to in Article. 589l § 1, if:

- 1) act in connection with the sentencing does not constitute a crime under Polish law, unless under the law of the ruling is an offense listed in Article. 607w paragraphs 1-33, punishable by imprisonment, a maximum of at least 3 years, or any other means which involve the deprivation of liberty of at least at the same time,
- 2) the evidence to which the decision can not be taken for reasons of fact, especially because of their loss, destruction or the inability to find,
- 3) the decision to arrest the evidence does not include a certificate containing all relevant information to enable the correct execution or a certificate that is incomplete or manifestly does not correspond to the ruling,
- 4) the content of the certificate referred to in paragraph 3, in an obvious extent that transferred to the implementation of the decision relates to the same acts by the same person, for which criminal proceedings were finally terminated,
- 5) enforcement is not possible because of the refusal to submit correspondence and documents under Article. 582 § 2

§ 2 may be refused enforcement aimed at securing the property referred to in Article. 589l § 1:

- 1) if according to Polish law on the crime, in connection with the sentencing, forfeiture of performance security would be inadmissible, unless under the law of the ruling is an offense listed in Article. 607w paragraphs 1-33, punishable by imprisonment, a maximum of at least 3 years, or any other means which involve the deprivation of liberty of at least at the same time,
- 2) in cases specified in § 1 point 2-4.

§ 3 The provisions of § 1 paragraph 1 and § 2 paragraph 1 shall not apply if the act does not constitute a crime in the absence of or contrary to Polish law regulating the relevant fees, taxes, customs or foreign exchange policy.

§ 4 The case referred to in § 1 paragraph 2, the competent court or the prosecutor, before the provisions concerning the enforcement of the arrest or the evidence intended to protect property, consult the authority that issued them, to obtain all relevant information, enabling find such evidence or property. If this information did not contribute to finding the evidence or property,

the court or prosecutor shall immediately inform the competent judicial authority in the ruling of the impossibility of enforcement.

§ 5 In the case referred to in § 1 item 3, the competent court or the prosecutor may designate the authority which issued the decision, the deadline to forward the certificate referred to in § 1 point 3, its complement or rectify.

§ 6 In the event of failure to meet the deadline referred to in § 5, concerning the provision of enforcement seems to be based on the information provided earlier.

**Article 589n.** § 1 The provision on the enforcement of the detention of evidence or to safeguard property, referred to in Article. 589l § 1, the competent court or the prosecutor issued immediately, if possible within 24 hours of receipt of the decision.

§ 2 Order referred to in § 1 shall be served with the instruction of the powers associated with the ruling of the State referred to in Article. 589l § 1

§ 3 The provision referred to in § 1, may be appealed to people whose rights have been violated. Such persons are also entitled to challenge the activities related to retention of evidence or collateral property, which does not infringe the rights of the applicant under the provisions of State ruling. The complaint in the action, the applicant may claim only verify the accuracy of its conduct.

§ 4 The lodging of a complaint, as well as the content of the settlement *zapadłego* a result of his diagnosis, you should immediately inform the competent judicial authority in the ruling.

§ The provision of Article 5. 589g § 6 shall apply accordingly.

**Article 589o.** When issuing the order of execution of the decision to arrest the evidence or to safeguard property, the competent court or the prosecutor may also suspend its execution if:

- 1) would complicate the enforcement of other pending criminal proceedings - for the time necessary for securing the proper course of conduct,
- 2) evidence or property affected by the decision, have already been detained or seized for the needs of another pending criminal proceedings - until the release from detention or seizure.

**Art 589p.** § 1 The content of the provisions concerning the enforcement of the arrest or the evidence intended to protect property shall be promptly notified, if possible within 24 hours of receipt of the decision, the competent judicial authority in issuing the ruling. Notification can also be transmitted using the device for automatic transmission, so as to establish the authenticity of the documents transmitted.

§ 2 In the cases referred to in Article. 589o, you must also specify the reasons for suspension of a provision and, if possible, its probable duration.

§ 3 The provision of § 1 shall apply accordingly in case of removal of the cause suspension of a provision referred to in Article. 589o. In that case you should inform the competent judicial authority in ruling on arrest or preserving evidence or assets for the purpose of other proceedings or actions taken towards enforcement.

**Article 589r.** § 1 In exercising the decision to arrest the evidence or to safeguard property, it must be to satisfy the desire of the authority which issued the ruling that when an activity uses a specific mode of conduct or a particular form, if it is not contrary to the principles of law the Polish Republic.

§ 2 Minutes arrest or seizure of evidence of property should immediately notify the competent authority of the State ruling. Provision of Art. 589p § 1, second sentence shall apply accordingly.

**Rule 589s.** § 1 Stop evidence and seize property in order to secure enforcement of the forfeiture lasts until a decision on the competent authority of a state court ruling, according to the evidence or the issue of execution of the request for enforcement of a final decree of forfeiture.

§ 2 For the sake of the circumstances the competent court or the prosecutor may, however, after consultation with the competent judicial authority in ruling the State, set a deadline for the authority to forward the request referred to in § 1, after which they may be exempt from arrest or seizure.

§ 3 before the deadline referred to in § 2, the competent court or prosecutor shall inform the competent judicial authority in the enforcement of its intention to exempt from arrest or seizure, allowing him to position the application in writing. If the body is unable to provide sufficient arguments to justify further detention or seizure, a court or prosecutor issues an order of exemption from arrest or seizure. Copy of the order is served on the persons concerned.

§ 4 Order of exemption from arrest or seizure appears to be well if the competent judicial authority in the ruling shall notify its repeal. Provision of § 3, third sentence, shall apply.

**Art 589t.** § 1 The diagnosis of an application for a detention or evidence of execution by a Polish court application for enforcement of forfeiture is made pursuant to the provisions of Chapters 62 and 66, and international agreements on legal assistance in criminal matters involving the Polish Republic.

§ 2 However, you can not refuse requests referred to in § 1, referring to the fact that the action requested, does not constitute a crime under Polish law, where under the law of the ruling is an offense listed in Article. 607w paragraphs 1-33, punishable by imprisonment, a maximum of at least 3 years, or any other means which involve the deprivation of liberty for at least the same dimension.

**Article 589u.** § 1 If the State Treasury shall be liable for damage caused in connection with the execution of the decision to arrest or the evidence intended to safeguard the property, issued by the judicial authority of a Member State of the European Union, the Treasury appears to the competent authority of the state for reimbursement of a sum of money equivalent to the paid compensation.

2 § 1 provision does not apply if the damage is a consequence of acts or omissions only Polish authority.

## **Chapter 63**

### **Acquisition and transfer of criminal proceedings**

**Art 590** § 1 In case of a crime committed abroad by:

- 1) a Polish citizen,
- 2) a person on Polish territory resident,
- 3) a person who is or will be held in the Polish Republic imprisonment,
- 4) the party against whom have been initiated in the Polish Republic in criminal proceedings

- Minister of Justice shall, if the interests of justice, to the competent authority of a foreign state to provide an investigation, or may accept such a request from the competent authority of a foreign state.

§ 2 The acquisition of prosecution shall be deemed to initiate criminal proceedings under Polish law.

§ 3 If the assumption of law enforcement combined with the transfer of the foreign country temporarily arrested, Art. 598 shall apply.

§ 4 The evidence gathered abroad before taking over the prosecution shall apply respectively. 587, even if steps were not taken in evidence at the request of Polish courts or the prosecutor.

§ 5 The Minister of Justice shall notify the competent authority of a foreign state on how the lawful termination of criminal proceedings.

**Art 591** § 1<sup>(405)</sup> In the case of an offense committed on Polish territory by an alien, the Minister of Justice, the office or on the initiative of the court or prosecutor shall, if the interests of justice, to the competent authority:

- 1) the person prosecuted is a national,
- 2) in which the prosecuted person is ordinarily resident,
- 3) in which a person is prosecuted or will take place imprisonment,
- 4) which was initiated against a person prosecuted in criminal proceedings

- The proposal to take over the prosecution, or may accept such a request from the competent authority of a foreign state.

§ 2<sup>(406)</sup> If the victim is a Polish citizen, to request the prosecution can take place only with his consent, unless they obtain such consent is not possible.

§ 3<sup>(407)</sup> Prior to the request referred to in § 1, or settlement of such request from the authority of a foreign state competent authority allows a person prosecuted staying in the Polish territory to take a position orally or in writing concerning the transfer of law enforcement.

§ 4<sup>(408)</sup> In the event of a positive solution to their request for investigation on a person detained on the territory of Polish Minister of Justice calls on the competent authority to take immediate steps to issue and transfer of such person of a foreign state authorities. With the person who transmitted the file, unless they have already been transferred together with the application.

§ 5 The Minister of Justice calls on the competent authority of a foreign state for information on how the final completion of the criminal proceedings.

§ 6 Transmission prosecution shall be deemed discontinuance of criminal proceedings under Polish law, it does not prevent recurrence of criminal proceedings in the event of unjustified failure to prosecute abroad.

**Art 592** <sup>(409)</sup> § 1 If at the same acts by the same person is prosecuted in the Polish Republic and a foreign country, the Minister of Justice shall consult with the competent authority of a foreign country and - if the interests of justice - a request for acquisition or transfer of criminal prosecution. The provisions of Article. 590 § 2-5, and Article. 591 § 2-6 shall apply accordingly.

§ 2 If, on the basis of international agreements which the Republic of Poland is a party in the Polish Republic instituted criminal proceedings for offenses committed abroad, the Minister of Justice may apply to the competent authority of a foreign state to take over law enforcement by the authorities of that country, irrespective of whether the country foreign prosecution was initiated at the same deed. The provisions of Article. 591 § 2, 5 and 6 shall apply mutatis mutandis.

§ 3 In the case of a crime committed abroad by a Polish citizen residing abroad, in the interest of justice, the Minister of Justice may apply to the competent authority of a foreign state to take over law enforcement by the authorities of that country. The provisions of Article. 591 § 2, 5 and 6 shall apply mutatis mutandis.

## **Chapter 64**

### **Occurrence of the issue or the carriage of persons prosecuted or convicted abroad and for an item**

**Art 593**Courts and prosecutors report through the Minister of Justice of the applications submitted by a foreign person against whom criminal charges are filed, for a person to carry out judicial proceedings or the execution of sentences of imprisonment, the carriage prosecuted or convicted persons through the territory of a foreign country and to give from the territory of a foreign country, or items of evidence obtained by the offender as a result of the offense.

**Art 594**§ 1 The application shall be accompanied by a copy of the order of temporary detention, together with the reasons explaining the factual and legal basis for prosecution.

§ 2 In the case of a final conviction to imprisonment shall be accompanied by provisions of the said place in § 1, a copy of the appeal.

§ 3 The provision of Art. 280 § 1 point 2 shall apply accordingly.

**Art 595**In cases of urgency, the court or the prosecutor may apply directly to the competent authority of a foreign state for provisional arrest or detention of persons for which is to be submitted for a preliminary ruling, and shall submit an application in accordance with Article. 593 and 594

**Art 596** <sup>(410)</sup> A person can not be released without the consent of the issuing prosecuted, sentenced or detained in custody in order to comply with penalties for other offenses committed before the date of issue than that, in connection with the delivery took place.

**Art 597** <sup>(411)</sup> In case of reservations on the issue that, in relation to the person issued the penalty has already held will be executed only for those offenses, which has been ruling the court, which finally ruled in the case, it seems, if necessary, at a meeting a decision amending the sentence in such a way that penalties were performed only for those offenses for which the issue was the perpetrator. The Prosecutor and the person extradited shall have the right to participate in the meeting. Provision of Art. 451 shall apply mutatis mutandis.

**Art 598**§ 1 The time limits provided for in Article. 263 run against the person extradited from the date of the transfer of that person by the competent authorities on Polish territory.

§ The provision of Article 2. 265 shall apply also when the arrest took place abroad.

**Art 599** <sup>(412)</sup> If a person issued by a foreign state is not without just cause to leave Polish territory within 45 days from the date of final completion of the procedure in the event of conviction - the date or complete remission of sentence, or if after leaving Polish territory returns to it, the limits of Article . 596 and 597 do not apply.

**Art 600** Once a final decision in a case against the person issued by a foreign court shall send a copy of the judgment Minister of Justice, which transmit a copy of the competent authority of a foreign country. Provision of Art. 157 § 2 shall apply accordingly.

**Art 601** Provided by the state foreign objects resulting from the offense shall be refunded if the return on their issue is claimed, the same rationale applies to the factual evidence.

## Chapter 65

### **Edition, and the carriage of persons prosecuted or convicted or release items on the request of foreign states**<sup>(413)</sup>

**Art 602**<sup>(414)</sup> § 1<sup>(415)</sup> (repealed).

§ 2 In the case of submission by the authority of a foreign country an application for a person sought for the purpose of criminal proceedings against him or imposed on the implementation of the sentence or detention order, the prosecutor interviews a person and, where necessary, secure evidence in the country, and seeks the matter to the competent local district court.

**Art 603** § 1<sup>(416)</sup> The District Court issued the order at the meeting on the application of a foreign state. Before issuing the order must give the person sought to be heard orally or in writing, and if an application for the purpose of prosecution should be at the reasoned request of the person who carried out the evidence in the country.

§ 2 The meeting is entitled to participate defender.

§ 3 If the court issued a decision on admissibility issue, the issue may not occur.

§ 4 The court's decision on the issue may be appealed.

§ 5 The court shall forward a final order, together with the acts of the case to the Minister of Justice who, after the allotment application shall notify the competent authority of a foreign state.

**Rule 603a.**<sup>(417)</sup> § 1 If an international agreement to which the Republic of Poland is a party so provides, the application of a foreign state to use the temporary arrest of the person sought a request for the extradition.

§ 2 In the case referred to in § 1, the prosecutor at the hearing shall inform the person pursued the possibility of expressing its consent to issue or agree to issue combined with a renunciation of the use of the restrictions set out in Article. 596 and 597 Prosecuted if the person expresses a willingness to make such a statement, the prosecutor refer the case to the district court in whose jurisdiction leads the proceedings.

§ 3 The Court shall decide at a meeting of the provisional arrest of the person sought, receives a statement of consent to issue or agree to issue combined with a renunciation of the use of the restrictions set out in Article. 596 and 597, and issues a decision on the admissibility issue.

§ 4 The consent of the person sought and the renunciation referred to in § 2, can not be undone, which teaches the person pursued.

§ 5 The court shall immediately transmit a final order, together with the acts of the case to the Minister of Justice, which resolves the issue of a person.

§ 6<sup>(418)</sup> If the statement referred to in § 3, has not been filed or the court found that there is a circumstance referred to in Article. 604 § 1, or if the meeting was postponed for a period exceeding 7 days, the provisions of Article. 602 § 2, Art. 603 and 605

**Art 604**§ 1 The issue is inadmissible if:

- 1) the person to whom the request relates is a Polish citizen or in the Polish Republic enjoys the right of asylum,
- 2) the act does not contain any signs of criminal offenses or where the law recognizes that the act does not constitute a crime or that the offender does not commit a crime or is not punishable,
- 3) has been barred,
- 4) criminal proceedings in respect of the same act the same person has been validly terminated,
- 5) it would be contrary to the Polish law,
- 6)<sup>(419)</sup> there is a justified fear that the country requesting release to the person extradited may be imposed or carried out the death penalty,
- 7)<sup>(420)</sup> there is a justified fear that the country requesting issue may be an infringement of rights and freedoms of the person extradited,
- 8)<sup>(421)</sup> concerns a person prosecuted for committing non-violent crime for political reasons.

§ 2 editions, in particular, may be refused if:

- 1) the person to whom the request relates in the Polish Republic has a permanent place of residence,
- 2) the offense was committed on Polish territory, or on the Polish vessel or aircraft,
- 3) that the same act the same person or criminal proceedings,
- 4) an offense subject to prosecution to the private prosecution,
- 5) according to the law of the State, which filed for a preliminary ruling, the offense is punishable by imprisonment of up to a year or a lighter punishment, or held such a punishment,
- 6)<sup>(422)</sup> offense in connection with seeking an adoption, is a crime of a military or fiscal or political nature other than those referred to in § 1 point 8,
- 7) State which has made a preliminary ruling does not provide reciprocity.

§ 3 In the cases mentioned in § 1, paragraph 4 and § 2 point 3 of the application for recognition may be deferred until completion of the Polish Republic of the criminal proceedings against the same person or complete her sentences or her reprieve.

**Art 605**§ 1<sup>(423)</sup> If the request for extradition includes the offenses of which the perpetrator is subject to the release, the district court of its own motion or on application by the prosecutor may decide to pre-trial detention of the person sought, the provision of Article. 263 shall apply *mutatis mutandis*.

§ 2<sup>(424)</sup> Before submitting an application for a court may issue a temporary detention order for prosecution for not more than 40 days, if the authority of a foreign state so requests, ensuring that that person fell in the final state conviction or decision has been issued for the provisional arrest.

§ 3 The court's decision on the provisional arrest may be appealed.

§ 4 The date of the provisional arrest shall be immediately reported to the Minister of Justice of the Republic and the Polish diplomatic mission or consular office or authority pursuing a foreign state.

§ 5 If the data contained in the application are insufficient for a court or prosecutor and demanded their complete, and delivers no foreign country within one month from the date of

service requests completed application for authority which they reported, relevant documents or information, the provision of temporary arrest is repealed.

§ 6 In the event of refusal, withdrawal of foreign state or an application for provisional arrest, or in cases where the authority of a foreign state notified of the time and place of issue of a wanted person does not take it within 7 days from the agreed date of issue, managed to temporarily release the arrested if it is deprived of his liberty in another case.

**Art 606**§ 1 permits the carriage of the person sought by the Polish territory gives the Minister of Justice. The provisions of Article. 594, 604 and 605 shall apply mutatis mutandis.

§ 2 If the journey is by air and is not expected landing, simply notify the Minister of Justice for the transportation of the person sought on Polish territory.

**Art 607**§ 1 The resolution requests a foreign country, the issue of subject matter or material evidence obtained by crime is a competent prosecutor or court, depending on the Regulation on whose items have been deposited. Provision of Art. 588 § 2 and 4 shall apply accordingly.

§ 2 An order issued items should mention things that are issued to foreign country, and show things to be repaid after the completion of criminal proceedings conducted by the foreign state.

## **Chapter 65a** <sup>(425)</sup>

Presentation by the European Union member state to provide a person prosecuted under a European arrest warrant

**Rule 607a.**If you suspect that a person prosecuted for a crime committed on Polish territory is in the territory of a Member State of the European Union, jurisdiction lies with the district court, at the request of the Prosecutor, issue a European arrest warrant referred to in this section "order".

**Rule 607B.**Injunction is unacceptable:

- 1) in connection with legal proceedings against a person prosecuted for a criminal offense punishable by imprisonment,
- 2) to implement the sentence of imprisonment imposed for up to 4 months, or any other measure involving deprivation of liberty for a period not exceeding 4 months.

**Article 607c.**§ 1 The order should include:

- 1) the court occurs, indicating its address, telephone number, fax number and e-mail address
- 2) the date and place of issue order,
- 3) the particulars of the identity and nationality of the person sought,
- 4) the signature, type and content of the final or enforceable court in connection with which the order was issued,
- 5) quoting the description and the legal action,
- 6) the upper limit of the statutory risk imprisonment offense that is pending, or the amount of the prison sentence or other measure involving deprivation of liberty,
- 7) a brief description of the facts,
- 8) an indication of the consequences of action not covered by the statutory signs of a crime.

§ 2 An order must be translated into the official state execution.

§ 3 The Minister of Justice shall determine, by regulation, the model order, whereas the provision of EU Member State, to whom it is addressed, the data necessary to take a proper decision on the transfer of the person sought.

**Rule 607d.** § 1 If the whereabouts of the person sought is known, the district court which issued the warrant, forward it directly to the competent authority of the State of execution, a copy of the order shall be forwarded to the Minister of Justice.

§ 2 The provision of § 1 shall apply mutatis mutandis in cases where the state execution requested to submit additional information or documents.

**Rule 607e.** § 1 Persons transferred as a result of execution can not be prosecuted for crimes other than those which formed the basis for the transfer, nor do passed against him for these crimes custodial penalties or other measures involving deprivation of liberty.

§ 2 The court, which finally ruled in the case, may prescribe a penalty only for those offenses which formed the basis for the transfer of the person sought. The meeting of the court are entitled to attend the prosecutor and the person prosecuted. Provision of Art. 451 shall apply mutatis mutandis.

3 § 1 provision does not apply if:

1) State execution made a statement on the admissibility of the prosecution or punishment of imprisonment or other measures involving deprivation of liberty for all acts committed prior to the transfer, unless the judicial authority of that State in the decision to delegate has decided otherwise,

2) a person surrendered, despite this, has not left the Polish territory within 45 days from the date of final completion of the proceedings, or after leaving Polish territory on no return,

3) was not custodial sentence, or any other measure involving deprivation of liberty,

4) criminal proceedings are not associated with the person sought to measure involving deprivation of liberty,

5) the act of the person sought is punishable niepolegajęcymi or a deprivation of liberty

6) a person prosecuted consented to be surrendered and renounced the use of right referred to in § 1,

7) the person prosecuted, after the transfer, made before the appropriate court to hear the case a disclaimer to exercise the right referred to in § 1 in respect of acts committed prior to the transfer,

8) The judicial authority in the execution, which surrendered the person pursued, at the request of the court seized of the matter, consented to the prosecution or the execution of sentences of imprisonment or other measures involving deprivation of liberty for a crime referred to in paragraph 1

§ 4 The proposal referred to in § 3, paragraph 8, should contain the information specified in Articles. 607c § 1 Provision of Art. 607c § 2 shall apply accordingly.

**Rule 607f.** Against the penalty imposed or carried imprisonment include the actual period of imprisonment in the State of enforcement in connection with the transfer.

**Article 607g.** After the final completion of the criminal proceedings against the person sought or enforced against her sentence of imprisonment or other measure involving deprivation of liberty

the court having jurisdiction shall send a copy of the decision or notice of execution of sentence or some other measure of justice to the authority of state execution.

**Article 607h.** § 1 The court or the prosecutor may ask the state judicial enforcement of the order of seizure and transfer of items directly derived from the crime and the items which served or were intended to commit a crime, even if the execution order is not possible due to death or escape of the person sought.

§ 2 Communicated items referred to in § 1, returns to the state execution, if the refund is claimed has been transmitted or where they are recovered the victim or another qualified entity, residing on the territory of the execution.

**Article 607i.** § 1 A person prosecuted, which was the result of the transfer of Polish territory, subject to further communication without the consent of the state enforcement in connection with crimes committed prior to the transfer only if:

- 1) although this possibility has not left the Polish territory within 45 days from the date of final completion of the proceedings, or after leaving Polish territory on no return,
- 2) agreed to transfer to a State other than the execution,
- 3) apply to the provision of Article. 607e § 3 paragraph 2, 6, 7 or 8

§ 2 The further transfer of the person sought, which was the result of the transfer of Polish territory, requires the consent of the competent judicial authority of state execution, which transferred the person. Request of the competent district court for permission to continue the transfer must include the information listed in Article. 607c § 1 Provision of Art. 607c § 2 shall apply accordingly.

§ 3 edition of the person sought, which was the result of the transfer of Polish territory, requires the consent of the competent authority of the execution, which transferred the person.

**Article 607j.** § 1 If the enforcement of the order forwarded to the State pursued a person, provided that the penalty of imprisonment or other measure involving deprivation of liberty will be in the country, enforcement proceedings are not initiated.

§ 2 In the case referred to in § 1, the court has jurisdiction to hear the case, immediately after the decision becomes final, shall issue an order to transfer the convicted person to the relevant European Union member state for enforcement of the penalty or other measure involving deprivation of liberty. Copy of the order together with a copy of an enforceable decision shall be communicated to the competent authority of the State of execution.

## **Chapter 65b** <sup>(426)</sup>

Presentation by European Union member state to provide a person prosecuted under a European arrest warrant

**Rule 607k.** § 1 Transmission from Polish territory the person sought European arrest warrant in this chapter called "writ of Europe", followed in order to carry out against it, the territory of another EU Member State, prosecution or execution of sentences of imprisonment or other measure involving deprivation of liberty.

§ 2 If receipt of an European public prosecutor interrogates the person to whom the order relates, informing it about the content of the European order and the possibility of consent to the transfer

or consent to the non-provision of Art. 607e § 1, and then bring the matter to the competent local district court.

§ 3 The European arrest warrant may be connected to an application for a provisional arrest warrant or other remedy.

§ 4 If the separate provisions of Polish law provides that prosecution of the person against whom has been issued European arrest warrant is subject to authorization by the competent authority, prior to referral to the court shall apply the provision of Article. 13.

§ 5 If the order is issued concurrently with a European Member States of the European Union has asked for a hearing the person sought, a person must be heard before the diagnosis of the order. The hearing takes place in the presence of the person named in the order in Europe. Provision of Art. 588 § 4 shall apply accordingly.

**Article 607l.** § 1 The transfer and temporary detention the court decides at a meeting in which they are entitled to participate prosecutor and defender.

§ 2 If a person expresses a willingness prosecuted, the court accepts the minutes from the statement of consent to transfer or consent to the non-provision of Art. 607e § 1 Statement can not be undone, what should instruct the person pursued.

§ 3 The court's decision concerning the transfer may be appealed. In the case referred to in § 2, the complaint must be filed within 3 days from the date of the notice provision. The provisions of Article. 252 shall apply mutatis mutandis.

**Art 607m.** § 1 The provision on the transfer of the court shall issue within 60 days of detention of the person sought. If a person prosecuted by the statement referred to in Article. 607l § 2, this deadline is 10 days and run from the date of the declaration.

§ 2 In particularly justified cases, when the periods specified in § 1 can not be complied with, the provision concerning the transfer may be issued within a further 30 days from the date of expiry of the deadlines. The delay must notify the judicial authority which issued a European arrest warrant, stating the reason for the delay.

§ 3 In the case referred to in Article. 607k § 4, the dates referred to in § 1 and 2 run from the authorization of the prosecution. If these time limits have already begun, it is suspended until the permit.

**Article 607n.** § 1 person pursued, which had fallen to a final decision on the transfer, shall be forwarded to the competent judicial authority issuing an order of European countries no later than 10 days from the date the order becomes final.

§ 2 If the surrender of a person prosecuted by the date specified in § 1 is not possible due to force majeure or danger to life or health of that person, the person pursued, as referred to in § 1 shall be transmitted to the competent judicial authority of the issuing State within the European Arrest 10 days from the date of expiry of the newly established transfer date.

§ 3 If a State does not issue a European arrest people assume to be transferred within the time limits referred to in § 1 and 2, administered in the immediate dismissal of that person, if it is not in custody in another case.

**Article 607o.** If against a person prosecuted in the country is carried out by criminal proceedings other than those specified in the act of a European arrest or the person is held in the country for such an act imprisonment, the court issued its order to transfer, postpone its implementation until

the end of the country or criminal proceedings pending implementation of the country's imprisonment.

**Art 607p.** <sup>(427)</sup> § 1 refused to comply with a European arrest if:

- 1) The offense to which the European arrest warrant in the case of criminal jurisdiction of Polish courts, subject to remission under the amnesty,
- 2) in relation to the prosecuted person collapsed in the final decision of another country at the same acts, and, in the event of a conviction for the same acts, the person is prosecuted or have had a penalty or punishment can not be enforced under the laws of the State, which fell conviction ,
- 3) in relation to the person sought had fallen a final decision to transfer to another EU Member State,
- 4) the subject of the European arrest warrant, because of their age can not be held according to Polish law, criminal liability for acts forming the basis for issuing an order of European
- 5) infringe the rights and freedoms of man and citizen,
- 6) the order was issued in connection with the offense committed without the use of violence for political reasons.

§ 2 If the European arrest warrant was issued against the person sought, which is a Polish citizen, execution of the arrest may take place provided that the act, the European arrest warrant relates is not committed on Polish territory, nor in the Polish vessel or aircraft, and constituted an offense according to Polish law of the Republic, or constitute a crime under the laws of the Republic of Polish if committed on Polish territory, both at the time of its commission, as well as receipt of a European arrest.

**Article 607r.** § 1 may refuse to execute a European arrest if:

- 1) offense on which the issue of European arrest, other than those listed in Articles. 607w does not constitute a crime under Polish law,
- 2) against a person prosecuted for which the European arrest warrant, pending in the Polish Republic in criminal proceedings for an offense which is the basis for a European arrest,
- 3) against the person sought in connection with the act of issuing an order which is the basis of European collapsed a final decision not to initiate proceedings to discontinue the proceedings or decision terminating the proceedings,
- 4) according to Polish law was barred prosecution or punishment of a crime involved, subject to the jurisdiction of Polish courts,
- 5) European arrest warrant applies to crimes which, according to Polish law were committed, in whole or in part, on Polish territory, as well as the Polish vessel or aircraft,
- 6) a prohibited act, which concerns the European arrest warrant, the State can issue a European arrest rule for life imprisonment or other measure involving deprivation of liberty without the possibility of applying for its shortening.

§ 2 provision § 1, point 1 shall not apply if the act does not constitute a crime in the absence of or contrary to Polish law regulating the relevant fees, taxes, customs or foreign exchange policy.

**Rule 607s.** § 1 does not enforceable European arrest warrant issued for the purpose of executing a custodial sentence or measure involving deprivation of liberty against the person sought, which is a Polish citizen or a beneficiary in the Polish Republic with the right of asylum, if it expresses its consent to the transfer.

§ 2 can also refuse to execute a European arrest if it was issued for the purposes referred to in § 1, and the person prosecuted is domiciled or habitually resident in the territory of the Polish Republic.

§ 3 In refusing the transfer, for the reasons set out in § 1 or 2, the court decides to execute the sentence or measure, the predicate for judicial authority in issuing an order in Europe.

§ 4 The decision referred to in § 3, the court determines the legal classification of an act according to Polish law. The court is bound dimension of sentences. If the order is not accompanied by a European documents or information necessary for the execution of the sentence on Polish territory, the court shall adjourn the sitting and asks the competent authority of the issuing of the order to send a European such documents or information.

§ 5 The implementation of the penalty is carried out according to Polish law.

**Art 607t.** § 1<sup>(428)</sup> If the European arrest warrant has been issued for the purpose of prosecuting a person who is a Polish citizen or in the Polish Republic enjoys the right of asylum, the transfer may take place provided that the person will be returned to Polish territory after the final conclusion of the proceedings in the issuing of European arrest.

§ 2 In the event of conviction of the person referred to in § 1, to imprisonment or a ruling against it another measure involving deprivation of liberty shall apply mutatis mutandis the provisions of Article. 607s § 3-5.

**Article 607u.** If the European arrest warrant has been issued for the enforcement of the penalty or detention in default of predicate, and the person prosecuted was not required to participate in the proceedings or otherwise notified of the date and place of the hearing or meeting, provide that a person can only take place if the authority , which issued European arrest warrant, it will provide the possibility of issuing an order in a country with a European request for its share of new legal proceedings in the same case.

**Art 607w.** <sup>(429)</sup> If the European arrest warrant applies to a non-Polish citizen, the fact that the act is not a crime under Polish law does not prevent the implementation of a European arrest, unless it relates to criminal surveillance in the country of its issue, the penalty for at least 3 years' imprisonment or an act for which can be ordered at least at the same time another measure involving deprivation of liberty, which is a crime:

- 1) participation in an organized group or with a view to committing crimes,
- 2) a terrorist,
- 3) trafficking in human beings,
- 4) against sexual freedom and decency to the detriment of the minor,
- 5) illegal production, processing and trafficking of narcotic drugs, precursors, substitutes or psychotropic substances or their marketing,
- 6) the illicit trade in arms, ammunition, explosives or radioactive materials,
- 7) graft and paid patronage,
- 8) fraud,
- 9) the marketing of financial assets originating from illegal or undisclosed sources,
- 10) counterfeiting and circulation of counterfeit money or other means of payment,
- 11) against the protection of data collected, stored, processed or transmitted in the computer system

- 12) against the environment, including the illegal trade in endangered species of animals and plants;
- 13) to provide assistance to illegal entry and stay,
- 14) murder,
- 15) causing grievous bodily harm,
- 16) Illicit Traffic in human organs and tissues,
- 17) unlawful deprivation of human liberty,
- 18) human abductions for ransom,
- 19) taking or holding hostage,
- 20), committed for reasons of national, ethnic, racial, religious, or because of bezwyznaniowość,
- 21) and robbery with the use of firearms or the threat of its use,
- 22) racketeering and extortion using a firearm or threatening to use,
- 23) illicit trade in cultural objects,
- 24) misappropriation of someone else's property,
- 25) counterfeiting and trade in counterfeit products,
- 26) counterfeiting and circulation of forged documents,
- 27) illicit hormones or similar substances,
- 28) trading in stolen vehicles,
- 29) rape,
- 30) The arson
- 31) belonging to the jurisdiction of the International Criminal Court,
- 32) the kidnapping of a vessel or aircraft,
- 33) sabotage.

**Art 607x.** § 1 If, before the first instance the provisions on the European arrest warrant will transfer for the same person, issued by a judicial authority of another EU Member State, the court recognizes two ordinances, including Europe. Ruling to refer the person sought for the country, the court takes into account the circumstances of each case, the importance of crime and place of its commission, the order of release orders to Europe and their goals.

§ 2 If another European arrest warrant for the same person received after its release in the first instance the provisions on the previous order for European courts defer recognition of the next European arrest until the order becomes final.

§ 3 In case the appeal court set aside the order referred to in § 2, arrest and transfer back to Europe in the first instance, apply mutatis mutandis the provisions of § 1

**Article 607y.** § 1 When compared to the same person sought will affect European arrest warrant and a request for a foreign country, after recognizing the order of the European court rules on the admissibility of his execution, and suspend the procedure and notify the order of the Minister of Justice.

§ 2 If the Minister of Justice decides to issue a foreign country persons of the European arrest warrant, the proceedings on the European arrest are redeemed. In the case of refusal of the court suspended the proceedings and shall issue an order on the transfer.

**Art 607z.** § 1 If the information provided by the state issuing a European arrest are not sufficient to decide on the transfer of the person sought, the court urges the judicial authority which issued a European arrest warrant, to supplement the prescribed deadline.

§ 2 In the event of failure to meet the deadline referred to in § 1, the European arrest warrant is subject to diagnosis based on the information provided earlier.

**Art 607za.**§ 1 The application of the judicial authority issuing an order of European countries for permission for the prosecution or the execution of custodial sentences or measures involving deprivation of liberty for acts committed prior to the transfer or to consent to the further transfer of the person sought shall consider the district court, which ruled the transfer. The provisions of Article. 607B, 607p, 607r, 607s § 1 and 2 and Art. 607z apply mutatis mutandis.

§ 2 The application referred to in § 1, the court will rule within 30 days of receipt of the request.

**Art 607zb.**§ 1 At the request of execution of the European Minister of Justice shall permit the carriage of a person prosecuted under a European arrest by the Polish territory.

§ 2 The application for authorization to transport referred to in § 1 must contain:

- 1) the designation of the applicant authority,
- 2) the date and place of issue of the European order,
- 3) the particulars of the identity and nationality of the person sought,
- 4) quoting the description and the legal action,
- 5) a brief description of the facts.

§ 3 If the person prosecuted is a Polish citizen or in the Polish Republic enjoys the right of asylum, the authorization referred to in § 1, may be issued provided that person is at the end of the case will be forwarded to executing a custodial sentence or measure involving deprivation of freedom in the Polish territory.

§ 4 If you use the road without a planned landing of air, you can settle for the notification of the Minister of Justice for the transportation of the person sought on Polish territory. However, if the unscheduled landing occurs, the executing State shall provide a European arrest data referred to in § 2, § 3 of the provision shall apply accordingly.

**Art 607zc.**If the court, to which the European arrest warrant has been addressed, it is not competent to give it a run, forward it to the competent judicial authority and inform the judicial authority which issued it.

## **Chapter 66**<sup>(430)</sup>

### **Acquisition and transfer decisions to implement**

**Art 608**§ 1 In case of final sentencing of a Polish citizen by a foreign court to imprisonment or execution is subject to final court against a Polish citizen measure involving deprivation of liberty, the Minister of Justice may apply to the competent authority of that State for an acquisition of the convicted person or the person against whom adjudicated a measure to implement the sentence of imprisonment or detention in the Polish Republic.

§ 2 In the event of a final conviction by a court of a foreign state of a Polish citizen, a person having his habitual residence, having the property or pursuing a professional on Polish territory, to pay a fine or if a final decision to ban the occupation specified position in a specified profession or to conduct specific business activity, driving ban, forfeiture or detention shall not involving deprivation of liberty, the Minister of Justice may request the competent authority of the requesting State to take over the decision to perform in the Polish Republic.

§ 3 Prior to the request referred to in § 1 or 2, the Minister of Justice calls on the competent court for an order on the admissibility of taking over the decision to perform in the Polish Republic.

**Art 609** § 1 In case of receiving an application for enforcement of a foreign state against a Polish citizen or a person with habitual residence in the Polish territory finally the prison sentence or measure involving deprivation of liberty, the Minister of Justice calls on the competent court for an order on the admissibility of the transfer decision to carry on Polish territory.

§ 2 If receipt of the application for enforcement of a foreign state against a Polish citizen, a person having his habitual residence, having the property or pursuing a profession in the Polish Republic finally adjudicated fine, a ban on addressing specific position in a specified profession or pursuit of certain economic activities, the prohibition of vehicles, forfeiture or detention shall not involving deprivation of liberty, the Minister of Justice calls on the competent court for an order on the admissibility of taking over the decision to perform in the Polish Republic.

§ 3 If the decision to which it relates is not valid or a person covered by the application referred to in § 1 is not a Polish citizen or is not on the Polish territory of habitual residence, the Minister of Justice calls on request.

**Art 610** § 1 In case of final sentencing of a foreigner by the Polish court to imprisonment or execution is subject to a final decision to him a measure involving deprivation of liberty, the Minister of Justice may apply to the competent authority of the person or the person on whom the sentence means, is a national requested to take him to serve the sentence or execution of the measure.

§ 2 Prior to the request referred to in § 1, the Minister of Justice calls on the competent court for an order on the admissibility of the transfer decision to perform abroad.

§ 3 In the event of receipt of the application of a foreign state to take over the alien finally sentenced by a Polish court to imprisonment or execution is subject to a final adjudicated a measure involving deprivation of liberty, the Minister of Justice calls on the competent court for an order on the admissibility of the decision to transfer performance abroad.

§ 4 The case of a final sentencing by the Polish court of a person having his habitual residence abroad, or having property or pursuing a professional activity abroad, to a fine or a final ruling against the ban occupy a particular position, in a specified profession or pursuit of certain economic activities, the prohibition on driving , forfeiture or detention shall not involving deprivation of liberty, the competent court for enforcement of the penalty or measure may occur through the Minister of Justice to the competent authority of the State in whose territory the convicted person or the person on whom the sentence means, permanently resident, possesses property or conducts business, request for enforcement.

§ 5 In the event of receipt of the application of a foreign state to take over the execution of a final sentencing by the Polish court of a person having his habitual residence in that country, or having property or pursuing a profession in this country to pay a fine or a final ruling against the ban occupy a particular position, ban specific profession or conducting a specific business, driving disqualification, forfeiture or detention shall not involving deprivation of liberty, the Minister of Justice calls on the competent court for an order on the admissibility of the transfer decision to perform abroad.

**Art 611** § 1 The competent to hear matters referred to in Article. 608 § 3 in connection with § 1 and art. 609 § 1 is the district court in whose jurisdiction the sentenced last permanently reside or temporarily resided.

§ 2 The competent to hear matters referred to in Article. 608 § 3 in connection with § 2, Art. 609 § 2 and Article. 610 § 5 is the district court in whose jurisdiction the convicted person to live permanently or temporarily stayed, and if this has not been established where the property is fit for execution, or convicted by the activities covered by the prohibition.

§ 3 The competent to hear matters referred to in Article. 610 § 2 and 3 is the district court in whose jurisdiction the decision was made to which it relates.

§ 4 If you can not establish jurisdiction under the rules set out in § 1, the case recognizes the Regional Court in Warsaw.

§ 5 If you can not establish jurisdiction under the rules set out in § 2, the case considered by a court competent for the municipal district of downtown Warsaw-Center.

**Rule 611a.** § 1 <sup>(431)</sup> The court hears the case the admissibility of the transfer or transmission of a decision to carry on the meeting, which has the right to attend the prosecutor and convicted, if he stays on Polish territory, and defender of the convicted person, if the fails. If convicted, which is not present on Polish territory, it has no defenders, president of the court seized of the matter he might appoint a defender of the office.

§ 2 If the data contained in the application are insufficient, the court may order the supplement. To this end, the court may stay the proceedings.

§ 3 If the court issued a decision about the inadmissibility of the acquisition or transmission of a decision to carry, transfer or transmission may occur.

§ 4 The case referred to in Article. 610 § 4 the court shall issue an order to withdraw from the proposal to the authority of a foreign country to take over the decision to execute.

§ 5 The court's decision concerning the acquisition or transfer to comply with the decision may be appealed.

§ 6 If the investigation concerns the acquisition decision is made, the court may adjudicate a preventive measure.

**Rule 611b.** § 1 acquisition decision for the implementation of the Polish Republic is unacceptable if:

- 1) the decision is not final or not enforceable,
- 2) enforcement would violate the sovereignty, security or legal order of the Republic of Polish,
- 3) sentenced to imprisonment or a person on whom the sentence measure involving deprivation of liberty, does not consent to the acquisition;
- 4) sentenced to a fine or forfeiture to which the sentence, not resident on a permanent basis on Polish territory, has no property within its territory,
- 5) the act indicated in the proposal does not constitute an offense under Polish law,
- 6) the circumstances referred to in Article. 604 § 1 item 2, 3 and 5

§ 2 Transmission judgments for enforcement in a foreign country is unacceptable if:

- 1) the decision is not final or not enforceable,
- 2) sentenced to imprisonment or a person on whom the sentence measure involving deprivation of liberty, does not consent to the transfer,
- 3) sentenced to imprisonment or a person on whom the sentence measure involving deprivation of liberty, is the person referred to in Article. 604 § 1 item 1,

4) the circumstances referred to in Article. 604 § 1 item 3 and 5

**Article 611c.** § 1 After the takeover, the decision to comply with a court determines the legal classification of the act under Polish law and punishment, and the measure to be implemented.

§ 2 In determining the penalty or measure to be implemented, the court shall apply the rule [Articles. 114](#) § 4 of the Criminal Code.

§ 3<sup>(432)</sup> In determining the fine, the court shall convert the fine imposed or the amount the daily rate specified in foreign currency at the average exchange rate set by the Polish National Bank at a ruling in a foreign country. If imposed a fine in amount, the amount of the fine may not exceed the product of a daily rate and quantity of the daily rate.

§ 4 The court hears the matter at the meeting. The provisions of Article. 352 and 611a § 1 and 5 shall apply accordingly.

**Rule 611d.** § 1 If during the proceedings circumstances relied upon to justify a ruling on a capital security due to the threat of forfeiture of objects or property which is the economic advantage achieved with the offense, and those items or components of property located on the territory of a foreign court, and in preparatory proceedings prosecutor, may occur through the Minister of Justice to the competent authority of that State to secure the objects or property threatened with forfeiture.

§ 2 If the authority of a foreign state requests the execution of a final decision on the freezing of assets, if the property is subject to security on Polish territory, responsible for enforcement is the district court or the prosecutor in whose jurisdiction the property is located.

**Rule 611e.** If convicted or against whom the measure finally adjudicated, will leave the territory of a conviction, and went into the territory of the State of nationality, will be held before the sentence passed or made before the measure ordered against him, the provisions of this chapter shall apply accordingly. Provisions of Article. 611b § 1, point 3 and § 2, paragraph 2 shall not apply.

**Rule 611f.** The provisions of this chapter shall apply mutatis mutandis to the acquisition or transfer to comply with rulings of the penalties.

## **Chapter 66a**<sup>(433)</sup>

### **Cooperation with the International Criminal Court**

**Article 611g.** § 1 Request for cooperation of the International Criminal Court, hereinafter referred to as "the Court", depending on the stage of the procedure, performed by a competent court or the prosecutor through the Minister of Justice.

§ 2 The provision of § 1 shall apply mutatis mutandis to the application for legal aid is directed to by a court or prosecutor.

**Article 611h.** § 1<sup>(434)</sup> In the event of an application the Court to provide a person to the Court, under the provisions of the Statute, 'the proposal to provide a person, before the first hearing of a person should be advised of the proposal, with its powers defined in the Statute and the

possibility of raising the plea of a final end run against her criminal proceedings for an act to which the request for the person.

§ 2<sup>(435)</sup> In the event that the conditions justifying the allegation referred to in § 1, the court shall notify the Minister of Justice, which may postpone the execution of the request to provide person.

§ 3<sup>(436)</sup> Deciding on the admissibility of the provisions of Article delivery person. 604 does not apply.

§ 4<sup>(437)</sup> If, after the court order on the admissibility of the person providing the Minister of Justice of the Court adjourned the execution of the request to provide the people due to the ongoing in the Polish Republic of criminal proceedings or that person is serving a custodial sentence for another offense, the person whose request for the person concerned can temporarily to provide the Court determined on the basis of the Court.

§ 5 of Understanding with the Court referred to in § 4, makes the Minister of Justice.

**Article 611i.** <sup>(438)</sup> § 1 In the event of an unscheduled landing in the territory of the Republic of Polish people by air supplied to the Court Minister of Justice may ask the Court to submit an application for a permit for such transport.

§ 2 If, within 96 hours of the unscheduled landing did not affect the application referred to in § 1, the person delivered shall be released.

**Article 611j.** § 1<sup>(439)</sup> At the request of the Court for provisional arrest or for arrest and delivery of the person sought the court shall apply for his provisional arrest.

§ 2 The provisional arrest referred to in § 1 may be repealed or changed to milder preventive measure in cases specified in the Statute. Provisions of Article. 257-259 does not apply.

§ 3 In the proceedings concerning the revocation or modification of an order, the court or the prosecutor take into account the position of the Court.

**Rule 611k.** <sup>(440)</sup> Minister of Justice of the Court's examination of the application for permission for the prosecution, punishment or imprisonment provided the person for an offense committed prior to delivery, other than that, because of which there was a provision, it may ask the Court to send additional information, as well as a protocol containing a statement provided to a person the offense specified in the proposal.

**Article 611l.** <sup>(441)</sup> Minister of Justice may agree to provide the Court with the person extradited or transferred to another state.

**Art 611m.** If the mutual assistance provided for in the statutes or in the manner specified in the Court, would be contrary to the principles of the Republic of Polish law, the court or the prosecutor does not decide on the application and forward the file to the Minister of Justice in order to make arrangements with the Court.

**Article 611n.** If the Court's request for assistance to activities other than those provided for in the Statute, the execution, despite the findings of the Court, is still allowed under the law and legal aid may be granted under any circumstances, at a later date or in any other way the court or the prosecutor refuses to grant such aid.

**Article 611o.** § 1 If the request of the Court concerns the provision of documents or other evidence containing information whose disclosure could endanger the safety of Polish Republic, the court or the prosecutor does not decide on the application and forward the file to the Minister of Justice, which is in agreement with the competent authority shall make arrangements with the Court.

§ 2 If, despite the findings of the Tribunal continues to provide legal assistance could endanger the safety of Polish Republic, the court or the prosecutor refuses to provide it.

**Art 611p.** If the application concerns the issue of Court documents or other evidence made available to the authority or institution of the Republic of Polish by another State or international organization subject to maintain the confidentiality of the information contained in this document or proof, the issue may take place only with the consent of sharing a document or evidence.

**Article 611r.** § 1 In carrying out the request for cooperation, at the request of the Court, the Prosecutor of the Court and other persons authorized by the Court provides a presence in the performance of the operations concerned.

§ 2 persons referred to in § 1, may ask to ask specific questions and perpetuate the course of action for the purposes of proceedings before the Court.

§ 3 The Prosecutor of the Court to make a separate procedural actions on Polish territory on the terms and conditions set out in the Statute.

**Rule 611s.** The findings of the Court referred to in the provisions of the Statute, other than those specified in this chapter, shall the Minister of Justice.

## **Chapter 67**

### **Final Provisions**

**Art 612** § 1 The time of each case, the application of temporary detention to a citizen of a foreign state shall be notified immediately inform the competent consular post of the territorial state or - in the absence of such an office - a diplomatic mission of that country.

§ 2 If you stop a citizen of a foreign country should be arrested upon his request to allow the establishment of an accessible form of contact with the appropriate consular or diplomatic representative.

**Art 613** § 1 <sup>(442)</sup> With the exception of cases referred to in Article. Chapters 595 and 62a, 62b, 65a and 65b, with established overseas authorities and a foreign country with those mentioned in Articles. And Article 578. 579, courts and prosecutors always communicate, including the serving of the pleadings, through the Minister of Justice and that, if necessary by the minister responsible for foreign affairs.

§ 2 The consulates of foreign countries in the Republic of Polish courts and prosecutors, in cases specified by the Minister of Justice, may communicate directly.

**Art 614** Expenses incurred in connection with the transactions provided for in this chapter covers the foreign country that requested the transaction. Polish state authorities may waive the reimbursement of expenses incurred, if the foreign country provides reciprocity.

**Art 615** <sup>(443)</sup> § 1 In its relations with the international criminal tribunals and authorities working on the basis of international agreements to which the Republic of Poland is a party, or set up by international organizations constituted a contract ratified by the Polish Republic shall apply *mutatis mutandis* the provisions of this chapter.

§ 2 The provisions of this section shall not apply if the international agreement to which the Republic of Poland is a party, or the instrument governing the operation of an international criminal court provides otherwise.

§ 3 The provisions of this chapter may not apply to a foreign country with which the Republic of Poland is not in the subject contract, and the state does not provide reciprocity.

§ 4 If an international agreement or instrument governing the operation of an international criminal court so requires, the Minister of Justice shall inform the international criminal court to initiate proceedings against a person with an offense subject to prosecution by the tribunal.

§ 5 If at the same acts by the same person is prosecuted in the Polish Republic and the international criminal tribunal, the Minister of Justice shall investigate this Tribunal, if required by legislation governing the operation of the tribunal.

## **CHAPTER XIV**

### **COSTS OF**

#### **Chapter 68**

##### **General Provisions**

**Art 616** § 1 The cost of the process include:

- 1) legal costs,
- 2) reasonable expenses of the parties, including for the establishment of a defender or agent.

§ 2 Legal costs include:

- 1) fees,
- 2) the expenditure incurred by the Treasury since the initiation of proceedings.

**Art 617** Types and amount of fees and the rules and mode of administration determined a separate Act.

**Art 618** § 1 The expenditure of the Treasury shall include in particular payments made in respect of:

- 1) served subpoenas and other documents
- 2) travel to judges, prosecutors and others because of acts of conduct,
- 3) bring in and transport of the accused, witnesses and experts,
- 4) the inspection, research undertaken in the course of the proceedings and the submissions and storage of seized items, as well as their sales,
- 5) of notices in newspapers, radio and television,
- 6) enforcement, including freezing assets the threat of punishment if the penalties were ordered, excluding the cost of living in prison and living costs in the medicinal plants of psychiatric observation,

7) claims of witnesses and interpreters,  
8) the costs of mediation proceedings,  
9)<sup>(444)</sup> statutory duties or authorities designated to issue an opinion or to issue the certificate  
9a)<sup>(445)</sup> costs of psychiatric observation of the accused in the health care team, with the exception of the statutory duties of psychiatrists,  
10) the fees provided for information from criminal records,  
11) are not paid for by the legal aid granted to the office by lawyers,  
12)<sup>(446)</sup> lump sum probation for carrying out the interviewing, as referred to in Article. 214 § 1,  
13)<sup>(447)</sup> implementation of international agreements which the Republic of Poland is a party, and proceedings under Chapter XIII, as if no order has been issued, referred to in Article. 303.  
§ 2<sup>(448)</sup> If the height and the rules for determining entitlements referred to in § 1 are not governed by separate regulations, the Minister of Justice, in consultation with the minister responsible for public finance, shall determine, by regulation, the amount and manner of their calculation, whereas the actual cost of carrying out these activities.  
§ 3 In the absence of the provisions listed in § 2, the amount of expenditure determined by the amount awarded by the court, prosecutor or other body conducting the proceedings.

**Art 619**§ 1 If a statute provides otherwise, any expenditure teaches temporarily Treasury.

§ 2 The costs of mediation proceedings shall be borne by the Treasury.

§ 3<sup>(449)</sup> Treasury also bears the costs associated with participation in the proceedings interpreter to the extent necessary to ensure the accused's right to defend itself.

**Art 620**Expenditure relating to the establishment of a defender or agent taught the party which it has established.

**Art 621**§ 1 consists of a private prosecutor in the indictment with or declaration to join the proceedings and maintain the charge on which the prosecutor withdrew the proof of judicial pay to cash lump sum equivalent to the expenditure. Lump sum does not include the costs referred to in Article. 618 § 1 point 5 and 11

§ 2<sup>(450)</sup> Minister of Justice, in consultation with the minister responsible for public finance, shall determine, by regulation, the amount of lump sum equivalent to the expenditure, whereas the average costs of the proceedings and the principle of access to court.

**Art 622**In the case of private prosecution in the event of reconciliation between the parties before the commencement of the trial, conditional discontinuance of the proceedings, does not proceed because of insanity, the offender or insignificant social harmfulness of an act or the fact that the alleged deed of the constituent elements of a crime prosecuted ex officio, a change of the prosecution due to join prosecutor to the case brought by a private prosecutor and the end of the procedure under publicznoskargowym - President of the Court manages the reimbursement paid by the private prosecutor in the whole flat spending, and half - in the event of reconciliation between the parties after the start of the trial.

## **Chapter 69**

### **Exemption from court costs**

**Art 623**The court releases a person in whole or in part on the pledge of the costs to be paid when lodging the pleading, if it is demonstrated that because of her family situation, assets and income allocated to repave them would be too burdensome.

**Art 624**§ 1 The Court may exempt the accused or claiming damages in whole or in part from the payment to the Exchequer court costs, if there are grounds to believe that their pay would be too onerous for them because of the family situation, assets and income, as even when justified by the considerations of fairness.

§ 2 The provision of § 1 shall apply mutatis mutandis to the private prosecutor in the case consider the case without complying with the requirements of Article. 621 § 1

**Art 625**In the event of a conviction or conditional discontinuance of proceedings against a soldier held key military service or serving a candidate for the professional soldier, not collected from them due to legal costs to the Treasury.

## **Chapter 70**

### **Award costs of proceedings**

**Art 626**§ 1 In the decision closing the proceedings the court determines who is in what parts and bear the costs of the process.

§ 2 If a decision mentioned in § 1 does not include a decision on costs, as well as where it is necessary to further determine the amount or apportionment of costs of conduct implementing the decision on this subject seems appropriate court of first instance or appeal court.

§ 3 The order as to costs can be appealed if the appeal is not sought. In the event of an appeal and a complaint - a complaint considered by a court of appeal, including on appeal.

**Rule 626A.** <sup>(451)</sup> Complaint against the order of the prosecutor or other authority conducting an investigation as to costs is sought, respectively, to the senior prosecutor of the prosecutor who issued the order, or to the prosecutor responsible for the supervision of preparatory proceedings conducted by another body. If the prosecutor is not in favor of the complaint, it directs them to court.

**Art 627**From convicted in criminal court of the indictment is based on the legal costs and expenses of the Treasury for claiming damages.

**Art 628**From sentenced in cases of private prosecution the court award for:

- 1) The private prosecutor the costs incurred by the process,
- 2) Treasury expenditure determined in accordance with Article. 618, from which to pay the prosecutor was fired or if they hear the case without pay.

**Art 629**The provisions of Article. 627 and 628 shall apply mutatis mutandis in the case of conditional discontinuance of the proceedings, in cases of private prosecution - also in the event of discontinuance of proceedings under Articles. 17 § 1 point 3

**Art 630**In cases of indictment if the accused is not convicted for all his alleged crimes, the expenditure relating to the charge in part perhaps excuse or discharge of the proceedings shall be borne by the Treasury.

**Art 631**In cases of private prosecution in the event of withdrawal from punishment because of the reciprocal wrongs, or provocative behavior of private prosecutor, as well as taking into account the number and type of complaints, from which the accused is acquitted, the court may charge the accused to pay the costs incurred by the prosecutor, the process is only partially .

**Art 632**If the law provides otherwise, if the accused is acquitted or the discontinuance of the proceedings shall bear the costs of the process:

- 1)<sup>(452)</sup> in cases of private prosecution - private prosecutor, in the event of reconciliation of the parties - the accuser and the accused incurred by them, if the parties entered into a settlement that is not regulated differently,
- 2)<sup>(453)</sup> in matters of public prosecutions - the Treasury, with the exception of claims arising from participation of the lawyer set up a representative of the victim, a subsidiary prosecutor, civil plaintiff, or any other person, and also for defending the accused in a case where the accused turned against each other suspicion of having committed an offense.

**Rule 632a.** <sup>(454)</sup> In exceptional cases, when discontinuance of the proceedings, the court may order that the costs borne by the process, in whole or in part, the accused, in cases of private prosecution or the accused Treasury.

**Art 633**Process costs attributable to several of the accused or the prosecution of private or subsidiary, as well as defendants and prosecutors, a court order that each of them according to the principles of equity, in particular with regard to the costs associated with the case of each of them.

**Art 634**If the provisions of the Act provides otherwise, the cost of the process for appeal against decisions of closing proceedings following regulations apply to costs for proceedings before a court of first instance.

**Art 635**Regardless of who brought the appeal, if it is to change the conviction or the decision to discontinue the proceedings conditionally to the detriment of the accused, the costs of the appeal process shall be on general principles.

**Art 636**§ 1 In matters of public prosecutions, in the event of rejection appeal lodged only by the accused or claiming damages, the costs for the appeal process shall be borne by the general principles of the one who brought the appeal, and if this measure is derived solely from the public prosecutor - the cost of process for an appeal shall be borne by the Treasury.

§ 2 In the event of rejection of appeal brought by at least two authorized entities, shall apply respectively. 633.

§ 3 The provisions of § 1 and 2 shall apply mutatis mutandis in cases of private prosecution.

**Art 637**§ 1 The provisions of Article. 635 and 636 shall apply mutatis mutandis in the event of leaving without a diagnosis of appeal against the withdrawal or the reasons set out in Article. 430.

§ 2 In the case of withdrawal of the application of the prosecution, the costs may be charged to the person who withdrew the proposal.

**Art 638** <sup>(455)</sup> Expenses incurred by the court, relating to the diagnosis of appeal brought by the entities listed in Article. 521, or the resumption of the proceedings ex officio, shall be borne by the State Treasury.

**Art 639**The provisions of the relevant costs of the process used in cases of resumption of proceedings. In the event of dismissal of an application or leave it without a diagnosis, to cover the costs charged to the person making the request.

**Art 640**Provisions relating to court costs in cases of private accusation apply as appropriate in matters of public prosecutions, in which the indictment filed civil prosecutor.

**Art 641**Right to collect court costs awarded barred after a period of 3 years from the date when they should be paid.

## **Chapter 71**

### **Costs associated with the process of civil action and the award of damages to the office**

**Art 642**If the provisions of this chapter provides otherwise, in terms of process costs resulting from a civil action, the provisions applicable in civil proceedings. Plaintiff status is temporarily exempted from the obligation to pay the entry of a civil action and appeals. The accused shall pay an entry only if the appeal relates only to civil actions.

**Art 643**If upheld in whole or in part, the court shall order the defendant to the plaintiff his costs due process, and if the plaintiff was released from court costs, court rests them from the accused to the Treasury, if the plaintiff uses a representative appointed to the office, charge for that reason the court is based directly on an agent.

**Art 644**§ 1 The costs arising from a remote process, civil action and the withdrawal of the appeal shall be borne by the plaintiff status.

§ 2 In the case of suspension of proceedings or abandonment of civil actions without further examination, the process costs incurred by the civil plaintiff in the criminal proceedings include the costs of civil cases for the same claim.

**Art 645**If damages are awarded funds from the office, the court shall order the accused to the Treasury the appropriate court fees according to the laws applicable in civil proceedings in the case ordered the civil action, the provision of Article. 623 shall apply mutatis mutandis.

## **CHAPTER XV**

## CRIMINAL PROCEDURE IN MATTERS SUBJECT TO MILITARY COURTS litigants

### Chapter 72

#### General Provisions

**Art 646** <sup>(456)</sup> In cases subject to case-law of military courts do not apply to summary proceedings, prywatnoskargowym, prescriptive, and fast. Moreover, the provisions of the preceding sections, except that the provisions of this chapter provides otherwise.

**Art 647** § 1 case-law of military courts shall be the case:

1) soldiers on active military service for:

- a) the offenses specified in [Chapters XXXIX-XLIV](#) Penal Code,
  - b) the crimes committed against the authority of the military or any other soldier,
  - c) the crimes committed during or in connection with the performance of duties within the military facility or a designated place of residence, to the detriment of the army or in breach of the obligation of military service - with the exception of crimes to the detriment of a person not a soldier,
- 2) of military personnel for crimes specified in [Articles. 356-363](#) Penal Code in connection with [Articles. 317](#) § 2 of the Code,
- 3) the armed forces of foreign countries residing in the Polish territory, and their civilian staff, with crimes committed in connection with the performance of official duties, unless an international agreement to which the Republic of Poland is party provide otherwise.
- § 2 cases of criminal offenses listed in § 1 shall not cease to be the case-law of military courts despite the soldier's release from active military service or employment is terminated the employee in the army.

**Art 648** Case-law of military courts are also cases of:

- 1) <sup>(457)</sup> interaction of the offenses specified in [Chapters XXXIX-XLIV](#) Penal Code,
- 2) the offense specified in [Articles. 239, 291-293](#), And [Articles. 294](#) for [Articles. 291](#) § 1, of the Penal Code - if the act is an offense provided for in [Chapters XXXIX-XLIV](#) of the Code,
- 3) other crimes, unless specific provisions so provide.

**Art 649** § 1 If the offender subject to case-law of military courts as a crime committed under the case-law courts, and the offense with each other in such a context that interests of justice require their combined diagnosis, recognize them, including a military court.

§ 2 The provision of § 1 shall apply accordingly in the preparatory proceedings.

**Art 650** § 1 If the case against two or more accused the military court would not have jurisdiction to hear it in its entirety or to the nature of one of the acts, either because one of the accused person and the interests of justice so require, the court may recognize the military including the case or refer it to the court in the ordinary.

§ 2 In the course of trial have adequate powers the military prosecutor.

§ 3 Transmission can occur if the case concerns a crime referred to in Article. 647 § 1 point 1. a) or paragraph 2 and Article. 648 paragraph 1

§ 4 The decision on the referral in accordance with § 1 and 2 may be appealed. Complaint against the prosecutor's decision recognizes a military court has jurisdiction to hear the case.

**Art 651** § 1 In cases of crimes listed in Articles. 647 § 1 point 1 and 2 military court rules, including its characteristic military unit in which soldier served his military service or the employee was employed.

§ 2 The jurisdiction of a military court on grounds of nationality of the accused to a military unit shall be determined by the time of initiation of criminal proceedings against him.

§ 3<sup>(458)</sup> (repealed).

**Art 652** In cases subject to case-law of military courts rule according to the scope of properties:

- 1) The military garrison court,
- 2) military district court,
- 3) The Supreme Court - the Board of the Military.

**Art 653** § 1 The military garrison court adjudicates in first instance in all matters, except in cases provided by law within the jurisdiction of another court.

§ 2 In the cases mentioned in the Act garrison military court also recognizes the jurisdiction of its legal remedies against decisions and orders issued in the preparatory proceedings.

§ 3 The military garrison court is beyond the powers and responsibilities of process which, in proceedings before the courts are entitled to the District Court.

**Art 654** § 1 Military district court adjudicates in first instance in matters of crime:

- 1) committed by soldiers holding the rank of Major and above,
- 2)<sup>(459)</sup> subject to proceedings before the courts and the district court's jurisdiction as defined in [Articles. 339](#) § 3 and [Articles. 345](#) § 3 and 4 of the Penal Code,
- 3) committed by soldiers and civilian staff members referred to in Article. 647 § 1 item 3,
- 4) others on the basis of specific provisions.

§ 2 In the preparatory proceedings, concerning pre-trial detention in relation to the soldiers, referred to in § 1 point 1 and to the armed forces of foreign states and their civilian personnel referred to in § 1 paragraph 3, decides individually military district court.

§ 3 Military district court also hears appeals from decisions and orders issued in the first instance court in the military garrison and in the cases mentioned in the Act and in compliance with the limits set out in § 1 - the decisions and orders issued in the preparatory proceedings.

§ 4 The military district court also hears cases under the court of a higher order of the military garrison court and other matters referred to it by law.

§ 5<sup>(460)</sup> Military district court is beyond the powers and responsibilities of process which, in proceedings before the courts are entitled to the District Court.

**Art 655** § 1 The Supreme Court - The Board recognizes the Military:

- 1) appeal against decisions and orders issued in the first instance in the military district court,
- 2) cassation,
- 3) matters provided for in this Code to the court of a higher order of a district military court,
- 4) other cases provided by law the Supreme Court.

§ 2 The provisions of Article. 39 and. 439 § 1 paragraph 3 shall apply mutatis mutandis to the decisions of the military and the Criminal Chamber of the Supreme Court. In the case referred to

in Article. 439 § 1 item 3, the Supreme Court decision in that of the Boards, the decision of the appeal relates.

**Art 656**§ 1 In case two or more defendants, belonging to the jurisdiction of military courts in the same order, a military court rules appropriate for a person charged with an offense punishable by the most severe. If unable to establish jurisdiction in this way, the case recognizes a military court in whose area has been opened first.

§ 2 If, however, the matter falls within the jurisdiction of military courts of different order, it recognizes the superior court.

**Art 657**§ 1<sup>(461)</sup> Procedural rights of the Prosecutor General and the Prosecutor is also entitled to appeal the Supreme Military Prosecutor, unless a statute provides otherwise, a district attorney's powers have military prosecutor, District respectively.

§ 2 Where the Code speaks of a public or oskarżycielu Attorney, to be understood by the military prosecutor.

§ The provisions of Article 3. 45 § 2 shall not apply.

**Art 658**§ 1 The military prosecutor refuses to institute proceedings to prosecute a crime at the request of the commander of a military unit, if the offender already applied to the measures provided for in military disciplinary rules.

§ 2 does not apply to an accident in which the prosecution made an application for a higher commander after the repeal of a disciplinary or military prosecutor exercises the option provided for in Article. 660.

§ The provisions of Article 3. 12 § 3 does not apply to the application of a military unit commander or higher commander of the proposal.

**Art 659**In cases of crimes prosecuted at the request of the commander of the military powers of the injured individuals or institutions referred to in Article. 306, and in the case provided for in Articles. 330 § 2 - also referred to in Article. 55 § 1, entitled ago by the commander.

**Art 660**§ 1 The military prosecutor may institute criminal proceedings for criminal prosecutions at the request of the commander of a military unit, even without a request if required by the important considerations of military discipline.

§ 2 unit commanders, in the case referred to in [Articles. 347](#) § 1 of the Penal Code and the victim, the prosecutor's decision may be appealed to the court competent to hear the case.

3 § § 2 provision does not apply if only in the course of judicial proceedings, it appears that the act element of an offense prosecuted exhausted at the request of the commander of military unit.

**Art 661**§ 1 offense prosecuted by private prosecution is upon complaint by the victim of a crime prosecuted ex officio.

§ 2 The military prosecutor may also initiate proceedings ex officio for a crime prosecuted by private prosecution if the public interest so requires.

§ 3 The decision of the prosecutor's victim may be appealed to the court competent to hear the case.

§ 4 At the request of the victim made prior to final completion of proceedings initiated under § 1, the proceedings are redeemed, unless the public interest to preclude this, in the event of an

application after the start of the trial at first instance it is necessary to further the consent of the accused.

**Art 662** § 1 The accused soldier, but the data referred to in Article. 213 § 1 and 2, also collects data on the conduct of military service, awards and disciplinary sentenced.

§ 2 The powers and duties of the professional probation officer have military curator social respectively.

§ 3<sup>(462)</sup> Minister of National Defense, in consultation with the Minister of Justice shall determine, by regulation, the manner of appointment and the military guardians of society, whereas the operating conditions of the Polish Armed Forces and the requirements of military service.

## **Chapter 73**

### **Coercive measures and the preliminary inquiry**

**Art 663** In cases subject to case-law of military courts procedural rights and obligations also apply to the Police Military Police.

**Art 664** The right to arrest a person suspected to be military courts shall have jurisdiction, under the conditions laid down in Article. 244, the superior military and military authorities of the order.

**Art 665** § 1 The arrest soldier or employee must immediately notify the military commander of the military unit in which the soldier is serving as an employee is employed, including those detained have not requested.

§ 2 If the soldier's arrest under the conditions laid down in Article. 244 § 1 was due to reasonable supposition crime prosecuted at the request of the commander of a military unit, the detainee must be immediately released on the instructions of the commander authorized, unless a higher commander or the military prosecutor to oppose this.

**Art 666** § 1 Detaining a soldier accused of committing a crime as defined in [Articles. 338](#) § 1, [Articles. 339](#), [341](#) § 1, [Articles. 343](#) § 2, [Articles. 345](#), [352](#) and [358](#) § 2 of the Penal Code may be exceptionally well when there is a justified fear that the accused re-commit one of these offenses.  
§ 2 The provision of § 1 shall apply mutatis mutandis to other preventive measures.

**Art 667** An investigation is also intended to gather data, as referred to in Article. 662 § 1

**Art 668** § 1 The investigation is carried out in cases of crimes and other matters, if required by the weight or complexity of the case.

§ 2 proceeding in accordance with Article. 334 § 2, instruct the military prosecutor accused the right to submit an application referred to in Article. 669 § 2

## **Chapter 74**

### **Proceedings before the court**

**Art 669** § 1 Ławnikiem may not be a soldier with a lower rank than the accused acting as active military service. This restriction shall not apply if the assessor has the rank of Brigadier General or Rear Admiral.

§ 2<sup>(463)</sup> In the case of a crime, at the request of the accused made within 7 days of the notice served on him by the military prosecutor's indictment sent to military court with the instruction referred to in Article. 668 § 2, the president of the court if there is no case provided for in Article. 28 § 3, to appoint magistrates of the bench instead of soldiers - the magistrates court.

§ 3<sup>(464)</sup> Minister of Justice, in consultation with the Minister of National Defense shall determine, by regulation, the way to handle matters related to the participation of magistrates courts in adjudicating warehouses of military courts, referred to in § 2, bearing in mind the need to ensure proper co-operation of military courts and the governors of the universal determining the jurors to the bench.

**Art 670** In the hearing or meeting before a military garrison court may, under the authority of the military prosecutor to participate assessor military prosecutor.

**Art 671** § 1 Participation in the trial counsel against odbywającemu soldier in military service or military service which acts as a candidate for the professional soldier is mandatory before any military courts.

§ 2 The share of defenders in the trial against the accused other than those mentioned in § 1 is mandatory before a military court of the District, where there is a case provided for in Article. 654 § 1 item 2

§ 3 Except in the cases referred to in Article. 79 § 1, the share of defense counsel in the hearing before the military appellate court district is mandatory if the president of the court or the court deems it necessary.

§ 4 The cases referred to in § 1-3 shall apply respectively. 81.

**Rule 671a.** <sup>(465)</sup> (repealed).

**Art 672** <sup>(466)</sup> Military court of first instance shall explanation of the verdict of the office and does not apply to the judgment taking into account the request referred to in Article. 335 or 387

**Rule 672a.** <sup>(467)</sup> Appeal referred to in Article. 521, the Military Board of the Supreme Court may also Chief Military Prosecutor.

**Art 673** <sup>(468)</sup> On the resumption of proceedings rule of three judges in the military district court, in cases of completed or a court ruling that the Supreme Court - the Board of the Military Supreme Court.

**Chapter 75**<sup>(469)</sup> (Deleted).

**Art 674**(Deleted).

**Art 675**(Deleted).

**Art 676**(Deleted).

**Art 677**(Deleted).

**Art 678**(Deleted).

**Art 679**(Deleted).

**Art 680**(Deleted).

**Art 681**(Deleted).

**Art 682**(Deleted).

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<sup>1)</sup>Art 5 § 1 as amended by Art. 1, point 1 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>2)</sup>Art 11 § 3, inserted by Article. 1 point 2 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>3)</sup>Art 15 § 1 as amended by Art. 1 point 3 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>4)</sup>Art 15 § 2 as amended by Art. 1 point 1 point. a) the Act of 9 May 2007 (Dz.U.07.99.664) nin. amending Act on 20 June 2007

<sup>5)</sup>Art 15 § 3, inserted by Article. 1 point 1 point. b) Act of 9 May 2007 (Dz.U.07.99.664) nin. amending Act on 20 June 2007

<sup>6)</sup>Art 18 § 1 as amended by Art. 5 § 7 paragraph 1 of the Act of 24 August 2001 - Regulations introducing the code of conduct in cases of misconduct (Dz.U.01.106.1149) on 17 October 2001

<sup>7)</sup>Art 19 § 3:

- As amended by Art. 1 point 4 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

- As amended by Art. 1 point 2 of the Act of 9 May 2007 (Dz.U.07.99.664) nin. amending Act on 20 June 2007

<sup>8)</sup>Art 19 § 4 as amended by Art. 1 point 2 of the Act of 9 May 2007 (Dz.U.07.99.664) nin. amending Act on 20 June 2007

<sup>9)</sup>Art 20 § 1 as amended by Art. 1 point 3. a) the Act of 9 May 2007 (Dz.U.07.99.664) nin. amending the Law on 20 June 2007

<sup>10)</sup>Art 20 § 1a added by Article. 1 point 3. b) Act of 9 May 2007 (Dz.U.07.99.664) nin. amending Act on 20 June 2007

<sup>11)</sup>Art 20 § 1b added by Article. 1 point 3. b) Act of 9 May 2007 (Dz.U.07.99.664) nin. amending Act on 20 June 2007

<sup>12)</sup>Art 20 § 2:

- As amended by Art. 1, paragraph 5 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

- As amended by Art. 1 point 3. c) the Act of 9 May 2007 (Dz.U.07.99.664) nin. amending Act on 20 June 2007

<sup>13)</sup>Art 20 § 2, inserted by Article. 1 point 3. d) Act of 9 May 2007 (Dz.U.07.99.664) nin. amending Act on 20 June 2007

- <sup>14)</sup> Art Added by Article 23a. 1 point 6 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>15)</sup> Art 25 amended by Art. 1, point 7 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>16)</sup> Art 25 § 1 point 2 as amended by Art. 2, paragraph 1 of the Act of 29 March 2007 (Dz.U.07.64.432) nin. amending Act on 12 July 2007
- <sup>17)</sup> Art 26 amended by Art. 1 point 8 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>18)</sup> Art 28 amended by Art. 8 point 1 of the Act of 15 March 2007 (Dz.U.07.112.766) nin. amending Act on 28 July 2007
- <sup>19)</sup> Art 29 § 2 as amended by Art. 1 point 10 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>20)</sup> Art 30 § 1:
- As amended by Art. 1 point 11 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
  - As amended by Art. 8, point 2 of the Act of 15 March 2007 (Dz.U.07.112.766) nin. amending Act on 28 July 2007
- <sup>21)</sup> Art 32 § 3 as amended by Art. 1, point 12 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>22)</sup> Art 40 § 1 point 6 as amended by Art. 1, point 13 point. a) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>23)</sup> Art 40 § 1 point 7 as amended by Art. 1, point 13 point. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>24)</sup> Art 40 § 1 repealed by paragraph 8 of Article. 1, point 13 point. c) the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>25)</sup> Art 40 § 1 point added by Article 10. 1, point 13 point. d) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>26)</sup> Art 45 § 1a added by Article. 2, paragraph 2 of the Act of 29 March 2007 (Dz.U.07.64.432) nin. amending Act on 12 July 2007
- <sup>27)</sup> Art 45 § 1b added by Article. 2, paragraph 2 of the Act of 29 March 2007 (Dz.U.07.64.432) nin. amending Act on 12 July 2007
- <sup>28)</sup> Art 45 § 1c added by Article. 2, paragraph 2 of the Act of 29 March 2007 (Dz.U.07.64.432) nin. amending Act on 12 July 2007
- <sup>29)</sup> Art 47 amended by Art. 1, point 14 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>30)</sup> Art 49 § 3, inserted by Article. 99 of the Law of 13 April 2007, the National Labor Inspectorate (Dz.U.07.89.589) with effect from 1 July 2007
- <sup>31)</sup> Art Added by Article 49a. 1 point 15 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>32)</sup> Art 51 § 3, inserted by Article. 1 point 16 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>33)</sup> Art 52 amended by Art. 1, paragraph 17 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>34)</sup> Art 56 § 4, inserted by Article. 1 point 18 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>35)</sup> Art 65 § 1 point added by Article 6. 1 point 19 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>36)</sup> Art 72 amended by Art. 1 point 20 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>37)</sup> Art 74 § 2:

- As amended by Art. 1 point 21 point. a) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

- As amended by Art. 2, paragraph 1 of the Act of 17 December 2004 (Dz.U.05.10.70) nin. amending Act on 1 February 2005

<sup>38)</sup> Art 74 § 3:

- As amended by Art. 1 point 21 point. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

- As amended by Art. 2, paragraph 1 of the Act of 17 December 2004 (Dz.U.05.10.70) nin. amending Act on 1 February 2005

<sup>39)</sup> Art 74 § 4:

- As amended by Art. 1 point 21 point. c) the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

- As amended by Art. 2, paragraph 1 of the Act of 17 December 2004 (Dz.U.05.10.70) nin. amending Act on 1 February 2005

<sup>40)</sup> Art 75 § 2 as amended by Art. 1, point 22 point. a) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>41)</sup> Art 75 § 3, inserted by Article. 1, point 22 point. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>42)</sup> Art 78 § 2 as amended by Art. 1 point 23 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>43)</sup> Art 79 § 1 point 4 repealed by the Articles. 1, point 24, point. a) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>44)</sup> Art 79 § 4 as amended by Art. 1, point 24, point. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>45)</sup> Art 80 amended by Art. 1 point 25 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>46)</sup> Art 81 amended by Art. 1 point 26 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>47)</sup> Art 84 § 2:

- As amended by Art. 1, point 27, point. a) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

- As amended by Art. 1, point 1 of the Act of 12 January 2007 (Dz.U.07.20.116) nin. amending Act on 16 February 2007

<sup>48)</sup> Art 84 § 3:

- As amended by Art. 1, point 1 of the Act of 20 July 2000 (Dz.U.00.62.717) nin. amending Act on 1 September 2000

- As amended by Art. 1, point 27, point. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>49)</sup> Art 85 § 3, inserted by Article. 1, paragraph 28 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

- <sup>50)</sup> Art 88 § 2 as amended by Art. 1, point 29 point. a) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>51)</sup> Art 88 § 3 as amended by Art. 1, point 29 point. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>52)</sup> Art 93 § 3 as amended by Art. 1 point 30 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>53)</sup> Art 96 amended by Art. 1 point 31 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>54)</sup> Art 100 § 6 as amended by Art. 1 point 32 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>55)</sup> Art Repealed by Article 101. 1 paragraph 33 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>56)</sup> Art Repealed by Article 102. 1 paragraph 33 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>57)</sup> Art Repealed by Article 103. 1 paragraph 33 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>58)</sup> Art Repealed by Article 104. 1 paragraph 33 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>59)</sup> Art 107 § 2 as amended by Art. 1 paragraph 34 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>60)</sup> Art 115 § 2 as amended by Art. 1 point 35 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>61)</sup> Art § 117 added by Article 2. 1 point 36 point. a) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>62)</sup> Art 117 § 4 as amended by Art. 1 point 36 point. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>63)</sup> Art Added by Article 117a. 1 point 4 of the Act of 9 May 2007 (Dz.U.07.99.664) nin. amending Act on 20 June 2007
- <sup>64)</sup> Art 124 as amended by Art. 80 paragraph 1 of the Act of 12 June 2003 - Postal Law (Dz.U.03.130.1188) on 24 August 2003
- <sup>65)</sup> Art 125 as amended by Art. 1 point 37 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>66)</sup> Art 131 § 1 as amended by Art. 1 point 38 point. a) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>67)</sup> Art § 131 added by Article 3. 1 point 38 point. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>68)</sup> Art 132 § 3, inserted by Article. 1 point 39 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>69)</sup> Art 133 § 1 as amended by Art. 80 paragraph 2 of the Act of 12 June 2003 - Postal Law (Dz.U.03.130.1188) on 24 August 2003
- <sup>70)</sup> Art 133 § 2 as amended by Art. 1 point 40 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>71)</sup> Art 134 § 1:  
- As amended by Art. 186 paragraph 1 of the Act of 24 May 2002, the Internal Security Agency and Intelligence Agency (Dz.U.02.74.676) on 29 June 2002

- As amended by Art. 170 paragraph 1 of the Act of 9 June 2006, the Central Anticorruption Bureau (Dz.U.06.104.708) on 24 July 2006
- As amended by Art. 28 paragraph 1 of the Act of 9 June 2006 - Regulations implementing the Law on Military Counter-Intelligence Service and Military Intelligence Service and a law on service of officers of the Military Counter-Intelligence Service and Military Intelligence Service (Dz.U.06.104.711) with effect from 1 October 2006 .
- <sup>72)</sup>Art 138 as amended by Art. 1 paragraph 41 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>73)</sup>Art 139 § 2 repealed by Article. 1 point point 42. a) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>74)</sup>Art 139 § 3 as amended by Art. 1 point point 42. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>75)</sup>Art 141 as amended by Art. 1 point 43 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>76)</sup>Art 143 § 1 as amended by Art. 2, paragraph 1 of the Act of 18 March 2004 (Dz.U.04.69.626) nin. amending Act on 1 May 2004
- <sup>77)</sup>Art 145 § 1 as amended by Art. 1 paragraph 45 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>78)</sup>Art 147 § 2 as amended by Art. 1, point 1 of the Act of 3 June 2005 (Dz.U.05.141.1181) nin. amending Act on 29 August 2005
- <sup>79)</sup>Art 147 § 3 as amended by Art. 1 point 46. a) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>80)</sup>Art 147 § 5 as amended by Art. 1 point 46. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>81)</sup>Art 148 § 2 as amended by Art. 1 paragraph 47 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>82)</sup>Art 151 as amended by Art. 1 point 48 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>83)</sup>Art 156 § 1 as amended by Art. 1 point 49 point. a) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>84)</sup>Art 156 § 2 as amended by Art. 1 point 49 point. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>85)</sup>Art 156 § 3 as amended by Art. 1 point 49 point. c) the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>86)</sup>Art 156 § 5 as amended by Art. 1 point 49 point. d) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>87)</sup>Art 156 § 6, inserted by Article. 1 point 49 point. e) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>88)</sup>Art 159 as amended by Art. 2, paragraph 3 of the Act of 29 March 2007 (Dz.U.07.64.432) nin. amending Act on 12 July 2007
- <sup>89)</sup>Art 164 as amended by Art. 1 point 50 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>90)</sup>Art 167 as amended by Art. 1 paragraph 51 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>91)</sup>Art 170 § 1 point 5, inserted by Article. 1 paragraph 52 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

- <sup>92)</sup> Art 171 as amended by Art. 1 point 53 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>93)</sup> Art 173 § 4 as amended by Art. 1 paragraph 54 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>94)</sup> Art 176 § 3 repealed by Article. 1 point 55 point. a) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>95)</sup> Art 176 § 4 as amended by Art. 1 point 55 point. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>96)</sup> Art § 177 added by Article 1a. 1 point 56 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>97)</sup> Art 178 paragraph 1 as amended by Art. 1 point 57 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>98)</sup> Art 180 § 2:
- As amended by Art. 1, paragraph 5 of the Law of 20 July 2000 (Dz.U.00.62.717) nin. amending Act on 1 September 2000
  - As amended by Art. 1 paragraph 58 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>99)</sup> Art 181 § 2 as amended by Art. 1 paragraph 59 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>100)</sup> Art 183 § 1:
- As amended by Art. 4 § 7 paragraph 1 of the Act of 10 September 1999 - Regulations introducing the Criminal Code Tax (Dz.U.99.83.931) on 17 October 1999
  - As amended by Art. 1 paragraph 60 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>101)</sup> Art 184 as amended by Art. 1 paragraph 61 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>102)</sup> Art Added by Article 185a. 1 paragraph 62 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>103)</sup> Art 185a § 1 as amended by Art. 1 point 2. a) Act of 3 June 2005 (Dz.U.05.141.1181) nin. amending Act on 29 August 2005
- <sup>104)</sup> Art § 185a as amended by Article 3. 1 point 2. b) Act of 3 June 2005 (Dz.U.05.141.1181) nin. amending the Law on 29 August 2005
- <sup>105)</sup> Art Added by Article 185b. 1 point 3 of the Act of 3 June 2005 (Dz.U.05.141.1181) nin. amending Act on 29 August 2005
- <sup>106)</sup> Art 186 § 1 as amended by Art. 1 paragraph 63 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>107)</sup> Art Added by Article 192a. 1 point 64 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>108)</sup> Art 192a § 1 as amended by Art. 2 point 2. a) Law of 17 December 2004 (Dz.U.05.10.70) nin. amending Act on 1 February 2005
- <sup>109)</sup> Art § 192a added by Article 3. 2 point 2. b) Law of 17 December 2004 (Dz.U.05.10.70) nin. amending Act on 1 February 2005
- <sup>110)</sup> Art 198 § 1 as amended by Art. 1 paragraph 65 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>111)</sup> Art Added by Article 199a. 1 paragraph 66 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

- <sup>112)</sup>Art 203 § 5, inserted by Article. 1 paragraph 67 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>113)</sup>Art 205 § 1 as amended by Art. 1 paragraph 68 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>114)</sup>Art 213 § 1 as amended by Art. 1 point 69 point. a) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>115)</sup>Art 213 § 2:
- As amended by Art. 4 § 7 paragraph 2 of the Act of 10 September 1999 - Regulations introducing the Criminal Code Tax (Dz.U.99.83.931) on 17 October 1999
  - As amended by Art. 1 point 69 point. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>116)</sup>Art 213 § 3 of Article deleted. 26 of the Act of 24 May 2000, the National Criminal Register (Dz.U.00.50.580) on 22 June 2001
- <sup>117)</sup>Art 214 as amended by Art. 1 paragraph 70 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>118)</sup>Art 217 as amended by Art. 1 point 71 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>119)</sup>Art 218 § 1:
- As amended by Art. 133 paragraph 1 of the Act of 21 July 2000 Telecommunications Law (Dz.U.00.73.852) with effect from 1 January 2001
  - As amended by Art. 1 point 72 point. a) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
  - As amended by Art. 2, paragraph 2 of the Act of 18 March 2004 (Dz.U.04.69.626) nin. amending Act on 1 May 2004
- <sup>120)</sup>Art 218 § 2:
- As amended by Art. 1 point 72 point. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
  - As amended by Art. 2, paragraph 2 of the Act of 18 March 2004 (Dz.U.04.69.626) nin. amending Act on 1 May 2004
- <sup>121)</sup>Art Added by Article 218A. 2, paragraph 3 of the Act of 18 March 2004 (Dz.U.04.69.626) nin. amending Act on 1 May 2004
- <sup>122)</sup>Art Added by Article 218b. 2, paragraph 3 of the Act of 18 March 2004 (Dz.U.04.69.626) nin. amending Act on 1 May 2004
- <sup>123)</sup>Art 220 § 3 as amended by Art. 1 paragraph 73 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>124)</sup>Art 225 § 4, inserted by Article. 1 paragraph 74 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>125)</sup>Art 226 as amended by Art. 1 point 75 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>126)</sup>Art 229 as amended by Art. 1 paragraph 76 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>127)</sup>Art 230 § 1 as amended by Art. 1 paragraph 77 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>128)</sup>On 30 March 2004, Article. 231 § 1 sentence 2 in connection with the decree on the liquidation of deposits and niepodjętych missed a thing (Dz.U.54.41.184) and the Regulation on the jurisdiction of the passage of deposits in your property (Dz.U.71.7.78), to the extent that

which does not provide for judicial review provisions of the prosecutor to move the deposit to the Treasury, was found to be inconsistent with the Constitution of the Republic of Poland, the Constitutional Court ruling of 16 March 2004 (Dz.U.04.51.514).

<sup>129)</sup> Art Added by Article 232A. 1 paragraph 78 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>130)</sup> On 30 March 2004, Article. 235, in conjunction with. 231 § 1, sentence 2, and in conjunction with. 465 § 2 nin. Act and in connection with the decree on the liquidation of deposits and niepodjętych missed a thing (Dz.U.54.41.184) and the Regulation on the jurisdiction of the passage of deposits in your property (Dz.U.71.7.78), the in which no provision for judicial review provisions of the prosecutor to move the deposit to the Treasury, was found to be inconsistent with the Constitution of the Republic of Poland, the Constitutional Court ruling of 16 March 2004 (Dz.U.04.51.514).

<sup>131)</sup> Art 236 as amended by Art. 2, paragraph 4 of the Act of 29 March 2007 (Dz.U.07.64.432) nin. amending the Law on 12 July 2007

<sup>132)</sup> Art 236a:

- Added by Article. 1 paragraph 79 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

- As amended by Art. 2, paragraph 4 of the Act of 18 March 2004 (Dz.U.04.69.626) nin. amending Act on 1 May 2004

<sup>133)</sup> Art 237 § 2 as amended by Art. 1 point 80 point. a) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>134)</sup> Art 237 § 3 paragraph 7 as amended by Art. 1 point 80 point. b) first indent of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>135)</sup> Art 237 § 3 paragraph 12, as amended by Art. 1 point 80 point. b) the second indent of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>136)</sup> Art 237 § 3 paragraph 13, as amended by Art. 1 point 80 point. b) the third indent of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>137)</sup> Art 237 § 3 paragraph added by Article 17. 1 point 80 point. b) the fourth indent of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>138)</sup> Art 237 § 3 paragraph added by Article 18. 1 point 80 point. b) the fourth indent of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>139)</sup> Art 237 § 3 paragraph added by Article 19. 1, point 1 of the Act of 8 October 2004 (Dz.U.04.240.2405) nin. amending the Law on 23 November 2004

<sup>140)</sup> Art 237 § 5 as amended by Art. 133 paragraph 2 of the Act of 21 July 2000 Telecommunications Law (Dz.U.00.73.852) with effect from 1 January 2001

<sup>141)</sup> Art 240 as amended by Art. 1 point 81 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>142)</sup> Art 241 as amended by Art. 1, paragraph 82 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>143)</sup> Art 242 as amended by Art. 1 paragraph 83 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>144)</sup> Art 244 § 1 as amended by Art. 2, paragraph 1 of the Act of 16 November 2006 amending the Act - Penal Code and certain other acts (Dz.U.06.226.1648) on 12 March 2007

<sup>145)</sup> Art 246 § 1 as amended by Art. 1 point 84 point. a) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>146)</sup> Art 246 § 4 as amended by Art. 1 point 84 point. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>147)</sup> Art 247 § 1 as amended by Art. 1 point 85 point. a) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>148)</sup> Art 247 § 2 as amended by Art. 1 point 85 point. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>149)</sup> Art 249 § 3 as amended by Art. 1 point 86 point. a) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>150)</sup> Art 249 § 5 as amended by Art. 1 point 86 point. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>151)</sup> Art 251 § 2 as amended by Art. 1 point 6 of the Act of 20 July 2000 (Dz.U.00.62.717) nin. amending Act on 1 September 2000

<sup>152)</sup> Art 253 § 3, inserted by Article. 2, paragraph 1 of the Act of 16 April 2004 amending the Act - Penal Code and certain other acts (Dz.U.04.93.889) on 1 May 2004

<sup>153)</sup> Art 254 as amended by Art. 1, point 7 of the Law of 20 July 2000 (Dz.U.00.62.717) nin. amending Act on 1 September 2000

<sup>154)</sup> Art 254 § 1 as amended by Art. 1 point 87 point. a) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>155)</sup> Art 254 § 2 as amended by Art. 1 point 87 point. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>156)</sup> Art 254 § 3, inserted by Article. 1 point 87 point. c) the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>157)</sup> Art 259 § 3 as amended by Art. 2, paragraph 5 of the Act of 29 March 2007 (Dz.U.07.64.432) nin. amending Act on 12 July 2007

<sup>158)</sup> Art 259 § 4 as amended by Art. 1 paragraph 88 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>159)</sup> Art 261 § 3 as amended by Art. 1 paragraph 89 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>160)</sup> Art 263 as amended by Art. 1 point 8 of the Law of 20 July 2000 (Dz.U.00.62.717) nin. amending Act on 1 September 2000

<sup>161)</sup> Art 263 § 4:

- As amended by Art. 1 point 2. a) Law of 12 January 2007 (Dz.U.07.20.116) nin. amending Act on 16 February 2007
- As amended by Art. 2, paragraph 6 of the Act of 29 March 2007 (Dz.U.07.64.432) nin. amending Act on 12 July 2007

<sup>162)</sup> Art § 263 added by Article 4a. 1 point 2. b) Law of 12 January 2007 (Dz.U.07.20.116) nin. amending Act on 16 February 2007

<sup>163)</sup> Art 263 § 5 as amended by Art. 1 point 2. c) Law of 12 January 2007 (Dz.U.07.20.116) nin. amending Act on 16 February 2007

<sup>164)</sup> Art 263 § 7 as amended by Art. 1 point 90 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>165)</sup> Art 264 § 3 as amended by Art. 1 paragraph 91 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>166)</sup> Art 270 § 2 as amended by Art. 1 paragraph 92 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>167)</sup> Art 271 § 1 as amended by Art. 1 paragraph 93 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>168)</sup> Art 272 as amended by Art. 1 point 94 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>169)</sup> Art 274 as amended by Art. 1 paragraph 95 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>170)</sup> Art 275 § 2 as amended by Art. 2 of the Act of 27 July 2005 (Dz.U.05.163.1363) nin. amending Act on 26 September 2005

<sup>171)</sup> Art 278 as amended by Art. 1 point 96 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>172)</sup> Art 281 as amended by Art. 1 point 97 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>173)</sup> Art 282 § 2 as amended by Art. 1 paragraph 98 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>174)</sup> Art 284 § 1 repealed by Article. 8, point 3 of the Act of 15 March 2007 (Dz.U.07.112.766) nin. amending Act on 28 July 2007

<sup>175)</sup> Art 285 as amended by Art. 1 point 99 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>176)</sup> Art 285 § 1 as amended by Art. 1 point 5. a) the Act of 9 May 2007 (Dz.U.07.99.664) nin. amending Act on 20 June 2007

<sup>177)</sup> Art § 285 added by Article 1a. 1 point 5. b) Act of 9 May 2007 (Dz.U.07.99.664) nin. amending Act on 20 June 2007

<sup>178)</sup> Art 287 § 1 as amended by Art. 1 point 6 of the Act of 9 May 2007 (Dz.U.07.99.664) nin. amending Act on 20 June 2007

<sup>179)</sup> Art 289 § 1 as amended by Art. 1, point 7 of the Act of 9 May 2007 (Dz.U.07.99.664) nin. amending Act on 20 June 2007

<sup>180)</sup> Art 290 § 2 as amended by Art. 1 paragraph 100 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>181)</sup> Art 291 § 1 as amended by Art. 1 point 101 of the Law of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>182)</sup> Art 292 § 2 as amended by Art. 1 paragraph 102 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>183)</sup> Art 293 § 2 as amended by Art. 2, paragraph 7 of the Act of 29 March 2007 (Dz.U.07.64.432) nin. amending Act on 12 July 2007

<sup>184)</sup> Art 294 § 1 as amended by Art. 1 paragraph 103 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>185)</sup> Art 295 § 1 as amended by Art. 1 point 104 point. a) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>186)</sup> Art 295 § 4 as amended by Art. 1 point 104 point. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>187)</sup> Art Repealed by Article 296. 1 paragraph 105 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>188)</sup> Art 297 § 1 point 4:  
- As amended by Art. 1 point 106 point. a) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

- As amended by Art. 2, paragraph 8 of the Act of 29 March 2007 (Dz.U.07.64.432) nin. amending Act on 12 July 2007
- <sup>189)</sup>Art 297 § 1 point 5:
- As amended by Art. 1 point 106 point. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- As amended by Art. 2, paragraph 8 of the Act of 29 March 2007 (Dz.U.07.64.432) nin. amending Act on 12 July 2007
- <sup>190)</sup>Art 298 § 1 as amended by Art. 2, paragraph 9 of the Act of 29 March 2007 (Dz.U.07.64.432) nin. amending Act on 12 July 2007
- <sup>191)</sup>Art 300 as amended by Art. 1 paragraph 107 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>192)</sup>Art § 302 added by Article 3. 2, paragraph 10 of the Act of 29 March 2007 (Dz.U.07.64.432) nin. amending Act on 12 July 2007
- <sup>193)</sup>The title of Chapter 34 as amended by Art. 1 paragraph 108 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>194)</sup>Art 303 as amended by Art. 1 paragraph 109 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>195)</sup>Art 304 § 3 as amended by Art. 1 paragraph 110 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>196)</sup>Art Added by Article 304a. 1 paragraph 111 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>197)</sup>Art 305 § 1 as amended by Art. 1 point 112 point. a) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>198)</sup>Art 305 § 2 repealed by Article. 1 point 112 point. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>199)</sup>Art 305 § 3:
- As amended by Art. 1 point 112 point. c) the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- As amended by Art. 2, paragraph 11 of the Act of 29 March 2007 (Dz.U.07.64.432) nin. amending the Law on 12 July 2007
- <sup>200)</sup>Art 305 § 4 as amended by Art. 1 point 112 point. d) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>201)</sup>Art 306 § 1 as amended by Art. 1 point 113 point. a) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>202)</sup>Art 306 § 2 repealed by Article. 2, paragraph 12 of the Law of 29 March 2007 (Dz.U.07.64.432) nin. amending the Law on 12 July 2007
- <sup>203)</sup>Art 306 § 3 as amended by Art. 1 point 113 point. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>204)</sup>Art 307 § 1 as amended by Art. 1 point 114 point. a) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>205)</sup>Art 307 § 4 repealed by the Articles. 1 point 114 point. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>206)</sup>Art 307 § 5 as amended by Art. 1 point 114 point. c) the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>207)</sup>Art 308 as amended by Art. 1 paragraph 115 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

- <sup>208)</sup> Art 308 § 4 as amended by Art. 2, paragraph 13 of the Act of 29 March 2007 (Dz.U.07.64.432) nin. amending Act on 12 July 2007
- <sup>209)</sup> The title of Chapter 35 as amended by Art. 1 point 116 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>210)</sup> Art 309 as amended by Art. 1 paragraph 117 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>211)</sup> Art 309 paragraph 1 as amended by Art. 2, paragraph 14 of the Act of 29 March 2007 (Dz.U.07.64.432) nin. amending the Law on 12 July 2007
- <sup>212)</sup> Art 309 paragraph 2:
- As amended by Art. 170 paragraph 2 of the Act of 9 June 2006, the Central Anticorruption Bureau (Dz.U.06.104.708) on 24 July 2006
  - As amended by Art. 28 paragraph 2 of the Act of 9 June 2006 - Regulations implementing the Law on Military Counter-Intelligence Service and Military Intelligence Service and a law on service of officers of the Military Counter-Intelligence Service and Military Intelligence Service (Dz.U.06.104.711) with effect from 1 October 2006 .
- <sup>213)</sup> Art 309 paragraph 3 as amended by Art. 6, point 1 of the Act of 28 July 2005 amending the Act - Penal Code Tax and certain other laws (Dz.U.05.178.1479) on 17 December 2005
- <sup>214)</sup> Art 310 as amended by Art. 1 paragraph 118 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>215)</sup> Art 310 § 2 as amended by Art. 2, paragraph 15 of the Act of 29 March 2007 (Dz.U.07.64.432) nin. amending Act on 12 July 2007
- <sup>216)</sup> Art 311:
- As amended by Art. 1 paragraph 119 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
  - As amended by Art. 2, paragraph 16 of the Law dated 29 March 2007 (Dz.U.07.64.432) nin. amending Act on 12 July 2007
- <sup>217)</sup> Art 312 as amended by Art. 1 paragraph 120 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>218)</sup> Art 312 paragraph 1 as amended by Art. 170 paragraph 3 of the Act of 9 June 2006, the Central Anticorruption Bureau (Dz.U.06.104.708) on 24 July 2006
- <sup>219)</sup> Art 313 § 1 as amended by Art. 1 point 121 point. a) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>220)</sup> Art 313 § 3 as amended by Art. 1 point 121 point. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>221)</sup> Art 314 as amended by Art. 1 paragraph 122 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>222)</sup> Art 315 § 1 as amended by Art. 1 paragraph 123 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>223)</sup> Art 316 § 1 as amended by Art. 1 paragraph 124 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>224)</sup> Art 317 as amended by Art. 1 paragraph 125 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>225)</sup> Art Repealed by Article 319. 1 paragraph 126 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>226)</sup> Art Repealed by Article 320. 1 paragraph 126 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>227)</sup>The title of Chapter 36 as amended by Art. 1 paragraph 127 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>228)</sup>Art 321 § 1 as amended by Art. 1 point 128 point. a) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>229)</sup>Art 321 § 3 as amended by Art. 1 point 128 point. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>230)</sup>Art 321 § 4 as amended by Art. 1 point 128 point. c) the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>231)</sup>Art 321 § 5 as amended by Art. 1 point 128 point. d) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>232)</sup>Art 321 § 6 as amended by Art. 1 point 128 point. e) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>233)</sup>Art 322 § 1 as amended by Art. 1 point 129 point. a) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>234)</sup>Art 322 § 2 as amended by Art. 1 point 129 point. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>235)</sup>Art 323 § 1 as amended by Art. 1 point 130 point. a) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>236)</sup>Art 323 § 3:

- As amended by Art. 4 § 7 paragraph 5 of the Act of 10 September 1999 - Regulations introducing the Criminal Code Tax (Dz.U.99.83.931) on 17 October 1999
- As amended by Art. 1 point 130 point. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- As amended by Art. 7 point 3 of the Act of 28 July 2005 amending the Act - Penal Code Tax and certain other laws (Dz.U.05.178.1479) on 17 December 2005

<sup>237)</sup>Art 324 as amended by Art. 1 paragraph 131 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>238)</sup>Art 325 as amended by Art. 1 paragraph 132 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>239)</sup>Section 36a added by Article. 1 paragraph 133 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>240)</sup>Art Amended by Article 325a. 2, paragraph 17 of the Law of 29 March 2007 (Dz.U.07.64.432) nin. amending Act on 12 July 2007

<sup>241)</sup>Art 325B § 1 point 1 as amended by Art. 2, point 18 point. a) Act of 29 March 2007 (Dz.U.07.64.432) nin. amending Act on 12 July 2007

<sup>242)</sup>Art 325B § 1 paragraph 3 as amended by Art. 2, point 18 point. b) Act of 29 March 2007 (Dz.U.07.64.432) nin. amending Act on 12 July 2007

<sup>243)</sup>Art 325B § 2 as amended by Art. 2, point 18 point. c) the Act of 29 March 2007 (Dz.U.07.64.432) nin. amending Act on 12 July 2007

<sup>244)</sup>Art 325C as amended by Art. 2 point 19 of the Act of 29 March 2007 (Dz.U.07.64.432) nin. amending the Law on 12 July 2007

<sup>245)</sup>Art 325e § 2 as amended by Art. 2, point 20 point. a) Act of 29 March 2007 (Dz.U.07.64.432) nin. amending Act on 12 July 2007

<sup>246)</sup>Art 325e § 3 as amended by Art. 2, point 20 point. a) Act of 29 March 2007 (Dz.U.07.64.432) nin. amending Act on 12 July 2007

- <sup>247)</sup> Art 325e § 4, inserted by Article. 2, point 20 point. b) Act of 29 March 2007  
(Dz.U.07.64.432) nin. amending Act on 12 July 2007
- <sup>248)</sup> Art 325g § 1 as amended by Art. 2, paragraph 21 of the Act of 29 March 2007  
(Dz.U.07.64.432) nin. amending Act on 12 July 2007
- <sup>249)</sup> Art 325i § 1 as amended by Art. 2 point 22 of the Act of 29 March 2007 (Dz.U.07.64.432)  
nin. amending Act on 12 July 2007
- <sup>250)</sup> Art 326 § 1 as amended by Art. 1 paragraph 134 of the Act of 10 January 2003  
(Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>251)</sup> Art 327 § 2 as amended by Art. 1 paragraph 135 of the Act of 10 January 2003  
(Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>252)</sup> Art 330 § 2 as amended by Art. 2 point 23 of the Act of 29 March 2007 (Dz.U.07.64.432) nin.  
amending Act on 12 July 2007
- <sup>253)</sup> Art 331 as amended by Art. 1 paragraph 136 of the Act of 10 January 2003 (Dz.U.03.17.155)  
nin. amending Act on 1 July 2003
- <sup>254)</sup> Art 332 § 1 point 3, as amended by Art. 4 § 7 paragraph 6 of the Act of 10 September 1999 -  
Regulations introducing the Criminal Code Tax (Dz.U.99.83.931) on 17 October 1999
- <sup>255)</sup> Art § 332 added by Article 3. 1 point 137 of the Act of 10 January 2003 (Dz.U.03.17.155)  
nin. amending Act on 1 July 2003
- <sup>256)</sup> Art 334 § 2 as amended by Art. 1 paragraph 138 of the Act of 10 January 2003  
(Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>257)</sup> Art 335 as amended by Art. 1 paragraph 139 of the Act of 10 January 2003 (Dz.U.03.17.155)  
nin. amending Act on 1 July 2003
- <sup>258)</sup> Art 336 § 4 as amended by Art. 1 paragraph 140 of the Act of 10 January 2003  
(Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>259)</sup> Art 337 § 1 as amended by Art. 1 paragraph 141 of the Act of 10 January 2003  
(Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>260)</sup> Art 338 § 1 as amended by Art. 1 paragraph 142 of the Act of 10 January 2003  
(Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>261)</sup> Art 339 § 1 point 3, as amended by Art. 1 point 143 point. a) Act of 10 January 2003  
(Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>262)</sup> Art 339 § 2 repealed by Article. 2, paragraph 24 of the Act of 29 March 2007  
(Dz.U.07.64.432) nin. amending the Law on 12 July 2007
- <sup>263)</sup> Art 339 § 3 paragraph 7 as amended by Art. 1 point 143 point. b) Act of 10 January 2003  
(Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>264)</sup> Art 339 § 4 as amended by Art. 2, paragraph 1 of the Act of 13 June 2003 amending the Act -  
Penal Code and certain other acts (Dz.U.03.111.1061) with effect from 1 July 2003
- <sup>265)</sup> Art 339 § 5 as amended by Art. 1 point 143 point. c) the Act of 10 January 2003  
(Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>266)</sup> Art 340 § 2:  
- As amended by Art. 4 § 7 point 7 of the Act of 10 September 1999 - Regulations introducing  
the Criminal Code Tax (Dz.U.99.83.931) on 17 October 1999  
- As amended by Art. 1 paragraph 144 of the Act of 10 January 2003 (Dz.U.03.17.155) nin.  
amending Act on 1 July 2003
- <sup>267)</sup> Art 341 § 1 as amended by Art. 1 point 145 point. a) Act of 10 January 2003  
(Dz.U.03.17.155) nin. amending Act on 1 July 2003

- <sup>268)</sup> Art 341 § 2 as amended by Art. 1 point 145 point. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>269)</sup> Art 341 § 5, inserted by Article. 1 point 145 point. c) the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>270)</sup> Art 342 as amended by Art. 1 paragraph 146 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>271)</sup> Art 343 as amended by Art. 1 paragraph 147 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>272)</sup> Art 351 § 1 as amended by Art. 1 point 148 point. a) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>273)</sup> Art 351 § 3 as amended by Art. 1 point 148 point. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>274)</sup> Art 352 as amended by Art. 1 paragraph 149 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>275)</sup> Art 354 paragraph 2 as amended by Art. 1 paragraph 150 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>276)</sup> Art 360 § 3 as amended by Art. 1 paragraph 151 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>277)</sup> Art 370 § 1 as amended by Art. 1 point 152 point. a) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>278)</sup> Art 370 § 3 as amended by Art. 1 point 152 point. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>279)</sup> Art 370 § 4 as amended by Art. 6 point 2 of the Act of 28 July 2005 amending the Act - Penal Code Tax and certain other laws (Dz.U.05.178.1479) on 17 December 2005
- <sup>280)</sup> Art 373 as amended by Art. 8 point 4 of the Act of 15 March 2007 (Dz.U.07.112.766) nin. amending the Law on 28 July 2007
- <sup>281)</sup> Art 376 § 1 as amended by Art. 1 paragraph 153 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>282)</sup> Art 377 § 2 as amended by Art. 1 point 154 point. a) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>283)</sup> Art 377 § 3 as amended by Art. 1 point 154 point. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>284)</sup> Art 377 § 4 as amended by Art. 1 point 154 point. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>285)</sup> Art 378:  
- As amended by Art. 1 point 11 of the Act of 20 July 2000 (Dz.U.00.62.717) nin. amending Act on 1 September 2000  
- As amended by Art. 1 point 8 of 9 May 2007 (Dz.U.07.99.664) nin. amending Act on 20 June 2007
- <sup>286)</sup> Art 382 as amended by Art. 1 paragraph 155 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>287)</sup> Art 384 § 2 as amended by Art. 1 point 156 point. a) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>288)</sup> Art 384 § 4, inserted by Article. 1 point 156 point. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

- <sup>289)</sup> Art 385 § 2 as amended by Art. 1 paragraph 157 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>290)</sup> Art 387 § 1 as amended by Art. 1 point 158 point. a) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>291)</sup> Art 387 § 2 as amended by Art. 1 point 158 point. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>292)</sup> Art 389 § 1 as amended by Art. 1 paragraph 159 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>293)</sup> Art 391 § 1 as amended by Art. 1 point 160 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>294)</sup> Art 392 as amended by Art. 1 paragraph 161 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>295)</sup> Art 393 § 1 as amended by Art. 1 paragraph 162 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>296)</sup> Art 393 § 2 as amended by Art. 1 paragraph 162 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>297)</sup> Art Added by Article 393a. 1 paragraph 163 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>298)</sup> Art 394 § 2 as amended by Art. 1 point 164 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>299)</sup> Art 397 as amended by Art. 1 paragraph 165 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>300)</sup> Art 400 as amended by Art. 5 § 7 paragraph 3 of the Act of 24 August 2001 - Regulations introducing the code of conduct in cases of misconduct (Dz.U.01.106.1149) on 17 October 2001
- <sup>301)</sup> Art 404 § 2 as amended by Art. 1 point 166 point. a) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>302)</sup> Art 404 § 3 as amended by Art. 1 point 166 point. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>303)</sup> Art 406 § 1 as amended by Art. 1 paragraph 167 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>304)</sup> Art Repealed by Article 407. 1 paragraph 168 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>305)</sup> Art 414 § 3 as amended by Art. 4 § 7 point 8 of the Act of 10 September 1999 - Regulations introducing the Criminal Code Tax (Dz.U.99.83.931) on 17 October 1999
- <sup>306)</sup> Art 415 as amended by Art. 1 paragraph 169 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>307)</sup> Art Added by Article 418A. 1 paragraph 170 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>308)</sup> Art 420 § 1 as amended by Art. 1 paragraph 171 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>309)</sup> Art 420 § 2 as amended by Art. 1 paragraph 171 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>310)</sup> Art 422 § 1 as amended by Art. 1 point 172 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>311)</sup> Art 423 § 1 as amended by Art. 1 point 173 point. a) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>312)</sup>Art § 423 added by Article 1a. 1 point 173 point. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>313)</sup>Art 423 § 2 as amended by Art. 1 point 173 point. c) the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>314)</sup>Art 425 § 1 as amended by Art. 1 point 174 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>315)</sup>Art 432 as amended by Art. 1 point 175 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>316)</sup>Art 434 § 3:

- Added by Article. 1 paragraph 176 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

- As amended by Art. 6, point 4 of the Act of 28 July 2005 amending the Act - Penal Code Tax and certain other laws (Dz.U.05.178.1479) on 17 December 2005

<sup>317)</sup>Art 439 as amended by Art. 1 point 177 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>318)</sup>Art 439 § 1 point 10 as amended by Art. 2, paragraph 2 of the Act of 16 November 2006 amending the Act - Penal Code and certain other acts (Dz.U.06.226.1648) on 12 March 2007

<sup>319)</sup>Art Added by Article 439a. 1 paragraph 178 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>320)</sup>Art 441 § 4 as amended by Art. 1 point 179 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>321)</sup>Art 442 § 2 as amended by Art. 1 paragraph 180 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>322)</sup>Art 443 as amended by Art. 1 paragraph 181 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>323)</sup>Art 444:

- As amended by Art. 1, point 13 of the Law of 20 July 2000 (Dz.U.00.62.717) nin. amending Act on 1 September 2000

- As amended by Art. 1 point 182 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>324)</sup>Art 446 § 1 as amended by Art. 1 paragraph 183 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>325)</sup>Art Added by Article 449a. 1 point 184 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>326)</sup>Art 451:

- As amended by Art. 1, point 14 of the Act of 20 July 2000 (Dz.U.00.62.717) nin. amending Act on 1 September 2000

- As amended by Art. 1 paragraph 185 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>327)</sup>Art 454 § 3 as amended by Art. 1 paragraph 186 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>328)</sup>Art 457 as amended by Art. 1 paragraph 187 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>329)</sup>Art 464 as amended by Art. 1 of the Act of 7 July 2005 (Dz.U.05.169.1416) nin. amending Act on 21 September 2005

- <sup>330)</sup> Art 465 § 1 as amended by Art. 1 paragraph 189 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>331)</sup> Art 465 § 2 as amended by Art. 2 point 25. a) Act of 29 March 2007 (Dz.U.07.64.432) nin. amending the Law on 12 July 2007
- <sup>332)</sup> Art § 465 added by Article 2. 2 point 25. b) Act of 29 March 2007 (Dz.U.07.64.432) nin. amending Act on 12 July 2007
- <sup>333)</sup> Art 469:
- As amended by Art. 1 point 190 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
  - As amended by Art. 2, paragraph 26 of the Act of 29 March 2007 (Dz.U.07.64.432) nin. amending Act on 12 July 2007
- <sup>334)</sup> Art Repealed by Article 470. 1 point 191 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>335)</sup> Art Repealed by Article 471. 1 point 191 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>336)</sup> Art Repealed by Article 472. 1 point 191 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>337)</sup> Art Repealed by Article 473. 1 point 191 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>338)</sup> Art Repealed by Article 474. 1 point 191 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>339)</sup> Art Added by Article 474a. 1 point 192 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>340)</sup> Art 476 as amended by Art. 8 point 5 of the Act of 15 March 2007 (Dz.U.07.112.766) nin. amending the Law on 28 July 2007
- <sup>341)</sup> Art 481 as amended by Art. 4 § 7 point 9 of the Act of 10 September 1999 - Regulations introducing the Criminal Code Tax (Dz.U.99.83.931) on 17 October 1999
- <sup>342)</sup> Art 483 as amended by Art. 8 point 6 of the Act of 15 March 2007 (Dz.U.07.112.766) nin. amending Act on 28 July 2007
- <sup>343)</sup> Art 484 § 1 as amended by Art. 1 point 194 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>344)</sup> Art 484 § 2 as amended by Art. 8, point 7 of the Act of 15 March 2007 (Dz.U.07.112.766) nin. amending the Law on 28 July 2007
- <sup>345)</sup> Art Repealed by Article 486. 8 point 8 of the Act of 15 March 2007 (Dz.U.07.112.766) nin. amending Act on 28 July 2007
- <sup>346)</sup> Art 489 § 2 as amended by Art. 2, paragraph 2 of the Act of 13 June 2003 amending the Act - Penal Code and certain other acts (Dz.U.03.111.1061) with effect from 1 July 2003
- <sup>347)</sup> Art 495 § 3 repealed by Article. 8 point 9 of the Act of 15 March 2007 (Dz.U.07.112.766) nin. amending the Law on 28 July 2007
- <sup>348)</sup> Art 500 § 1 as amended by Art. 1 point 195 point. a) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>349)</sup> Art 500 § 3 as amended by Art. 1 point 195 point. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>350)</sup> Art 500 § 4:
- As amended by Art. 1 point 195 point. c) the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

- As amended by Art. 8 points 10 of the Act of 15 March 2007 (Dz.U.07.112.766) nin. amending Act on 28 July 2007

<sup>351)</sup> Art 501 as amended by Art. 1 paragraph 196 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>352)</sup> Art 502 as amended by Art. 1 point 197 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>353)</sup> Art 503 § 1 as amended by Art. 1 paragraph 198 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>354)</sup> Art 504 as amended by Art. 1 paragraph 199 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>355)</sup> Art 505 as amended by Art. 1 paragraph 200 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>356)</sup> Art 506 § 1 as amended by Art. 1 point 201 point. a) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>357)</sup> Art 506 § 3 as amended by Art. 1 point 201 point. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>358)</sup> Art 506 § 4 as amended by Art. 1 point 201 point. c) the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>359)</sup> Art 506 § 6, inserted by Article. 1 point 201 point. d) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>360)</sup> Art 507 as amended by Art. 1 point 202 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>361)</sup> Chapter 54 deleted by Article. 5 § 7 paragraph 4 of the Act of 24 August 2001 - Regulations introducing the code of conduct in cases of misconduct (Dz.U.01.106.1149) on 17 October 2001

<sup>362)</sup> Section 54a added by Article. 2, paragraph 3 of the Act of 16 November 2006 amending the Act - Penal Code and certain other acts (Dz.U.06.226.1648) on 12 March 2007

<sup>363)</sup> Art 521 as amended by Art. 1 point 203 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending the Law on 1 July 2003

<sup>364)</sup> Art 523 as amended by Art. 1 point 16 of the Law of 20 July 2000 (Dz.U.00.62.717) nin. amending Act on 1 September 2000

<sup>365)</sup> Art 524 § 2 as amended by Art. 1 point 204 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>366)</sup> Art 526 § 2:

- As amended by Art. 1, paragraph 17 of the Law of 20 July 2000 (Dz.U.00.62.717) nin. amending Act on 1 September 2000

- As amended by Art. 1 paragraph 205 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>367)</sup> Art 527 § 4 as amended by Art. 1 point 18 of the Act of 20 July 2000 (Dz.U.00.62.717) nin. amending Act on 1 September 2000

<sup>368)</sup> Art 527 § 5 as amended by Art. 1 paragraph 206 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>369)</sup> Art 528 § 1 point 2 as amended by Art. 1 point 19 point. a) Law of 20 July 2000 (Dz.U.00.62.717) nin. amending Act on 1 September 2000

<sup>370)</sup> Art 528 § 1 point 3, as amended by Art. 1 point 19 point. b) Law of 20 July 2000 (Dz.U.00.62.717) nin. amending Act on 1 September 2000

<sup>371)</sup> Art 530 as amended by Art. 1 point 20 of the Law of 20 July 2000 (Dz.U.00.62.717) nin. amending Act on 1 September 2000

<sup>372)</sup> Art 530 § 3:

- As amended by Art. 1 point 207 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

- As amended by Art. 1 point 3 of the Act of 12 January 2007 (Dz.U.07.20.116) nin. amending Act on 16 February 2007

<sup>373)</sup> Art 531 § 1 as amended by Art. 1 point 208 point. a) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>374)</sup> Art § 531 added by Article 3. 1 point 208 point. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>375)</sup> Art § 532 added by Article 3. 1 paragraph 209 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>376)</sup> Art 535:

- As amended by Art. 1 point 21 of the Act of 20 July 2000 (Dz.U.00.62.717) nin. amending Act on 1 September 2000

- As amended by Art. 1 point 4 of the Act of 12 January 2007 (Dz.U.07.20.116) nin. amending Act on 16 February 2007

<sup>377)</sup> On 19 September 2006, Article. 540 § 2, in which limits the admissibility of the resumption of proceedings in favor of the defendant only to cases in which the Constitutional Court declared unconstitutional a provision of law form the basis of conviction or conditional remission, was considered incompatible with Article. Paragraph 190. 4 in conjunction with. 32, paragraph. 1, art. Paragraph 45. 1 and Article. 77, paragraph. 2 of the Polish Constitution, the Constitutional Court ruling of 7 September 2006 (Dz.U.06.167.1192).

<sup>378)</sup> Art Added by Article 540A. 1 paragraph 210 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>379)</sup> Art 540A paragraph 1 as amended by Art. 6, point 5 of the Act of 28 July 2005 amending the Act - Penal Code Tax and certain other laws (Dz.U.05.178.1479) on 17 December 2005

<sup>380)</sup> Art 542 § 1 as amended by Art. 1 point 211 point. a) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>381)</sup> Art § 542 added by Article 3. 1 point 211 point. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>382)</sup> Art 542 § 4, inserted by Article. 1 point 211 point. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>383)</sup> Art 542 § 5, inserted by Article. 1 point 211 point. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>384)</sup> Art 544 § 1 as amended by Art. 1 point 212 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>385)</sup> Art 544 as amended by Art. 1 point 22 of the Law of 20 July 2000 (Dz.U.00.62.717) nin. amending Act on 1 September 2000

<sup>386)</sup> Art 545 § 1 as amended by Art. 1 point 23 of the Act of 20 July 2000 (Dz.U.00.62.717) nin. amending Act on 1 September 2000

<sup>387)</sup> Art 545 § 2 as amended by Art. 1 paragraph 213 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>388)</sup> Art 549 as amended by Art. 1 paragraph 214 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

- <sup>389)</sup> Art 550 § 2 as amended by Art. 1 paragraph 215 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>390)</sup> Art 551 as amended by Art. 1 paragraph 216 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>391)</sup> Art 552 § 1 as amended by Art. 1 point 217 point. a) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>392)</sup> Art 552 § 2 as amended by Art. 1 point 217 point. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>393)</sup> Art 554 as amended by Art. 1 point 218 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>394)</sup> Art § 560 added by Article 3. 1 paragraph 219 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>395)</sup> Art 562 § 2 repealed by Article. 8 points 11 of the Act of 15 March 2007 (Dz.U.07.112.766) nin. amending the Law on 28 July 2007
- <sup>396)</sup> Art 573 § 2 as amended by Art. 1 point 220 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>397)</sup> Art Added by Article 589a. 1 point 221 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>398)</sup> Art Added by Article 589b. 2, paragraph 2 of the Act of 16 April 2004 amending the Act - Penal Code and certain other acts (Dz.U.04.93.889) on 1 May 2004
- <sup>399)</sup> Art Added by Article 589c. 2, paragraph 2 of the Act of 16 April 2004 amending the Act - Penal Code and certain other acts (Dz.U.04.93.889) on 1 May 2004
- <sup>400)</sup> Art Added by Article 589d. 2, paragraph 2 of the Act of 16 April 2004 amending the Act - Penal Code and certain other acts (Dz.U.04.93.889) on 1 May 2004
- <sup>401)</sup> Art Added by Article 589e. 2, paragraph 2 of the Act of 16 April 2004 amending the Act - Penal Code and certain other acts (Dz.U.04.93.889) on 1 May 2004
- <sup>402)</sup> Art Added by Article 589f. 2, paragraph 2 of the Act of 16 April 2004 amending the Act - Penal Code and certain other acts (Dz.U.04.93.889) on 1 May 2004
- <sup>403)</sup> Section 62a added by Article. 1, point 1 of the Act of 7 July 2005 (Dz.U.05.143.1203) nin. amending the Law on 2 August 2005
- <sup>404)</sup> Section 62b of Article added. 1, point 1 of the Act of 7 July 2005 (Dz.U.05.143.1203) nin. amending Act on 2 August 2005
- <sup>405)</sup> Art 591 § 1 as amended by Art. 1 point 222 point. a) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>406)</sup> Art 591 § 2 as amended by Art. 1 point 222 point. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>407)</sup> Art 591 § 3 as amended by Art. 1 point 222 point. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>408)</sup> Art 591 § 4 as amended by Art. 1 point 222 point. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>409)</sup> Art 592 as amended by Art. 1 paragraph 223 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>410)</sup> Art 596 as amended by Art. 1 paragraph 224 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>411)</sup> Art 597 as amended by Art. 1 point 225 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>412)</sup>Art 599 as amended by Art. 1 paragraph 226 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>413)</sup>Title:

- As amended by Art. 2, paragraph 5 of the Act of 18 March 2004 (Dz.U.04.69.626) nin. amending Act on 1 May 2004

- As amended by Art. 1, point 1 of the Act of 27 October 2006 (Dz.U.06.226.1647) nin. amending the Law on 26 December 2006

<sup>414)</sup>Art 602:

- As amended by Art. 1 paragraph 227 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

- As amended by Art. 2, paragraph 6 of the Act of 18 March 2004 (Dz.U.04.69.626) nin. amending Act on 1 May 2004

<sup>415)</sup>Art 602 § 1 repealed by Article. 1 point 2 of the Act of 27 October 2006 (Dz.U.06.226.1647) nin. amending Act on 26 December 2006

<sup>416)</sup>Art 603 § 1 as amended by Art. 1 point 228 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>417)</sup>Art Added by Article 603a. 1 point 229 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>418)</sup>Art § 603a as amended by Article 6. 2, paragraph 7 of the Act of 18 March 2004 (Dz.U.04.69.626) nin. amending Act on 1 May 2004

<sup>419)</sup>Art 604 § 1 point added by Article 6. 1 paragraph 230 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>420)</sup>Art 604 § 1 point 7:

- Added by Article. 1 paragraph 230 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

- As amended by Art. 1 point 3. a) first indent of the Act of 27 October 2006 (Dz.U.06.226.1647) nin. amending the Law on 26 December 2006

<sup>421)</sup>Art 604 § 1 point added by Article 8. 1 point 3. a) second indent of the Act of 27 October 2006 (Dz.U.06.226.1647) nin. amending Act on 26 December 2006

<sup>422)</sup>Art 604 § 2 point 6, as amended by Art. 1 point 3. b) Act of 27 October 2006 (Dz.U.06.226.1647) nin. amending the Law on 26 December 2006

<sup>423)</sup>Art 605 § 1 as amended by Art. 1 point 231 point. a) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>424)</sup>Art 605 § 2 as amended by Art. 1 point 231 point. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>425)</sup>Section 65a added by Article. 2, paragraph 8 of the Act of 18 March 2004 (Dz.U.04.69.626) nin. amending Act on 1 May 2004

<sup>426)</sup>Section 65b of Article added. 2, paragraph 8 of the Act of 18 March 2004 (Dz.U.04.69.626) nin. amending Act on 1 May 2004

<sup>427)</sup>Art Amended by Article 607p. 1 point 4 of the Act of 27 October 2006 (Dz.U.06.226.1647) nin. amending the Law on 26 December 2006

<sup>428)</sup>Art 607t § 1 as amended by Art. 1 point 5 of the Act of 27 October 2006 (Dz.U.06.226.1647) nin. amending Act on 26 December 2006

<sup>429)</sup>Art 607w amended by Art. 1 point 6 of the Act of 27 October 2006 (Dz.U.06.226.1647) nin. amending the Law on 26 December 2006

- <sup>430)</sup> Chapter 66 amended by Art. 2 of the Act of 9 September 2000 (Dz.U.00.93.1027) nin. amending Act with effect from 4 February 2001
- <sup>431)</sup> Art 611a § 1 as amended by Art. 1 paragraph 232 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>432)</sup> Art 611c § 3 as amended by Art. 1 point 233 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>433)</sup> Section 66a added by Article. 1 point 3 of the Act of 8 October 2004 (Dz.U.04.240.2405) nin. amending the Law on 23 November 2004
- <sup>434)</sup> Art 611h § 1 as amended by Art. 1, point 7 of the Act of 27 October 2006 (Dz.U.06.226.1647) nin. amending the Law on 26 December 2006
- <sup>435)</sup> Art 611h § 2 as amended by Art. 1, point 7 of the Act of 27 October 2006 (Dz.U.06.226.1647) nin. amending the Law on 26 December 2006
- <sup>436)</sup> Art 611h § 3 as amended by Art. 1, point 7 of the Act of 27 October 2006 (Dz.U.06.226.1647) nin. amending the Law on 26 December 2006
- <sup>437)</sup> Art 611h § 4 as amended by Art. 1, point 7 of the Act of 27 October 2006 (Dz.U.06.226.1647) nin. amending Act on 26 December 2006
- <sup>438)</sup> Art 611i amended by Art. 1 point 8 of the Act of 27 October 2006 (Dz.U.06.226.1647) nin. amending the Law on 26 December 2006
- <sup>439)</sup> Art 611j § 1 as amended by Art. 1 point 9 of the Act of 27 October 2006 (Dz.U.06.226.1647) nin. amending the Law on 26 December 2006
- <sup>440)</sup> Art 611k amended by Art. 1 point 10 of the Act of 27 October 2006 (Dz.U.06.226.1647) nin. amending the Law on 26 December 2006
- <sup>441)</sup> Art Amended by Article 611l. 1 point 10 of the Act of 27 October 2006 (Dz.U.06.226.1647) nin. amending the Law on 26 December 2006
- <sup>442)</sup> Art 613 § 1 as amended by Art. 1 point 2 of the Act of 7 July 2005 (Dz.U.05.143.1203) nin. amending the Law on 2 August 2005
- <sup>443)</sup> Art 615 as amended by Art. 1 point 4 of the Act of 8 October 2004 (Dz.U.04.240.2405) nin. amending Act on 23 November 2004
- <sup>444)</sup> Art 618 § 1 point 9, as amended by Art. 1 point 235 point. a) first indent of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>445)</sup> Art 618 § 1 point added by Article 9. 1 point 235 point. a) second indent of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>446)</sup> Art 618 § 1 point added by Article 12. 96 paragraph 2 of the Act of 27 July 2001 kuratorach court (Dz.U.01.98.1071) with effect from 1 January 2002
- <sup>447)</sup> Art 618 § 1 point added by Article 13. 1 point 235 point. a) third indent of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>448)</sup> Art 618 § 2 as amended by Art. 1 point 235 point. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>449)</sup> Art § 619 added by Article 3. 1 paragraph 236 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>450)</sup> Art 621 § 2 as amended by Art. 1 paragraph 237 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003
- <sup>451)</sup> Art Added by Article 626A. 1 of the Law of 17 February 2006 (Dz.U.06.66.467) nin. amending the Law on 6 May 2006
- <sup>452)</sup> On 2 June 2005, Article. 632 paragraph 1 in so far as in cases of private prosecution in the criminal case does not proceed due to the limitation of criminality provides that the costs of

compulsory process shall be borne by private prosecutor, was found to be incompatible with Article. 2, art. 32, paragraph. 1 and Article. Paragraph 45. 1 of the Polish Constitution, the Constitutional Court ruling of 23 May 2005 (Dz.U.05.96.821).

<sup>453)</sup> Art 632 paragraph 2 as amended by Art. 1 of the Act of 7 March 2007 (Dz.U.07.80.539) nin. amending the Law on 24 May 2007

<sup>454)</sup> Art Added by Article 632a. 1 of the Act of 5 April 2006 (Dz.U.06.95.659) nin. amending the Law on 21 June 2006

<sup>455)</sup> Art 638 as amended by Art. 1 point 238 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>456)</sup> Art 646:

- As amended by Art. 5 § 7 paragraph 5 of the Law of 24 August 2001 - Regulations introducing the code of conduct in cases of misconduct (Dz.U.01.106.1149) on 17 October 2001

- As amended by Art. 2, paragraph 4 of the Act of 16 November 2006 amending the Act - Penal Code and certain other acts (Dz.U.06.226.1648) on 12 March 2007

<sup>457)</sup> Art 648 paragraph 1 as amended by Art. 1 paragraph 239 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>458)</sup> Art 651 § 3 repealed by Article. 1 paragraph 240 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>459)</sup> Art 654 § 1 point 2 as amended by Art. 1 point 241 point. a) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>460)</sup> Art 654 § 5 as amended by Art. 1 point 241 point. b) Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>461)</sup> Art 657 § 1 as amended by Art. 1 point 24 of the Act of 20 July 2000 (Dz.U.00.62.717) nin. amending Act on 1 September 2000

<sup>462)</sup> Art 662 § 3 as amended by Art. 1 paragraph 242 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>463)</sup> Art 669 § 2 as amended by Art. 8 points 12 of the Law of 15 March 2007 (Dz.U.07.112.766) nin. amending the Law on 28 July 2007

<sup>464)</sup> Art 669 § 3 as amended by Art. 1 paragraph 243 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>465)</sup> Art Repealed by Article 671a. 8 points 13 of the Act of 15 March 2007 (Dz.U.07.112.766) nin. amending the Law on 28 July 2007

<sup>466)</sup> Art 672 as amended by Art. 1 paragraph 245 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>467)</sup> Art Added by Article 672a. 1 point 246 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>468)</sup> Art 673 as amended by Art. 1 point 247 of the Act of 10 January 2003 (Dz.U.03.17.155) nin. amending Act on 1 July 2003

<sup>469)</sup> Chapter 75 deleted by Article. 5 § 7 paragraph 6 of the Act of 24 August 2001 - Regulations introducing the code of conduct in cases of misconduct (Dz.U.01.106.1149) on 17 October 2001