

# THE CRIMINAL CODE

## (the Act No. 140/1961 of the Collection of Laws as amended)

(excerpts)

### *Section 7*

#### *Preparation for the Criminal Offence*

- (1) Preparation for committing a criminal offence is the act dangerous for the society and comprises the wilful organisation of a very serious criminal offence, procurement or adaptation of means or instruments for its commission, associating, grouping, abetting or aiding in such crime, or other deliberate actions designed to create conditions for its commission, if nor attempt nor criminal offence were completed.
- (2) Preparation for committing a criminal offence shall carry the same punishment as the offence for which it has been intended unless the Special Section of this Code provides otherwise.
- (3) Preparation for committing a criminal offence does not carry a punishment if the offender voluntarily
  - a) stopped performing the action leading to the commission of the criminal offence and removed the threat to an interest protected under this Code presented by the preparation, or
  - b) gave information about the preparation for committing the criminal offence at such time when it was still possible to remove the threat to an interest protected under this Code presented by the preparation. Such information shall be submitted to the prosecutor, investigator or to a police body; members of the armed forces may give such information to their superior officers.
- (4) The application of para. 3 does not, however, prejudice criminal liability of the offender for a different criminal offence he had already committed through such an action.

### *Section 8*

#### *Attempted Criminal Offence*

- (1) An attempted criminal offence is the act dangerous for the society and means an action directly leading to the commission of a criminal offence and performed by an offender intending to commit a criminal offence which he does not complete.
- (2) An attempted criminal offence shall give rise to the same punishment as a completed criminal offence concerned.
- (3) An attempted criminal offence shall not give rise to the punishment if the offender voluntarily
  - a) stopped performing the action leading to the commission of the criminal offence and removed the threat to an interest protected under this Code presented by the attempt, or
  - b) gave information about the attempted criminal offence at such time when it was still possible to remove the threat to an interest protected under this Code presented by the attempt. Such information shall be submitted to the prosecutor, investigator or to a police body; members of the armed forces may give such information to their superior officers.

- (4) The application of paragraph 3 shall not, however, prejudice criminal liability of the offender for a different criminal offence he had already committed through such an action.

*Section 9*  
*Offender, Accomplice and Participant*

- (1) The offender is the person who committed the criminal offence himself.
- (2) If a criminal offence was committed by two or more persons acting in conjunction, each of them has the same criminal liability as the single person who would commit such a criminal offence (accomplices).

*Section 10*

*Participant*

- (1) The participant to a completed or attempted criminal offence is any person, who wilfully
  - a) instigates another person to commit a crime (instigator),
  - b) asks another person to commit a crime (abettor),
  - c) helps to commit a crime, mainly by procuring the means, by removing the obstacles, by an advice, by strengthening the determination, by a promise of acting as an accessory after the fact (helper).
- (2) Unless this Act provides otherwise, criminal liability and culpability of abettors shall be governed by the same provisions as criminal liability and culpability of offenders.

*Section 55*  
*Sentence of Forfeiture of a Thing*

- (1) The court can impose the sanction of forfeiture of a thing which was
  - a) used to commit the crime,
  - b) determined to commit the crime,
  - c) obtained by the crime or as a remuneration for committing the crime or
  - d) obtained by the offender in exchange for the thing stated in (c).
- (2) The forfeiture can be imposed by the court only in relation to the thing which belongs to the offender.
- (3) The forfeited thing shall become the property of the state.
- (4) The offender who was imposed the sanction of the forfeiture of a thing as the independent sanction shall be viewed as not condemned in case, that the sanction is duly performed.

*Section 67*  
*Statute of Limitations*

- (1) Statute of limitations is:
  - a) twenty years in case of the offence for which the extraordinary punishment can be imposed according to this Code,

- b) ten years in case of the offence where the upper limit of the criminal rate of imprisonment is at least ten years,
  - c) five years applies in case of the offence where the upper limit of the criminal rate of imprisonment is at least three years,
  - d) three years in case of the other offences.
- (2) Statute of limitations shall not include:
- a) period for which the offender could not be brought before a court because of the statutory ban,
  - b) period for which the offender was in abroad,
  - c) probation period of the conditional stay of the criminal proceedings.
- (3) Statute of limitations shall be interrupted:
- a) by the filing of the accusation for the criminal offence in relation of which the statute of limitations is to apply, as well as by the following acts of the police authority, investigator, prosecutor or court aiming at the criminal prosecution of the offender, or
  - b) if the offender has committed a new offence during this period, for which this Code imposes the same or more strict sanction.
- (4) In case when the statute of limitations is interrupted, the new one shall be commenced.

*Section 73  
Confiscation of a Thing*

- (1) If the sanction of forfeiture of a thing referred to in section 55 para. 1 was not imposed, the court can impose the confiscation of this thing
- a) if it belongs to the offender who cannot be prosecuted nor sentenced,
  - b) if it belongs to the offender to whom the sanction was not imposed according to the decision of the court, or
  - c) if it is necessary with regard to the security of the people or property or to other similar general interest, in particular if the circumstances of the case give rise to supposition that the thing was obtained by the offence.

*Section 89*

- ...
- (10) Foreign public official means any person holding the function
- a) in the legislative or judicial body or in the body of public administration of a foreign country
  - b) in the enterprise with the decisive influence of the foreign country or in the international organisation established by the states or other subjects of the public international law, if the power to manage the public affairs is connected with this function and the criminal offence was committed in connection with this power.
- (11) Corruption means the bribery and any other behaviour in relation to the persons with entrusted powers in the public or private sector, which contradicts the duties resulting from their position of public official, state employee, private employee, independent agent or other relationship of this kind and is aimed at obtaining the undue advantages of any kind for themselves or other persons.
- (12) Undue advantage is understood the advantage, the recipient is not entitled to under the law to accept or receive it, besides advantages permitted by the law or administrative rules as well as minimum gifts, gifts of very small value or socially acceptable gifts.

*Section 125*  
*Distortion of Data of Economic and Commercial Records*

- (1) Who, with the intention to provide for himself or for other person with undue advantages, states false or considerably distorted data or conceals the obligatory data on the serious facts in the statement, declaration, input data inserted to the computer or other data serving to
  - a) control of economy,
  - b) statistical survey,
  - c) control of use of the subsidy, grant or other fulfilment from the state budget, budget of a public institution, budget of a state fund or budget of a municipality,
  - d) determination of the value of the property or rate of the bond when it is transferred or succeeded into by other person,
  - e) bankruptcy and composition,
  - f) evidence of employees, or
  - g) entry into commercial register or other register according to the special law,shall be punish by imprisonment from six months up to three years or by the ban on activity or by the forfeiture of the property or by the monetary sanction.
- (2) The same sanction referred to in para. 1 shall be imposed to any person who
  - a) makes the interference to the hardware or software, or
  - b) destroys, damages, conceals or does not keep the data referred to in para. 1.
- (3) The offender shall be punished by the imprisonment from one year up to five years if he commits the offence referred to in para. 1 or 2
  - a) as a member of the organised group, or
  - b) with the intention to enable or to conceal other offence.
- (4) The same sanction referred to in para. 3 shall be imposed to the offender, if by the offence referred to in para. 1 or 2
  - a) causes very serious disturbance in the national economy or other very serious consequence, or
  - b) infringes the specific duty resulting from the law, his employment, position or function or duty to the fulfilment of which he engaged himself.

*Section 158*  
*Abusing of Public Official's Powers*

- (1) The public official who aiming to cause damage to other person or to obtain or to provide for the other person undue benefit
  - a) performs his duties in the way which is contrary to law,
  - b) acts beyond his powers, or
  - c) does not fulfil his duties following his powers,shall be punished by imprisonment from 6 months to 3 years or by the monetary sanction or by the prohibition of his activity.
- (2) The offender shall punished by imprisonment from 3 years to 10 years, if he
  - a) obtains or provides for the other person by the act referred to in para. 1 the significant benefit,
  - b) causes the serious damage in the activity of the enterprise or organisation, or
  - c) causes considerable damage or other serious consequence.

*Sub-chapter III  
Corruption*

*Accepting of Bribe or Other Undue Advantage  
Section 160*

- (1) Who in exchange for the bribe or other undue advantage misuse his employment, position or function to provide the advantage to any person or to give priority to any person in relation to others, shall be punished by the imprisonment up to two years or by the monetary sanction.
- (2) Imprisonment for one year up to five years shall be imposed to the offender if he by the offence referred to in para. 1
  - a) causes damage of a large extent <sup>1</sup> or if he obtains for himself or anybody else the benefit of a large extent <sup>1</sup>
  - b) infringes the specific duty resulting from the law, his employment, position or function or duty to the fulfilment of which he engaged himself.

*Section 160a*

- (1) Who, in connection with providing the thing of public interest, whether directly or through intermediary, for himself or for a third party, accepts or requests the bribe or other undue advantage or the promise thereof, shall be punished by the imprisonment up to three years or by the ban on activity or by the monetary sanction.
- (2) Imprisonment for one year up to five years shall be imposed to the offender who committed the offence referred to in para. 1 as public official.

*Section 160b*

Who as a foreign public official, whether directly or through intermediary, for that official or for a third party or requests the bribe or other undue advantage or the promise thereof, to act or refrain from acting in connection with the performing of official duties with the intention to obtain or retain business or other undue advantage in the conduct of international business, shall be punished by the imprisonment up to three years or by the monetary sanction.

*Section 160c*

Who as a member of a foreign public assembly, foreign parliamentary assembly, judge or official of international court whose jurisdiction is accepted by the Slovak Republic or the representative or employee of intergovernmental organisation or body, the Slovak Republic is a member of or has the relationship following from the treaty, or as a person in the similar function, whether directly or through intermediary, for himself or for a third party, accepts or requests the bribe or other undue advantage or promise thereof, to act or refrain from acting in performing his function, shall be punished by the imprisonment up to three years or by the monetary sanction.

*Giving the Bribe*

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<sup>1</sup> „advantage of large extent“ and „benefit of large extent“ are the notions defined by the Criminal Code as the multiplex of the monthly salary.

### *Section 161*

- (1) Who provides the bribe or other undue advantage or promise thereof to other person, in order that that person misuse his employment, position or function, to provide advantage to any person or to give the priority to any person in relation to others, shall be punished by the imprisonment up to one year or by the monetary sanction.
- (2) Imprisonment for one year up to five years shall be imposed to the offender if he by the offence referred to in para. 1
  - a) causes damage of a large extent or if he obtains for himself or anybody else the benefit of a large extent
  - b) infringes the specific duty resulting from the law, his employment, position or function or duty to the fulfilment of which he engaged himself.

### *Section 161a*

- (1) Who, in connection with the providing of a thing of public interest, whether directly or through intermediary, gives, offers or promises a bribe or other undue advantage, shall be punished by imprisonment up to two years or by the monetary sanction.
- (2) The offender shall be punished by the imprisonment up to three years if he commits the offence referred to in para. 1 in relation to the public official.
- (3) Imprisonment from one year up to five years shall be imposed to the offender, if he commits the offence referred to in para. 1 as a member of the organised group or if he obtains the benefit of large extent by such offence.

### *Section 161b*

- (1) Who offers, promises or gives a bribe or other undue advantage, whether directly or through intermediary, to a foreign public official, for that official or for a third party, in order that the official act or refrain from acting in relation to the performance of official duties with the intention to obtain or retain business or other improper advantage in the conduct of international business, shall be punished by the imprisonment up to two years or by the monetary sanction.
- (2) The offender shall be punished by the imprisonment for one to five years, if he commits the offence referred to in para. 1 as the member of the organised group or if he through such offence obtains the advantage of large extent.

### *Section 161c*

- (1) Who, whether directly or through intermediary, to a member of a foreign public assembly, foreign parliamentary assembly, judge or official of international court whose jurisdiction is accepted by the Slovak Republic or to the representative or employee of intergovernmental organisation or body, the Slovak Republic is a member of or has the relationship following from the treaty, or to a person in the similar function, offers or promises the bribe or other undue advantage, to act or refrain from acting in performing his function, shall be punished by the imprisonment up to two years or by the monetary sanction.
- (2) The offender shall be punished by the imprisonment for one to five years, if he commits the offence referred to in para. 1 as the member of the organised group or if he through such offence obtains the advantage of large extent.

### *Section 162*

### *Trading in influence*

- (1) Who, whether directly or through the intermediary, accepts or requests the bribe or other undue advantage or the promise thereof, in exchange for his influence directed to the fulfilment of powers of person referred to in sections 160, 160a, 160b or 160c or in exchange for doing so already, shall be punished by the imprisonment up to three years or by the monetary sanction.
- (2) Who, whether directly or through intermediary, gives, offers or promises the bribe or other undue advantage to other person, in exchange for his influence directed to the fulfilment of powers of person referred to in sections 160, 160a, 160b or 160c or in exchange for doing so already, shall be punished by the imprisonment up to two years or by the monetary sanction.

### *Section 163 Effective Regret*

Giving the bribe under sections 161, 161a, 161b and 161c and trading in influence under section 162 para. 2 is not considered as the offence if the offender has given the bribe or other undue advantage or the promised thereof only because he was requested to do so and he reported it without delay to the prosecutor, investigator or police; a soldier can instead of this report to his commander or chief.

**Provisions in the Slovak Criminal Code implementing the OECD Convention on  
Bribery of Foreign Public Officials in International Business Transactions**

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**(the Act No. 140/1961 of the Official Collection of Laws as amended)**

(excerpts)

*Section 89*

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- a) in the legislative or judicial body or in the body of public administration of a foreign country
  - b) in the enterprise with the decisive influence of the foreign country or in the international organisation established by the states or other subjects of the public international law,
  - c) if the power to manage the public affairs is connected with this function and the criminal offence was committed in connection with this power.
- (11) Corruption means the bribery and any other behaviour in relation to the persons with entrusted powers in the public or private sector, which contradicts the duties resulting from their position of public official, state employee, private employee, independent agent or other relationship of this kind and is aimed at obtaining the undue advantages of any kind for themselves or other persons.
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*Sub-chapter III  
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*Section 161b*

- (1) Who offers, promises or gives a bribe or other undue advantage, whether directly or through intermediary, to a foreign public official, for that official or for a third party, in order that the official act or refrain from acting in relation to the performance of official duties with the intention to obtain or retain business or other improper advantage in the conduct of international business, shall be punished by the imprisonment up to two years or by the monetary sanction.
- (2) The offender shall be punished by the imprisonment for one to five years, if he committed the offence stated in para. 1 above as the member of the organised group or if he through such offence obtains the advantage of large extent <sup>1</sup>.

Note: The OECD Convention was implemented by the amendment to the Criminal Code No. 183 as of 6<sup>th</sup> July 1999 with the entry into force as of September 1<sup>st</sup>, 1999. It was larger amendment dealing in its other provisions with the issues of organised and economic crime and implementing also the Council of Europe Criminal Law Convention.

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