

LAW ON AMENDMENTS TO THE CRIMINAL PROCEDURE CODE
(*Official Gazette of the Republic of Serbia, Nos. 32/2013*)

Article 1.

In the Criminal Procedure Code (Official Gazette of the Republic of Serbia, No. 72/11, 101/11 and 121/12), Article 73, paragraph 2 is amended as follows:

„In proceedings for criminal offenses punishable by a term of imprisonment of up to five years, the defense counsel may be substituted by a legal intern.”

Article 2.

In Article 162. paragraph 1. item 2) after the words: “(Article 185. paragraphs 2. and 3. of the Criminal Code),” the following words are added: „robbery (Article 206. paragraphs 2. and 3. of the Criminal Code),” after the words: „money laundering (Article 231. paragraphs 1. to 4. of the Criminal Code),” the following words are added: „ abuse of the position of responsible person (Article 234 of the Criminal Code), abuse in connection with public procurement (Article 234a of the Criminal Code),” and the words: „taking hostages (Article 392. of the Criminal Code)” are replaced by the words: “public incitement to the commission of terrorist crimes (Article 391a of the Criminal Code), recruitment and training for terrorist crimes (Article 391b of the Criminal Code), use of a deadly device (Article 391v of the Criminal Code), destruction and damaging of a nuclear facility (Article 391g of the Criminal Code), putting in jeopardy persons under international protection (Article 392 of the Criminal Code), terrorist association (Article 393a of the Criminal Code).”

Article 3.

After Article 425. the heading and text of Article 425a are added and they read as follows:

“Detention after Sentencing in the First Instance

Article 425a

When the panel renders a judgment and sentences a defendant who has been released pending trial to a term of imprisonment of less than five years, it will impose detention on him if the reasons referred to in Article 211 paragraph 1 items 1) and 3) of this Code exist, and release the defendant who has been kept in detention if the reasons due to which detention has been ordered have ceased to exist.

The panel will always revoke detention and order that the defendant be released in case of his acquittal, or if the indictment was rejected, or if he was pronounced guilty but released from serving the sentence, or if he was only fined, sentenced to community service or seizure of his driving license, or if he received a judicial admonition or was sentenced to probation, or if he has already served his sentence because of the calculation of detention in his sentence, or if the indictment was dismissed (Art 416), except in the case of a lack of subject-matter jurisdiction.

Provision of paragraph 1 of this Article will apply to the ordering or revocation of detention after announcement of the judgment and until the time it becomes final. This decision is rendered by the first instance court panel (Article 21 paragraph 4).

The opinion of the public prosecutor shall be obtained before the issuance of a ruling ordering or revoking detention in cases referred to in paragraphs 1 and 3 of this Article, when the proceedings are conducted at his request.

If the defendant is already in detention, and the panel finds that the reasons due to which detention was ordered still exist, or that the reason referred to in Article 211 paragraph 1 item 4) of this Code exists, the panel will issue a separate ruling on extending detention. The panel issues a separate ruling also when detention should be imposed or revoked. An appeal against the decision does not stay the enforcement of the ruling.

Detention that has been ordered or extended in accordance with the provisions of paragraphs 1 to 5 of this Article may last until the defendant, or the convicted person, has been sent to the institution where he will serve his sentence, but not longer than the time to which he was sentenced in the first instance judgment.”

Article 4.

This Law enters into force on the eighth day from the date of its publication in the *Official Gazette of the Republic of Serbia*, except Article 2. which will enter into force on April 15, 2013.