

## ACT AMENDING THE CRIMINAL PROCEDURE ACT (LCP-A)

### Article 1

In the Criminal Procedure Act (Ur.l. RS no. 63/94, 70/94 - correction, 25/96 - CC ruling and 5/98 - CC ruling), a new third paragraph shall be added to Article 35 and shall read:

"(3) There shall be no appeals against the resolution from the first paragraph of this Article."

### Article 2

In clause 4 of Article 39, the text "and a proposal for punishment has been submitted" shall be added after the word "procedure".

### Article 3

The first paragraph of Article 40 shall be amended to read:

"(1) A judge or juror judge who learns of any of the grounds for their exclusion under clauses 1 to 5 of the previous Article shall be obliged to discontinue all work on the case in question forthwith, and shall inform the president of the court thereof, who shall order that the case be assigned according to the rules of the court order to another judge. If the exclusion relates to the president of the court, the vice-president of the court shall rule on this matter as the president of the court; if however the vice-president must also be excluded, the president shall appoint a substitute from among the judges of this court, or, if that proves impossible, the president shall ask the president of the immediately superior court to assign a substitute."

### Article 4

The full stop at the end of the second paragraph of Article 41 shall be replaced by a comma, and the words "but in the instance from clause 6 of Article 39 of this Act, only until the start of the main hearing."

### Article 5

The words "If a request for exclusion from clause 6 of Article 39 of this Act was filed after the start of the main hearing or".

### Article 6

A new third paragraph shall be added in Article 65, and shall read:

"(3) In criminal procedures which are taking place due to criminal offences against sexual inviolability from Chapter XIX of the Penal Code of the Republic of Slovenia, with the exception of acts under Articles 185 to 187 inclusive and the criminal offence of neglect of minors and cruel treatment under Article 201 of the Penal Code of the Republic of Slovenia, the minor-injured party must from the initiation of the criminal procedure onwards have an authorised person to care for their rights, particularly in connection with the protection of their integrity during examination before the court and during the exercising of property-law demands. Minors-injured parties who have no authorised person shall be assigned an authorised person from among lawyers by the court ex officio.

### Article 7

In the first paragraph of Article 70, the words "or if under Article 157 of this Act he is brought before an investigating judge," after the word "imprisonment".

The second paragraph shall be amended to read:

"(2) The accused shall be bound to have defence counsel in proceedings under Article 204a of this Act for as long as he is subject to a detention order."

In the third paragraph, the words "or private charges are served on him if the criminal offence he is charged with falls within the jurisdiction of the circuit court" by the words "is served on him if the law prescribes a punishment of eight years imprisonment or a more severe punishment for the criminal offence he is charged with."

In the fourth paragraph, the words "or is deaf, mute or otherwise incapable of successfully defending himself" shall be added after the word "years".

#### Article 8

In Article 71, the words "or president of the panel" shall be added after the word "judge".

#### Article 9

The first paragraph of Article 72 shall be amended to read:

"(1) In instances where the grounds for compulsory defence from Article 70 of this Act cease, and also where the accused takes another defence counsel in place of the assigned defence counsel, the assigned defence counsel shall be dismissed."

#### Article 10

In Article 78, the words "net monthly salary in the commercial sector in the Republic of Slovenia" shall be replaced by the words "net monthly salary in the Republic of Slovenia per employee".

#### Article 11

Article 85 shall be amended to read:

"The provisions of Articles 314 to 317 inclusive of this Act shall apply to the records of the main hearing, while other provisions on the records shall apply only insofar as they are not in contravention of these provisions."

#### Article 12

The first paragraph of Article 89 shall be amended to read:

"(1) An accused person who for justifiable reasons is late in announcing an appeal or in filing an appeal against a judgement, or against a ruling on a security or educational measure or a ruling on the appropriation of a property benefit, shall be granted by the court reinstatement of the previous state of affairs, and permitted to announce an appeal or to file an appeal, provided that within eight days of the date of cessation of the cause of the delay he or she petitions for reinstatement of the previous state of affairs and at the same time also announces or lodges an appeal."

#### Article 13

In the first paragraph of Article 90, the words "passed the judgement against which an appeal is being announced or" after the word "who".

In the third paragraph, the words "with the announcement of an appeal against the judgement or" after the words "together with it".

#### Article 14

The first paragraph of Article 92 shall be amended to read:

"(1) The costs of criminal procedure shall be the expenses which arise in or due to the criminal procedure."

In the third paragraph, the words "net monthly salary in the commercial sector in the Republic of Slovenia" shall be replaced by the words "net monthly salary in the Republic of Slovenia per employee".

In the fourth paragraph, the words "and rewards" shall be added after the words "expenses". The words "and the injured party" shall be added after the word "injured party".

#### Article 15

In the first paragraph of Article 94, a comma shall be added in the fourth line after the word "costs" and the word "arising" added, and the words "or failure to file an announced appeal" shall be added after the word "hearing".

#### Article 16

In the third paragraph of Article 96, the words "A private prosecutor shall be bound" shall be replaced by the words "Private prosecutors and injured parties acting as prosecutors shall be bound". At the end of the first sentence after the word "prosecutor" the full stop shall be deleted and the words "or injured party acting as prosecutor, as well as in instances from the second paragraph of Article 63 of this Act." In the second sentence, a comma shall be added after the word "private prosecutor" and the words "and his authorised person" shall be replaced by the words "the injured party acting as prosecutor and their authorised persons". In the third sentence, the words "or the injured party acting as prosecutor" shall be added after the word "prosecutor". In the fourth sentence, the words "or the injured party acting as prosecutor" shall be added after the word "prosecutor".

#### Article 17

A new third paragraph shall be added to Article 97 and shall read:

"(3) If the accused is not instructed to pay the costs of the criminal procedure, the costs of the authorised person of the injured party from the third paragraph of Article 65 of this Act shall be borne by the budget."

#### Article 18

A new Article 98a shall be added after Article 98 and shall read:

"Article 98a

The provisions of Articles 92 to 98 inclusive of this Act shall apply mutatis mutandis to the payment of the costs which arise in procedures with extraordinary legal remedies."

#### Article 19

A new Article 141a shall be added after Article 141 and shall read:

"Article 141a

(1) In instances when there exists a well-founded risk to their lives, accused persons whose sentence must be remitted (third paragraph of Article 297 of the Penal Code of the Republic of Slovenia) and the members of their immediate family (clauses 1 to 3 of the first paragraph of Article 236) must to the maximum degree possible have their personal safety ensured in the pre-criminal procedure and during and after the criminal procedure.

(2) Measures to ensure personal safety shall be implemented at the suggestion of the public prosecutor according to instructions issued for individual cases by the Minister responsible for Justice together with the minister responsible for internal affairs. If the accused must serve a prison sentence after being convicted of other criminal offences, the Minister responsible for Justice shall issue appropriate instructions after obtaining in advance the opinion of the director of the institute for serving sentences."

#### Article 20

In the second paragraph of Article 149, the full stop shall be deleted at the end of the first sentence, and the words "and an oral mucous membrane swab." shall be added.

#### Article 21

In Chapter Fifteen, Articles 150 to 156 inclusive shall be replaced by new Articles, which shall read:

#### "Article 150

(1) If there are well-founded grounds for suspecting that a particular person has committed, is committing or is preparing or organising the committing of any of the criminal offences listed in the second paragraph of this Article, and if there exists a well-founded suspicion that such person is using for communications in connection with this criminal offence a particular means of communication or computer system or that such means or system will be used, wherein it is possible to reasonably conclude that other measures will not permit the gathering of data or that the gathering of data could endanger the lives or health of people, the following may be ordered against such person:

- 1) monitoring of telecommunications through bugging and recording;
- 2) control of letters and other parcels;
- 3) control of the computer systems of banks or other legal entities which perform financial or other commercial activities;
- 4) bugging and recording of conversations with the permission of at least one person participating in the conversation.

(2) The criminal offences in connection with which the measures from the previous paragraph may be ordered are:

- 1) criminal offences against the security of the Republic of Slovenia and its constitutional order, and crimes against humanity and international Act for which the law prescribes a prison sentence of five or more years;
- 2) the criminal offence of kidnapping under Article 144, illegal production of and trade in drugs under Article 196, enabling the taking of drugs under Article 197, blackmail under Article 218, unauthorised acceptance of gifts under Article 247, unauthorised giving of gifts under Article 248, money laundering under Article 252, smuggling under Article 255, accepting of a bribe under Article 267, giving of a bribe under Article 268, undue influence under Article 269, criminal association under Article 297, unauthorised production of and trade in arms or explosives under Article 310, and causing danger with nuclear substances under Article 319 of the Penal Code of the Republic of Slovenia;
- 3) other criminal offences for which the law prescribes a prison sentence of eight or more years.

#### Article 151

(1) If there exist well-founded reasons to suspect that a particular person has committed, is committing, or is preparing or organising the committing of any of the criminal offences listed in the second paragraph of this Article, wherein it is possible to reasonably conclude that it will be possible in a precisely defined place to obtain evidence which more lenient measures, including the measures from the previous Article, would not be able to obtain or the gathering of which could endanger the lives of people, exceptionally bugging and surveillance in another person's home or in other areas with the use of technical means for documentation and where necessary secret entrance into the aforementioned home or area may be ordered against such person.

(2) Measures from the previous paragraph may be ordered in connection with all criminal offences from the first clause of the second paragraph of the previous Article, criminal offences from the second clause of the same paragraph, except for the criminal offence of kidnapping under Article 144, enabling the taking of drugs under Article 197, blackmail under Article 218, money laundering under the first, second, third and fifth paragraphs of Article 252 and smuggling under Article 255 of the Penal Code of the Republic of Slovenia, and in connection

with other criminal offences from the third clause of the same paragraph for which the law prescribes a prison sentence of eight or more years only if there exists a real danger to the lives of people.

#### Article 152

(1) The measures from Articles 150 and 151 of this Act shall be ordered by the investigating judge following the public prosecutor's written proposal, which must contain:

- 1) data on the person against whom the measure is proposed;
- 2) the justification of the grounds for the suspicion concerning the committing, preparation or organisation of the criminal offences stipulated in Articles 150 or 151 of this Act;
- 3) the measure being proposed, the method of implementation of the measure, the scope and duration of the measure, precise specification of the area or place in which the measure will be implemented, the means of communication or telecommunication and other important circumstances which require the use of an individual measure;
- 4) justification of the inescapable necessity of the use of individual measures in relation to the collection of evidence in another manner and the use of less severe measures;
- 5) justification of the grounds for the early implementation of the order in instances from the last paragraph of this Article.

(2) Exceptionally, if a written order cannot be obtained in time and if there exists a risk of delay, the internal affairs bodies may begin implementing measures from Article 150 of this Act pursuant to a verbal order of an investigating judge. A written order must be issued no later than twelve hours after the issuing of the verbal order. There must exist well-founded grounds for early implementation; in the opposite case, the court shall, regardless of the justification of the use of measure, always act according to the fourth paragraph of Article 154 of this Act.

(3) If in the implementation of measures from clause 2 of the first paragraph of Article 150 of this Act the internal affairs bodies assess that the contents of a letter or other package are such as could be evidence in a criminal procedure, they shall be obliged to inform the investigating judge thereof, who shall decide how to deal with the package. The investigating judge shall compile special records on this.

(4) The implementation of the measures from Articles 150 and 151 of this Act may last no longer than one month, but the duration may be extended for one month at a time for well-founded reasons; however measures from Article 150 of this Act may last for a maximum total of six months, and measures from Article 151 of this Act may last for a maximum total of three months. The implementation of these measures shall be halted as soon as the reasons for which they were ordered cease to apply.

(5) Internal affairs bodies shall implement orders from the first paragraph of this Article. Companies which perform the transfer of information shall be obliged to enable internal affairs bodies to implement the order.

#### Article 153

(1) After the termination of the measures from Articles 150 and 151 of this Act, the internal affairs bodies shall be obliged to deliver all recordings, messages and items obtained through the use of such measures, together with a report comprising a summary of the evidence gathered, to the public prosecutor.

(2) The public prosecutor shall deliver all the material to the investigating judge; the judge shall verify whether the measures were implemented in the manner approved. The investigating judge may order that the recordings of telephone conversations and other forms of communication be transcribed in whole or in part. The provisions of the fifth paragraph of Article 84 of this Act shall apply to the transcriptions of these recordings.

#### Article 154

(1) The messages and recordings obtained through the use of measures under Article 150 and 151 of this Act shall be stored by the court for as long as the criminal record is stored.

(2) If the public prosecutor announces that he will not institute criminal proceedings against the accused, or fails to issue such a statement within the interval of two years after the end of implementation of measures from Articles 150 and 151 of this Act, the material from the previous paragraph shall be destroyed under the supervision of the investigating judge. The investigating judge shall produce an official note on such destruction. Prior to destruction, the investigating judge shall inform the accused of the use of such measures, who shall have the right to be acquainted with the material obtained, or where such material is extensive in scope, to be acquainted with the report from the first paragraph of Article 153 of this Act. If it is possible to reasonably conclude that acquainting the accused with the material will lead to the onset of a risk to the lives and health of people, or for other well-founded reasons, the investigating judge, at the suggestion of the public prosecutor or ex officio, may decide not to acquaint the accused with the contents of the material obtained.

(3) Recordings of telephone conversations and other forms of personal communication may not be used as evidence if they do not concern any of the criminal offences from the second paragraph of Article 150 of this Act where the recordings are obtained through the implementation of measures under the first paragraph of Article 150, or if they do not concern any of the criminal offences from the second paragraph of Article 151 of this Act where the recordings are obtained through the implementation of measures under the first paragraph of Article 151 of this Act.

(4) If measures from Articles 150 and 151 of this Act were implemented without an order from an investigating judge or in contravention of such order, the court may not base its ruling on data, messages, recordings or evidence so obtained.

(5) The provisions of Article 237 of this Act shall apply mutatis mutandis also to data, recordings, messages and evidence obtained through the use of measures from Articles 150 and 151 of this Act.

#### Article 155

(1) If it is possible to justifiably conclude that a particular person is involved in criminal activities relating to criminal offences from the second paragraph of Article 150 of this Act, the public prosecutor may, pursuant to a reasoned proposal from the internal affairs bodies, by written order permit measures of feigned purchase, feigned acceptance or giving of gifts or feigned acceptance or giving of bribes. The proposal and order shall become constituent parts of the criminal record.

(2) The order from the public prosecutor may only refer to one-off measures. Proposals for each further measure against the same person must contain the reasons which justify their use.

(3) In the implementation of measures from the first paragraph of this Article, internal affairs bodies and their staff may not incite criminal activities. In determining whether the criminal activity was incited, primary consideration must be given to whether the measure as implemented led to the committing of a criminal offence by a person who would otherwise not have been prepared to commit this type of criminal offence.

(4) If the criminal activity was incited, this shall be a circumstance which excludes the initiation of criminal proceedings for criminal offences committed in connection with the measures from the first paragraph of this Article.

(5) The provisions of Article 110, 131, 498 and 498a of this Act shall apply to items obtained through measures from the first paragraph of this Article.

#### Article 156

If justified grounds exist for the suspicion that a particular person has committed a criminal offence which is prosecuted ex officio and which is linked to the acquisition of property benefits, the investigating judge may, based on a reasoned proposal by the public prosecutor, order banks, savings banks or savings-credit services to report data on deposits, accounts and other transactions of this person and of other persons for whom it is possible to reasonably conclude that they are participants in the financial transactions or other deals of the person committing the offence, if these data could be important evidence in the criminal procedure."

#### Article 22

In the first paragraph of Article 157, the words "and second" shall be deleted. The words "or the first paragraph of Article 432" shall be added after the words "Article 201".

In the second paragraph, the words "of the second paragraph of Article 201 of this Act" after the words "clause 3" shall be replaced by the words "of the first paragraph of Article 201 of this Act and clauses 1 and 2 of the first paragraph of Article 432 of this Act"; after the words "clause 2", the word "second" shall be replaced by the word "first".

#### Article 23

A new Article 161a shall be added after Article 161 and shall read:

##### "Article 161a

(1) The public prosecutor may transfer the report of a crime for which a financial penalty or up to three years in prison is prescribed into the settlement procedure. In so doing, he shall take account of the type and nature of the offence, the circumstances in which it was committed, the personality of the offender and his or her prior convictions for the same type or for other criminal offences, as well as his or her degree of criminal responsibility.

(2) Settlement shall be run by the adjuster, who is obliged to accept the case into procedure. Settlement may be implemented only with the consent of the offender and the injured party. The adjuster is independent in his or her work. The adjuster shall be obliged to strive to ensure that the contents of the agreement are proportionate to the seriousness and consequences of the offence.

(3) On receiving notification of the fulfilment of the agreement, the public prosecutor shall dismiss the report. The adjuster is also obliged to inform the public prosecutor of the failure of settlement and the reasons for such failure. The interval for the fulfilment of the agreement may not be longer than three months.

(4) In the event of the dismissal of the report from the previous paragraph, the rights from the second and fourth paragraphs of Article 60 of this Act shall not go to the injured party, who must be informed thereof by the adjuster before the agreement is signed.

(5) General instructions issued by the general public prosecutor shall define in greater detail the conditions and circumstances from the first paragraph of this Article which influence the transfer of the report to the settlement procedure."

#### Article 24

In the first paragraph of Article 162, the words "with the consent of the injured party" shall be added after the word "may". The words "one year" shall be replaced by the words "three years".

A new third paragraph shall be added and shall read:

"(3) In the event of the dismissal of the report from the previous paragraph, the rights from the second and fourth paragraphs of Article 60 of this Act shall not go the injured party.. The public prosecutor shall be obliged to inform the injured party of the loss of these rights before the injured party gives consent under the first paragraph of this Article."

#### Article 25

In clause 1 of the first paragraph of Article 163, the words "or must" shall be added after the word "may".

#### Article 26

The third sentence of the fourth paragraph of Article 169 shall be deleted.

In the ninth paragraph, the words "seventh and eighth" shall be replaced by the words "sixth and seventh".

## Article 27

The first paragraph of Article 178 shall be amended to read:

"(1) The public prosecutor and the defence counsel may be present during interrogation of the accused. If the investigating judge assesses that their presence in a particular case is necessary, he or she may order that the interrogation take place only in their presence. The presence of the public prosecutor and the defence counsel shall always be compulsory in instances of the first interrogation after the accused is detained pursuant to Article 157 of this Act."

In the fourth paragraph, the words "The investigating judge may order the accused to be removed from interrogation if a witness is unwilling to testify in the presence of the accused or if circumstances indicate that the witness will fail to tell the truth in the presence of the accused or in instances where a recognizance will be required after hearing the witness. The accused may not be present during the questioning of witnesses younger than 15 who are victims of any of the criminal offences from the third paragraph of Article 65 of this Act."

The sixth paragraph shall be amended to read:

"(6) If a person who has been sent notification of an investigative act fails to appear, the investigative act may be conducted in such person's absence. If the investigating judge orders compulsory presence but the public prosecutor or defence counsel fail to appear at the interrogation, the interrogation shall as a rule be postponed, unless the interval from the second paragraph of Article 203 of this Act would thereby expire or if the investigating judge assesses with regards to changed circumstances that compulsory presence is no longer required. The investigating judge shall inform the higher public prosecutor or the lawyers' chamber of the postponement or failure to appear."

The second sentence of the seventh paragraph shall be deleted.

## Article 28

At the end of the first paragraph of Article 180, a new sentence shall be added which shall read "If it has been impossible to deliver notification to the injured party because the injured party has failed to report changes of address or residence to the court, the injured party shall be deemed not to intend to continue the prosecution."

## Article 29

In the first paragraph of Article 184, the comma after the word "elucidated" shall be replaced by a full stop and the remaining words up to the end of the sentence shall be deleted.

## Article 30

Before Article 192, the title of chapter XVII shall be amended to read:

"MEASURES TO ENSURE THE PRESENCE OF THE ACCUSED, TO PREVENT RE-OFFENDING AND TO ENSURE SUCCESSFUL CONDUCT OF THE CRIMINAL PROCEEDINGS"

The first and second paragraphs of Article 192 shall be amended to read:

"(1) The measures which may be used to ensure the presence of the accused, to prevent re-offending and to ensure successful conduct of the criminal proceedings are: summons, compulsory appearance or promise by the accused not to leave his residence, prohibition on approaching a specific place or person, attendance at a police station, bail, house arrest and detention.

(2) In deciding on which of the measures to apply to ensure the presence of the accused, the court shall be obliged to take account of the conditions stipulated for individual measures. In selecting the measures, it shall also be obliged to ensure that it does not apply stricter measures if less strict measures would suffice.

## Article 31

After Article 195, a new title and new Articles 195a and 195b shall be added to read:

#### "4.a Prohibition of approaching a specific place or person

##### Article 195a

(1) If the circumstances from clauses 2 or 3 of the first paragraph of Article 201 of this Act exist, but the risk that the accused will destroy traces of the criminal offence, will influence witnesses, participants or persons involved in concealment, or that the accused will repeat the criminal offence, complete an attempted criminal offence or commit a threatened criminal offence can be prevented through the prohibition on the accused approaching a specific place or person, the court shall use such a measure.

(2) The court shall stipulate an appropriate distance from the specific place or person which the accused must respect and which the accused may not intentionally cross; in the opposite instance, the court shall order detention against the accused. The accused must always be informed of such consequences in advance.

(3) If the distance which the accused must respect is intentionally violated by the person protected under the measure, the court may each time penalise with the monetary fine from Article 78 of this Act the protected person.

(4) Courts shall decide on the measures from this Article in a reasoned resolution; the explanation must contain justification for the suspicion that the accused committed a criminal offence, the circumstances from the first paragraph of this Article and the use of this measure.

#### 4.b Attendance at police stations

##### Article 195b

(1) If there exists a fear that the accused will go into hiding or leave for an unknown destination or for a foreign country, the court may decide that the accused must, daily or occasionally, appear at a specified time at the police station in the area of which the accused has permanent or temporary residence or the accused is found at the time of the decision on the use of measures to ensure attendance. The resolution shall be handed to the accused and sent to the relevant police station.

(2) If the accused fails to attend the police station as stipulated in the resolution, the internal affairs bodies shall be obliged to report this without delay to the court; the court may order detention against the accused in the event of intentional violation of obligations. The accused must always be informed of these consequences in advance.

(3) The court shall decide on the measures from this Article through a reasoned resolution; the explanation must contain justification for the suspicion that the accused has committed a criminal offence. the circumstances from the first paragraph of this Article and the use of this measure.

(4) Unless otherwise stipulated in this Article, the provisions of this Act concerning detention shall apply mutatis mutandis to the ordering, duration, extension and removal of the measures from the previous Article and from the present Article.

(5) The investigating judge shall always decide, either ex officio or at the suggestion of the public prosecutor."

##### Article 32

A new second paragraph shall be added to Article 196 and shall read:

"(2) If the conditions for the ordering of detention are fulfilled only for reasons of the risk of re-offending (clause 3 of the first paragraph of Article 201), the accused, provided that bail has been provided and the accused has promised not to repeat the criminal offence, not to complete an attempted criminal offence or not to commit the criminal offence which he has threatened, may remain free or may be freed if he is in detention, except in instances involving criminal offences from chapters XV, XIX, XX, XXI, XXVII, XXVIII, XXIX,

XXX, XXXIII, XXXIV and XXXV of the Penal Code of the Republic of Slovenia for which a prison sentence of five or more years is prescribed."

#### Article 33

A new fourth paragraph shall be added to Article 197 and shall read:

"(4) If the accused repeats the criminal offence, completes an attempted criminal offence or commits a criminal offence which he has threatened, he may be detained. If bail is provided, he shall be treated according to the previous paragraph."

#### Article 34

In the first paragraph of Article 198, the word "shall" shall be replaced by the word "may".

A new third paragraph shall be added and shall read:

"(3) Where bail was given pursuant to the second paragraph of Article 196 of this Act, it shall be cancelled once the criminal proceedings are legally completed. The bail shall be treated in the same manner as in the previous paragraph."

The present third paragraph shall become the fourth paragraph.

#### Article 35

A new title and new Article 199a shall be added after Article 199, and shall read:

"5. House arrest

#### Article 199a

(1) If the grounds from clauses 1 to 3 of the first paragraph of Article 201 of this Act exist but the ordering of detention is not unavoidably necessary for the safety of people or for the progress of the criminal proceedings, the court may order house arrest against the accused. The resolution on the ordering, extension or removal of house arrest shall in all cases also be sent to the police station on the territory of which the measure is implemented.

(2) Through the resolution on ordering house arrest, the court shall determine that the accused may not move from the building in which he permanently or temporarily resides or from a public treatment or care institution. The court may restrict or prohibit contacts between an accused subject to house arrest and persons with whom they do not live or who are not dependent on the accused.

(3) Exceptionally, the court may allow an accused person subject to house arrest to move for a specific time away from the premises where house arrest is being implemented whenever this is unavoidably necessary to ensure essential living needs or to perform work. The court shall inform the police station on the territory of which the measure is implemented thereof.

(4) In the event that the accused, without the permission of the court, moves from the building in which he permanently or temporarily resides, or from a public treatment or care institute, or does so outside the permitted time, the court may order detention against him. The accused must always be informed in advance of this consequence.

(5) The court shall supervise the implementation of the measure of house arrest, either directly itself or through internal affairs bodies. Internal affairs bodies may at any time, even without a court request, verify the implementation of the measure of house arrest, and shall inform the court without delay of any possible violations of the measure.

(6) Unless otherwise stipulated in this Article, the provisions of this Act on detention shall apply mutatis mutandis to the ordering, duration, extension and removal of house arrest, as well as to the inclusion of house arrest in the sentence imposed.

(7) The panel shall in all cases decide on the extension of house arrest prior to the submission of the indictment based on a reasoned proposal of the investigating judge or public prosecutor (sixth paragraph of Article 25). The accused must be acquainted with the proposal, as must his defence counsel where the accused has such, within the interval from the second paragraph of Article 205 of this Act."

#### Article 36

In clause 2 of the second paragraph of Article 201, the word "investigation" shall be replaced by the words "progress of the criminal proceedings". Clause 3 shall be amended to read:

"3) if the seriousness of the offence, or the manner or circumstances in which the criminal offence was committed and his personal characteristics, previous life, the environment and conditions in which he lives or some other personal circumstances indicate a risk that he will repeat the criminal offence, complete an attempted criminal offence or commit a criminal offence which he has threatened."

A new third paragraph shall be added and shall read:

"(3) In particular, violations by the accused of the measures from Articles 195, 195a, 195b, 196 and 199 of this Act shall be deemed to be special circumstances from clauses 1, 2 and 3 of this Article."

#### Article 37

The full stop at the end of the first paragraph of Article 202 shall be deleted, and the words "at the proposal of the public prosecutor." added.

The second paragraph shall be amended to read:

"(2) Remand in custody shall be ordered in a written resolution comprising: the name and surname of the person to be deprived of freedom; the criminal offence of which he is accused; the legal grounds for remand in custody; instructions on the right to appeal; explanation of all decisive facts which dictated remand in custody, wherein the investigating judge shall be obliged to state precisely the grounds for the justified suspicion that the person committed a criminal offence, to explain the decisive facts from clauses 1 to 3 of the first paragraph of the previous Article, and to state why the ordering of remand in custody in the concrete example is unavoidably necessary for the safety of people or for the progress of the procedure."

In the third paragraph, the word "twenty-four" shall be replaced by the word "twenty-eight".

The seventh paragraph shall be amended to read:

"(7) In instances from the fifth paragraph of this Article, the investigating judge, with a request that the panel decide on the public prosecutor's proposal for the ordering of detention, may in all cases order any of the substitute measures from this chapter."

#### Article 38

The last sentence of the first paragraph of Article 203 shall be deleted.

The second, third and fourth paragraphs shall be amended to read:

"(2) The investigating judge shall be obliged to question persons who have been deprived of their freedom without delay, and no later than within forty-eight hours of such person being brought to the judge.

(3) If the person who has been deprived of freedom fails to retain defence counsel within twenty-four hours of being informed of such right or declares that he will not retain defence counsel, the court shall ex officio appoint defence counsel for him.

(4) In instances from the previous paragraph, the investigating judge shall by decree order detention for the necessary time but for no longer than forty-eight hours from the hour when the person who has been deprived of freedom was brought to the judge. The provisions of the seventh paragraph of Article 157 of this Act shall apply mutatis mutandis to appeals against such resolution."

A new fifth paragraph shall be added to read:

"(5) Detention under the previous paragraph shall be implemented in remand premises."

Article 39

A new Article 204a shall be added after Article 204 and shall read:

Article 204a

(1) Immediately after questioning, the public prosecutor shall be obliged to declare whether he or she will request the initiation of criminal proceedings and propose remand in custody or any of the substitute measures from this chapter.

(2) If the public prosecutor announces the application of the previous paragraph of this Article, he shall be obliged to explain the circumstances which could influence the decision on individual measures. The accused and his defence counsel may in response to the statement of the public prosecutor give their proposals and viewpoints.

(3) When the parties have made statements on all issues which could influence the application of measures from this chapter, the investigating judge shall rule on the proposals of the parties.

(4) If remand in custody has been ordered for the accused and the public prosecutor fails within forty-eight hours of the hour when he was informed of the remand to submit a written request for the initiation of criminal proceedings, the investigating judge shall cancel remand and shall release the detained person."

Article 40

In Article 205, the words "The accused and his defence counsel must be informed of the proposal no less than three days prior to the expiry of the interval from this paragraph, and may make statements on the declarations in the proposal, or the investigating judge shall perform a special hearing." shall be added at the end of the second paragraph.

Article 41

In chapter XVII, the title of sub-chapter 7 and Articles 209 to 213 shall be replaced with a new title and new Articles 209 to 213d, which shall read:

"7. Implementation of remand

Article 209

(1) While being remanded in custody, the detainee's person and dignity must not be abused. The detained must be treated in a humane manner and his physical and mental health must be protected.

(2) Only those restrictions which are necessary to prevent escape or consultation which could harm the successful implementation of the proceedings may be used against persons on remand.

Article 210

(1) Detainees shall be accepted in institutes in which remand is served (hereinafter: institute) pursuant to a written resolution on remand.

(2) The institute may also accept detainees without a written resolution, but the competent court shall be obliged no later than within twenty-four hours of the detainee's arrival at the institute to send a written resolution on remand to the institute.

(3) In instances from the previous paragraph, the responsible worker of the institute shall be obliged to produce an official record which states the competent court which requested the acceptance and the date and time of the acceptance of the detainee in the institute.

(4) If the institute does not receive the written resolution on remand within the interval from the previous paragraph, it shall release the detainee and inform the competent court thereof.

#### Article 211

(1) The institute shall collect, process, store and maintain a database on detainees due to the lawful and proper implementation of remand.

(2) The database from the previous paragraph shall comprise:

1. data on the identity of the detainee and on his personal status,
2. data on the resolution on remand,
3. data on the work performed while on remand,
4. data on acceptance into remand and the duration, extension and cancellation of remand,
5. data on the behaviour of the detainee and on disciplinary measures.

(3) Data from the database shall be stored and used for the duration of remand; after the remand is cancelled, the data shall be archived and stored permanently.

(4) The institute shall forward the data from the second paragraph of this Article to the central records on detainees, and to other users only if they are authorised to use the data by law or pursuant to the written permission or request of the individual to whom the data refers.

(5) The Minister responsible for Justice shall issue regulations to define in greater detail the data from the second paragraph of this Article.

#### Article 212

(1) Detainees shall be held on remand in special remand premises or in a separate, closed part of an institute for the serving of prison sentences or of a department thereof.

(2) People of the opposite sex may not be held in the same room. As a rule, persons who have participated in the same criminal offence, and persons serving prison sentences may not be held with those on remand. If possible, persons who are accused of repeat criminal offences may not be held in the same room as other prisoners who could be subjected to harmful influences.

(3) The competent court may transfer a detainee from one institute to another for reasons of safety, order and discipline or for the successful and rational implementation of the criminal proceedings, at the proposal of the director of the institute in which the detainee is held.

#### Article 213

While on remand, detainees may have on their person and use items for personal use, to maintain hygiene, equipment to receive public media, printed matter, professional and other literature, money and other items which with regards to size and quantity enable functional living in the living area and which do not disturb other detainees. Other items shall be confiscated and put into storage during personal inspection of the detainee .

#### Article 213a

(1) Detainees shall have the right to eight hours uninterrupted rest in twenty-four hours. In addition, detainees must be ensured no less than two hours of outdoor exercise per day.

(2) Detainees may be used for work which is necessary to maintain order and cleanliness in their area. In accordance with the possibilities of the institute and on condition that it is not harmful to the criminal proceedings, detainees must be allowed to work in activities which suit their mental and physical abilities. The investigating judge or the president of the panel shall decide on this in agreement with the management of the institute.

(3) Detainees shall have the right to payment for work performed. The Minister responsible for Justice shall prescribe in greater detail the manner and amount of payment.

#### Article 213b

(1) With the permission of the investigating judge who is conducting the investigation and under his supervision or the supervision of someone appointed by him, close relatives, and at his request also a doctor and others, may visit the detainee within the confines of the house order of the institute. Individual visits may be prohibited if this could cause harm to the proceedings.

(2) Diplomatic and consular representatives of foreign countries shall have the right, with the knowledge of the investigating judge performing the investigation, to visit and to talk unsupervised with detainees who are citizens of their country.

(3) The human rights ombudsman or his deputy may visit detainees and may correspond with them without prior notification and without supervision of the investigating judge and without supervision by the investigating judge or someone appointed by him. The letters which detainees send to the Office of the Human Rights Ombudsman may not be examined.

(4) Detainees may correspond or have other contacts with persons outside the institute with the knowledge and under the supervision of the investigating judge performing the investigation. The investigating judge may prohibit the sending and receiving of letters and other packages or from establishing contacts which are harmful to the procedure, but may not prohibit detainees from sending requests or complaints.

(5) After the indictment until the judgement is legally binding, the president of the panel shall have the rights from the first to third paragraphs of this Article.

#### Article 213c

(1) Detainees may be disciplined for disciplinary breaches. The investigating judge or the president of the panel may impose a disciplinary punishment.

(2) Disciplinary breaches are:

- physical attacks on other detainees, employees of the institute or other official persons,
- the production, acceptance or introduction of items for attacks or escape,
- the introduction and production of alcoholic beverages and narcotics and their distribution,
- violations of the regulations on safety at work, fire safety, explosions and other natural disasters,
- repeated violations of the house order of the institute,
- causing serious material damage intentionally or through serious negligence,
- insulting and undignified behaviour.

(3) For disciplinary breaches, a prohibition or restrictions on visits and correspondence may be imposed. Restrictions or prohibition of visits shall not apply to visits by the defence counsel, doctors, the human rights ombudsman and diplomatic and consular representatives of the country of which the detainee is a citizen.

(4) Complaints may be lodged with the panel (sixth paragraph of Article 25) against the resolution on punishments imposed under the first paragraph of this Article within twenty-four hours of receipt thereof. Complaints shall not stay execution of the resolution.

#### Article 213c

(1) Unless otherwise stipulated by this Act and by regulations issued pursuant thereto, the provisions of the law which governs the implementation of penal sanctions and of regulations issued pursuant thereto shall apply mutatis mutandis to the monitoring, pursuit, surveillance, maintenance of order and discipline, the use of force, personal search and house searches for detainees.

(2) In performing official duties, authorised official persons of the institute may use firearms only if they are otherwise unable to protect the lives of people, to rebuff a direct attack on their person which endangers their life or to rebuff an attack on a person or structure which he is protecting.

#### Article 213d

(1) Supervision of the treatment of detainees shall be implemented by the president of the district court.

(2) The president of the court, or a judge appointed by him, shall be obliged at least once a week to visit detainees and to ask, if he considers it necessary, including without the presence of warders, them how they are being treated. He shall be obliged to take the necessary action to remove irregularities which he noticed during his visit to the institute. The appointed judge may not be the investigating judge.

(3) The president of the court and the investigating judge may at any time visit detainees, talk with them and accept complaints."

#### Article 42

The fifth paragraph of Article 215 shall be amended to read:

"(5) Searches shall as a rule be conducted between 6 a.m. and 10 p.m. They may also be conducted outside these times if they began within these hours and are not completed by 10 p.m., or if the reasons from Article 218 of this Act exist, or if the investigating judge assesses that a delay could lead to destruction of traces of a criminal offence or of items important for the criminal proceedings and specifically permits this."

A new sixth paragraph shall be added to read:

"(6) The provisions of this and other Articles which refer to house and personal searches shall also apply mutatis mutandis to searches of concealed spaces in means of transport."

#### Article 43

The words "If it concerns the criminal offence of criminal association under Article 297 of the Penal Code of the Republic of Slovenia, the accused must also be informed of the instances in which his penalty must be remitted (third paragraph of Article 297 of the Penal Code of the Republic of Slovenia)." shall be added at the end of the second paragraph of Article 227.

In the sixth paragraph, the words "Questions shall as a rule be asked first by the public prosecutor, then by counsel and finally by the investigating judge." shall be deleted.

#### Article 44

New fifth, sixth and seventh paragraphs shall be added to Article 240 and shall read:

"(5) If revealing the identity of a witness would lead to a well-founded danger to the life of the witness or to the life of the witness's close relatives (clauses 1 to 3 of the first paragraph of Article 236 of this Act), or if the witness is the direct performer of measures under Articles 150, 151 and 155 of this Act and Article 49 of the Law on the Police (Ur.l. RS no. 49/98) whom the responsible body exempted from the obligation to protect official secrets, then revealing the identity of the witness shall not be permitted. In such instances, the data obtained in procedures under the third paragraph of this Article, immediately after identification and prior to interrogation of the witness, shall be removed from the record and stored as official secrets. This data may be examined and used only within the procedure of deciding on appeals against the resolution from the last paragraph of this Article. Personal data shall as a rule not be requested from direct performers of activities under Articles 150, 151 and 155 of this Act and under Article 49 of the Law on the Police, and it shall be sufficient if

they identify themselves through their official working name and an official document which confirms their identity.

(6) The interrogation of witnesses from the previous paragraph shall be performed with the aid of technical assets (protective walls, voice-distortion equipment, audio transmission from a special room and other protective means). The investigating judge shall prohibit all questions to which the answers could reveal the identity of the witness.

(7) The investigating judge shall issue a special resolution to guarantee the anonymity of specific witnesses. He shall decide on this at the suggestion of the public prosecutor or of the witness, or ex officio. The resolution may not contain data which could lead to the discovery of the identity of the witness."

#### Article 45

The fourth paragraph of Article 249 shall be amended to read:

"(4) If a court expert is appointed for some type of expert work, the court may only appoint other experts if it would be dangerous to delay, if the court experts are delayed, or if other circumstances so require."

#### Article 46

In Article 288, the full stop at the end of the second paragraph shall be replaced by a comma, and the words "as well as information that he will be deemed to have renounced his right to appeal if he fails to declare an appeal within eight days of the date of announcement of the judgement."

#### Article 47

A new sentence shall be added at the end of the first paragraph of Article 293 and shall read "If it has been impossible to deliver notification to the injured party because the injured party has failed to report changes of address or residence to the court, the injured party shall be deemed not to intend to continue the prosecution."

#### Article 48

In the third paragraph of Article 311, the words "one month" shall be replaced by the words "three months".

#### Article 49

Article 314 shall be amended to read:

"(1) The minutes of the main hearing shall comprise a transcription of the audio recording of the main hearing and the minutes on the progress of the main hearing, its main components and decisions taken, as defined in Articles 316 and 317 of this Act.

(2) If the accused has been sentenced to a prison sentence, or after the announcement of an appeal in other instances, the audio recording of the main hearing shall be entirely transcribed within three working days following the completion of the main hearing. The president of the panel shall review and confirm the transcription and shall insert it in the record as a constituent part of the of the record of the main hearing.

(3) The president of the panel may order that the entire proceedings of the main hearing or individual parts thereof shall be recorded in shorthand. The stenographic minutes shall within 48 hours be transcribed, reviewed, and inserted in the records.

#### Article 50

In the first paragraph of Article 315, the words "on the proceedings of the main hearing" shall be added after the word "record".

#### Article 51

The third paragraph of Article 316 shall be amended to read:

"According to the judgement of the president of the panel, important statements by parties, as well as essential elements of the depositions of the accused, witnesses and expert witnesses shall be entered in the record of the proceedings of the main hearing."

The fourth paragraph shall be deleted.

Article 52

In Article 317, the words "main hearing" shall be replaced by the words "proceedings of the main hearing".

Article 53

Fifth, sixth and seventh paragraphs shall be added to Article 331 and shall read:

"(5) Direct questioning of persons under 15 years of age who are victims of criminal offences from the third paragraph of Article 65 of this Act shall not be permitted in the main hearing. In such instances, the court shall be obliged to decide that the records of previous questioning of such persons be read.

(6) In instances from the previous paragraph, parties may pose indirect questions. If the panel recognises that the questions are justified and necessary for clarification of the actual state of affairs, it shall proceed according to the provisions of Article 338 of this Act.

(7) If a witness whose identity must not be revealed (fifth paragraph of Article 240) must be questioned in the main hearing, such questioning shall be conducted with the aid of technical assets (protective walls, voice distortion equipment, audio transmission from a special room and other protective means). The president of the panel shall prohibit all questions the answers to which could reveal the identity of the witness."

Article 54

In clause 1 of the first paragraph of Article 340, the words "or if they live abroad and fail to appear at the main hearing, despite being properly summoned to appear" shall be added after the word "difficulties".

Article 55

In Article 347, the words "may not propose the extent of a penalty, although he may propose" shall be replaced by the words "may propose the type and extent of a penalty, security measures and".

Article 56

A new fifth paragraph shall be added in Article 350 and shall read:

"(5) The provisions of the third paragraph of Article 297 of the Penal Code of the Republic of Slovenia on the remission of penalties may only be applied in instances where the accused has prevented the committing of a criminal offence from the first paragraph of the aforementioned Article, or indicated in good time or revealed the organisation and leading members of the association before the end of the main hearing in which the accused is being prosecuted for the criminal offence of criminal association."

Article 57

The first paragraph of Article 361 shall be amended to read:

"(1) In passing a judgement by which the accused is sentenced to imprisonment, the panel shall order remand in custody if any of the reasons from clauses 1 to 3 of the first paragraph of Article 201 of this Act exist."

In the third paragraph, the word "second" shall be replaced by the word "first".

In the fourth paragraph, the words "second" shall be replaced by the word "first". The full stop at the end of the first paragraph shall be deleted and the words "or of the accused and his defence counsel." shall be added.

In the fifth paragraph, the words "or second" shall be deleted. The full stop after the word "ruling" shall be replaced by a semicolon, and the words "remand shall be cancelled if it recognises that the reasons for which it was ordered no longer exist." shall be added.

#### Article 58

In the first paragraph of Article 362, the full stop after the word "appeal" shall be deleted and the words "and the obligation of advance announcement of an appeal. The instruction shall be entered into the record of the proceedings of the main hearing." added.

#### Article 59

In the first paragraph of Article 363, the words "within eight days of their announcement and in complex cases within fifteen days at most" shall be replaced by the words "within fifteen days of their announcement if the accused is on remand and within thirty days in other instances".

In the third paragraph, the word "periods" shall be replaced by the word "period".

#### Article 60

Article 368 shall be amended to read:

"(1) Persons entitled to appeal (Article 367) shall be obliged to announce an appeal. They may announce an appeal immediately after the judgement is passed or after the instruction on the right to appeal (first paragraph of Article 362), but no later than within eight days of the date the judgement is passed.

(2) If a person entitled to appeal fails within the legally stipulated interval to announce an appeal, they shall, except in instances from the fourth paragraph of this Article, be deemed to have waived the right to appeal.

(3) If none of the persons entitled to appeal (Article 367) announces an appeal, the final written judgement need not contain an explanation. In such instances, transcription of the audio record of the main hearing is also not necessary.

(4) If the accused has been sentenced to a prison sentence, announcement of the appeal is not required. In such instances, the final written judgement must always be explained.

(5) Until the court of second instance issues its judgement, the appellants may withdraw lodged appeals. The withdrawal of an appeal may not be revoked."

#### Article 61

In Article 378, the full stop at the end of the first paragraph after the word "prosecutor" shall be deleted and the words "but only if any one of them so request in the appeal or response to the appeal."

#### Article 62

In Article 392, a new fifth paragraph shall be added after the fourth paragraph and shall read:

"(5) In instances where the only reason for annulling the judgement of the court of first instance was erroneous determination of the actual state of affairs and where all that is required for correct determination is a different assessment of already determined facts, and not the production of new evidence or repeat of previously produced evidence, the court of second instance shall not annul the judgement of the court of first instance, but shall act according to the first paragraph of Article 394 of this Act."

The current fifth and sixth paragraphs shall become the sixth and seventh paragraphs.

#### Article 63

In the first paragraph of Article 420, the words "after the legal completion of the criminal procedure" shall be added after the word "may".

A new fourth paragraph shall be added and shall read:

"(4) Notwithstanding the provisions of the first paragraph of this Article, a request for the protection of legality may be submitted during a criminal procedure which is not yet legally complete only against the binding decree ordering or extending remand in custody."

#### Article 64

In Articles 421 and 424, the term "convicted person" shall be replaced by the word "accused" in the appropriate form. The word "co-defendant" in the second paragraph of Article 424 shall be replaced by the word "co-accused".

#### Article 65

In the first paragraph of Article 432, the text of the first sentence up to the colon shall be amended to read:

"(1) Remand in custody may exceptionally be ordered against a person suspected with good reason of committing a criminal offence which is prosecuted ex officio or at the suggestion of:"

In clause 2 of the first paragraph, the text from the word "imprisonment" up to the end of the clause shall be replaced by the text "or other criminal offences for which a criminal offence of three years may be imposed, whenever the grounds exist for remand in custody from clauses 2 or 3 of the first paragraph of Article 201 of this Act."

In the second paragraph, the word "eight" shall be replaced by the word "fifteen".

#### Article 66

In Article 439, the full stop at the end of the second sentence of the second paragraph shall be replaced by a comma, and the words "as well as that he shall be deemed to have waived his right to appeal if he fails within at most eight days from the day that the judgement was passed to announce an appeal."

#### Article 67

In the second paragraph of Article 443, the words "eight" shall be replaced by the words "fifteen".

The fourth paragraph shall be deleted.

The current fifth, sixth and seventh paragraphs shall become the fourth, fifth and sixth paragraphs.

#### Article 68

A new second paragraph shall be added to Article 466 and shall read:

"(2) Under the conditions from the previous paragraph, the public prosecutor may decide that he will pass an indictment against a minor to the settlement procedure. The provisions of Article 161a of this Act shall apply mutatis mutandis in this procedure, and the parents of the minor may participate in the procedure."

The current second and third paragraphs shall become the third and fourth paragraphs.

In the new fourth paragraph, the word "second" shall be replaced by the word "third".

#### Article 69

In Article 469, the words "if necessary" shall be deleted.

#### Article 70

In Article 471, the words "educational or a similar institution" shall be replaced by the words "diagnostic centre".

#### Article 71

The first and second paragraphs of Article 473 shall be amended to read:

"(1) Minors must be held in remand separately from adults.

(2) Notwithstanding the previous paragraph, the juvenile judge may exceptionally order that a minor be remanded in custody together with adults, whenever with regards to the minor's personality and other circumstances in the specific case this is in his interest and to his benefit."

A new third paragraph shall be added and shall read:

"Minors who have been deprived of their freedom must be ensured care, protection and all necessary individual help which they might need with regards to their age, sex and personality."

The current third paragraph shall become the fourth paragraph.

#### Article 72

In Article 490, the text "In deciding, consideration must be given to the success or failure of the implementation of educational measures and the minor's participation therein."

#### Article 73

In the title to chapter XXVIII, the text ", BRIBES AND MONEY OR PROPERTY OF UNLAWFUL ORIGIN" shall be added after the word "BENEFITS".

#### Article 74

A new Article 498a shall be added after Article 498 and shall read:

"Article 498a

(1) Except in instances where the criminal procedure is completed with a judgement in which the accused is found guilty, money or property of unlawful origin from Article 252 of the Penal Code of the Republic of Slovenia and illegally given or accepted bribes from Articles 168, 247, 248, 267, 268 and 269 of the Penal Code of the Republic of Slovenia shall also be confiscated:

1) if those legal indications of criminal offences from Article 252 of the Penal Code of the Republic of Slovenia which indicate that money or property from the aforementioned Article originate from criminal offences are proven, or

2) if those legal indications of criminal offences from Articles 168, 247, 248, 267, 268 and 269 of the Penal Code of the Republic of Slovenia, which indicate that a reward, gift, bribe or any other form of property benefit was given or accepted are proven.

(2) The panel shall issue a special resolution on this (sixth paragraph of Article 25) at the reasoned suggestion of the public prosecutor; prior to this, the investigating judge at the request of the panel shall be obliged to collect data and investigate all the circumstances of importance for the determination of unlawful origin of money or property or illegally given or received bribes.

(3) A certified transcription of the resolution from the previous paragraph shall be handed to the owner of the seized money or property or of the property or bribe, if such is known. If the owner is unknown, the resolution shall be confirmed at the court desk and, after eight days, the delivery to the unknown owner shall be deemed to have been performed.

(5) Owners of seized money or property or property or bribes shall have the right to appeal against the resolution from the second paragraph of this Article, if they feel that there were no legal grounds for the seizure.

#### Article 75

A new second paragraph shall be added in Article 502 and shall read:

"(2) The court may also order such security in the pre-criminal procedure."

#### Article 76

A new Article 506a shall be added after Article 506 and shall read:

"Article 506a

The court which ordered the storage of seized items or the temporary securing of request for the seizure of property benefits or property to the value of the property benefits, shall be obliged in such instances to proceed particularly quickly and to operate economically, rationally and as a good manager with the seized items and property serving as temporary security for the request.

The procedure for managing seized items and property from the first paragraph of this Article shall be prescribed by the Government of the Republic of Slovenia."

#### Article 77

Article 507 shall be amended to read:

"(1) Unless stipulated otherwise in this chapter, other provisions of the present Code shall apply mutatis mutandis to proceedings for the application of security measures, confiscation of property benefits, bribes and money or property of unlawful origin and revocation of suspended sentence.

(2) The provisions of Articles 498a to 506a of this Act which refer to the confiscation of money or property of unlawful origin, bribes and other property benefits shall apply mutatis mutandis to the confiscation of property of a value which matches the property benefits (Articles 96 and 98 of the Penal Code of the Republic of Slovenia).

(3) The provisions of Article 499 of this Act shall apply mutatis mutandis to the pre-criminal and investigative procedure; in addition to the bodies before which the criminal procedure is proceeding, other bodies stipulated by this Act shall also participate in the collecting of data and the investigation of the circumstances of importance for the determination of property benefits.

#### Article 78

The second paragraph of Article 515 shall be amended to read:

"(2) In emergency cases and on condition of reciprocity, requests for legal assistance may be sent through the Ministry of Internal Affairs, or in instances of criminal offences of money laundering or criminal offences connected to the criminal offence of money laundering, also to the body responsible for the prevention of money laundering.

A new third paragraph shall be added and shall read:

"(3) If reciprocity applies or if so determined by an international treaty, international criminal-legal help may be exchanged directly between the Slovene and foreign bodies which participate in the pre-criminal and criminal

proceedings, wherein modern technical assets, in particular computer networks and aids for the transmission of pictures, speech and electronic impulses may be used."

#### Article 79

A new sentence shall be added at the end of Article 518, and shall read: "Whenever the criminal offence of money laundering, or criminal offences connected to money laundering is involved, the data shall be sent without delay to the body responsible for the prevention of money laundering."

#### Article 80

In the second paragraph of Article 539 and the first paragraph of Article 540, the words "Ministry of Justice" shall be replaced by the words "public legal defender".

#### Article 81

In the first paragraph of Article 546, the words "or who was prevented from or delayed from obtaining employment which they would otherwise have obtained" shall be added after the word "system".

### TRANSITIONAL AND FINAL PROVISIONS

#### Article 82

Articles 11 and 46 to 49 of this Act shall enter into force eighteen months after the coming into force of this Act, while the current provisions of the Criminal Procedure Act shall apply until the start of application of the new provisions. Within this interval, the Minister responsible for Justice shall issue more detailed instructions on the record of the main hearing.

#### Article 83

The rules on settlement shall be prescribed by the Minister responsible for Justice in agreement with the Minister responsible for Labour, Family and Social Affairs within an interval of three months after the coming into force of this Act.

#### Article 84

(1) The Minister responsible for Justice shall issue more detailed regulations on the implementation of remand within an interval of three months after the coming into force of this Act.

(2) Until the issuing of the regulations from the previous paragraph, the provisions of the standing orders on the implementation of remand (Ur.l. SRS No 22/81) shall apply.

#### Article 85

On the day this Act enters into force, the provisions of the law on the implementation of penalty sanctions (Ur.l. SRS No 17/78 and Ur.l. RS, no. 12/92, 58/93 and 10/98) which refer to the implementation of remand shall cease to apply.

#### Article 86

Procedures in requests for the protection of legality lodged prior to the entry into force of this Act shall be implemented and completed under the current provisions of the Criminal Procedure Act.

#### Article 87

The Government of the Republic of Slovenia shall adopt regulations from the second paragraph of Article 76 of this Act within three months after the coming into force of this Act.

#### Article 88

This Act shall enter into force three months after its publication in the Uradni list of the Republic of Slovenia.