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MISDEMEANOUR ACT

PART ONE MATERIAL LAW PROVISIONS

Chapter One (I) GENERAL PROVISIONS

Misdemeanour Definition

Article 1

The misdemeanour harms the public order, social discipline or other social values not protected under the Penal Code and other acts where criminal offences are proscribed.

Principle of Legality

Article 2

- (1) Misdemeanours and misdemeanour legal sanctions can be proscribed by acts and rulings of the units of local and regional self-governing.
- (2) Units of local and regional self-governing can proscribe misdemeanours and misdemeanour legal sanctions solely for the violation of those regulations reached by them, based on their authority as determined by the Constitution and the law, and they cannot transfer this authority to another entity.
- (3) None can be punished, nor can another misdemeanour legal sanction be applied to him/her, before the act that was committed is determined as misdemeanour through law or international justice or a

ruling by a unit of local and regional self-governing, and for which the law or a ruling of the unit of local and regional self-governing did not proscribe the type and the measure of misdemeanour legal sanction that can be pronounced to, i.e. applied to the perpetrator.

Mandatory Application of More Lenient Regulation

Article 3

- (1) The regulation that was enforced during the time misdemeanour was committed is always applied to the misdemeanour perpetrator.
- (2) In case that the regulation is amended once or several times following the committal of misdemeanour, the regulation that is more lenient towards the perpetrator must be applied.

Principle of Guilt

Article 4

None can be punished, nor another misdemeanour legal sanction applied to him/her if he/she is not guilty of committed misdemeanour.

Types of Misdemeanour Legal Sanctions

Article 5

- (1) Misdemeanour legal sanctions that can be proscribed by law governing the misdemeanour and that can be pronounced i.e. applied to the misdemeanour perpetrator are:
 1. penalty (financial and prison penalties),
 2. protective measures, in accordance with Article 50, Paragraph 2, of this Act.
- (2) Misdemeanour legal sanctions that are proscribed by this Act are:
 1. warning measures (reprimand and conditional conviction),
 2. protective measures (Article 50, Paragraph 1),
 3. educational measures.
- (3) Misdemeanour legal sanction that proscribes misdemeanour which can be proscribed and pronounced to the perpetrator by a ruling of the unit of local and regional self-governing is a financial penalty.
- (4) A regulation determines the severity i.e. duration of each type of misdemeanour legal sanctions, and no single misdemeanour legal sanction can be proscribed nor pronounced i.e. applied in an indefinite amount or for an indefinite period of time, unless this Act determines otherwise.

General Purpose of Misdemeanour Legal Sanctions

Article 6

The general purpose of proscribing and pronouncing or applying all misdemeanour legal sanctions is that all citizens respect the legal system and none commit misdemeanours, and that misdemeanour perpetrators act accordingly in future.

Limitations of Proscribing and Applying Misdemeanour Legal Sanctions

Article 7

By determining the content of misdemeanour legal sanctions and the method of their application, the misdemeanour perpetrator can be limited in his/her freedoms and rights only to the extent corresponding to the type of misdemeanour sanction and its purpose as determined by law, causing no physical or spiritual pain, inhumane treatment or humiliating relations, and paying respect to human dignity and personality.

Right to Rehabilitation

Article 8

Misdemeanour perpetrator, whose guilt was legally proclaimed and that became valid, towards whom misdemeanour legal sanction was applied or who was freed of penalty, has the right to, following the elapse of a certain period and under conditions determined by this Act, consider he/she did not commit misdemeanour, while his/her rights and freedoms cannot be differentiated from the rights and freedoms of those who have not committed misdemeanour.

Chapter Two (II)

THE APPLICATION OF THE MISDEMEANOUR LAW OF THE REPUBLIC OF CROATIA

Child's Lack of Misdemeanour Accountability

Article 9

- (1) The person that was under fourteen years of age during the time of misdemeanour committal is not accountable for misdemeanour.
- (2) When the person from Paragraph 1 of this Act frequently behaves in the manner that realizes the characteristics of more severe misdemeanours, the state entity authorized for actions on committed misdemeanours shall notify the person's parents or guardians regarding the behaviour, as well as the Social Care Centre, according to the person's place of domicile or residence of his/her parents or guardians.
- (3) The parent or somebody else supervising the person from Paragraph 1 of this Act shall be punished for the misdemeanour committed, in case the misdemeanour is directly connected to parent's or somebody else's lack of attention to the supervision of this person.

Inability of Applying Misdemeanour Law in Special Cases

Article 10

No misdemeanour proceedings can be initiated against the perpetrator for misdemeanour, who was already found guilty, and whose verdict is legally valid, during criminal proceedings for a criminal offence that also encompasses characteristics of committed misdemeanour, and in case the proceedings had been initiated, or are ongoing, they cannot be continued and completed.

Application of Material Law Provisions of the Misdemeanour Act

Article 11

- (1) Material law provisions of this Act refer to all misdemeanours proscribed by acts and other regulations that proscribe misdemeanours.
- (2) Unless the law states otherwise, regulations on misdemeanours relating to natural persons are applied also to responsible persons in legal entities, craftsmen and persons performing independent business activities.

Application of the Misdemeanour Law of the Republic of Croatia for Misdemeanours Committed in the Area of the Republic of Croatia, on its Vessels or Airplanes

Article 12

- (1) The misdemeanour law of the Republic of Croatia is applied to anybody committing misdemeanour in its territory.
- (2) Misdemeanour has been committed in the territory of the Republic of Croatia when the perpetrator worked in this area, or was under the obligation to work, or when the consequence occurred in its territory.
- (3) Misdemeanour proceedings will be undertaken for misdemeanour proscribed by a ruling of the unit of local and regional self-governing if the misdemeanour was committed in the territory of this unit of local and regional self-governing.
- (4) Regulations on misdemeanours that are valid in the whole territory of the Republic of Croatia shall be also applied to anybody who commits misdemeanour outside its territory, on a domestic vessel or airplane.

Expiry of Misdemeanour Persecution due to Limitation, the Course and the Discontinuation of Expiry

Article 13

- (1) Misdemeanour persecution cannot be initiated following the expiry of two years from misdemeanour committal.
- (2) A special act can proscribe a longer deadline for the initiation of misdemeanour proceedings for misdemeanours proscribed by that act, but no longer than three years.
- (3) Expiry due to limitation does not proceed during the time that misdemeanour persecution cannot be undertaken according to law, or cannot be continued.
- (4) Expiry due to limitation is discontinued by any proceedings action by an entity of authority, undertaken for the purpose of misdemeanour persecution of the perpetrator on account of the misdemeanour committed.
- (5) Following each discontinuation, expiry due to limitation retakes its temporal course.
- (6) Expiry due to limitation of misdemeanour persecution takes effect in all cases when twice as much time as determined by law for the expiry due to limitation elapses.
- (7) The regulations on expiry due to limitation, its course and discontinuation refer also to disciplinary measures the court reaches during proceedings.

Expiry due to Limitation of the Execution of Misdemeanour Legal Sanctions, the Course and the Discontinuation of the Expiry

Article 14

- (1) The execution of the misdemeanour legal sanctions pronounced or applied cannot start on account of expiry due to limitation following the elapse of two years since the day the ruling on misdemeanour that pronounced or applied the sanction became legally valid.
- (2) The expiry due to limitation of the execution of penalty and the application of other misdemeanour legal sanctions starts elapsing since the day the ruling that pronounced the penalty or determined the application of other misdemeanour legal sanctions became legally valid. In case of the penalty from recalled conditional conviction, the expiry due to limitation starts elapsing since the day the ruling on recall became legally valid.
- (3) The expiry due to limitation of the execution does not proceed during the time when, according to law, the execution of penalty or the application of another misdemeanour legal sanction cannot start or be continued.
- (4) The expiry due to limitation of the execution is discontinued by any action by the entity of authority, undertaken for the purpose of the execution of penalty or the application of another misdemeanour legal sanction.
- (5) Following each discontinuation, expiry due to limitation retakes its temporal course.
- (6) The expiry due to limitation of the execution of penalty and the application of another misdemeanour legal sanction takes effect in all cases when three years have elapsed since the day the ruling pronouncing penalty or applying another misdemeanour legal sanction became legally valid.
- (7) The provisions on the expiry due to limitation of the execution of misdemeanour legal sanction are applied also to the expiry due to limitation of disciplinary measures the court reaches during proceedings.

Chapter Three (III) MISDEMEANOUR

Ways of Committing Misdemeanour

Article 15

- (1) Misdemeanour can be committed by action or non-action.
- (2) Misdemeanour has been committed by non-action in case the perpetrator, legally bound to prevent the occurrence of misdemeanour consequence as described by regulations, failed to do so, and such failure is by action and meaning equal to the committal of such an act by doing.
- (3) The perpetrator who committed misdemeanour through non-action can be punished in a more lenient manner, except in case of misdemeanour that can be committed but by non-doing.

Time of Committing Misdemeanour

Article 16

Misdemeanour has been committed at the time when the perpetrator was doing or was obliged to do something, regardless of when misdemeanour consequence took effect.

Place of Committing Misdemeanour

Article 17

Misdemeanour has been committed in the place where the perpetrator was doing or was obliged to do something and in the place where the misdemeanour consequence occurred either fully or partially, and in case of sanctioned attempt also where the consequence was supposed to occur.

Necessary Defence

Article 18

- (1) There is no misdemeanour when the perpetrator acts in necessary defence.
- (2) Necessary defence is such defence urgently needed in order for the perpetrator to ward off, from himself/herself and another, a simultaneous or directly imminent illegal assault.
- (3) The perpetrator who exceeded the limits of necessary defence can be punished more leniently.

Ultimate Necessity

Article 19

- (1) There is no misdemeanour when the perpetrator has realized its proscribed characteristics for the purpose of warding off, from himself/herself or another, a simultaneous or directly imminent uncaused danger that could not be removed otherwise, thereby causing less harm from the one threatening.
- (2) The perpetrator shall be released from the penalty for misdemeanour committed when he/she acted with the aim of warding off, from himself/herself or another, a simultaneous or directly imminent uncaused danger that could not be removed otherwise, thereby causing less harm than the one threatening.

Force or Threat

Article 20

- (1) There is no misdemeanour when the perpetrator acted under the sway of irresistible force.
- (2) In case the perpetrator committed misdemeanour under irresistible force or under threat, the provision of Article 19, Paragraph 2, of this Act shall be applied, taking this force or threat as uncaused danger.

Attempt

Article 21

Misdemeanour attempt is punishable only if misdemeanour regulation proscribes so.

Individual Misdemeanour Perpetrator and Participants

Article 22

- (1) Misdemeanour perpetrator is a person that commits misdemeanour either through own actions or non-actions or by mediation of another person.
- (2) Participants in misdemeanour committal are the prompter and the accessory.
- (3) Misdemeanour co-perpetrators are two or several persons (perpetrators) who, based on joint

decision, commit misdemeanour, so that each of them participates in committal or crucially aids in misdemeanour committal in some other way.

- (4) The prompter and the accessory are participants who, not controlling misdemeanour committal, contribute to its being committed through prompting or supporting.

Participants' Responsibility and Punishment

Article 23

- (1) Each co-perpetrator is responsible within the bounds of his/her intent or negligence. The prompter and the accessory are responsible within the bounds of their intent.
- (2) Actual or personal circumstances of the perpetrator that represent misdemeanour characteristics or influence the severity of the sanction proscribed, the application of the sanction and its weighing are also taken into account in case of participants, while circumstances strictly personal, for which regulations exclude guilt or envision less severe punishment can be taken into account only for those misdemeanour perpetrators or participants where these exist.

Prompting and Supporting

Article 24

- (1) He who intentionally prompts another to commit misdemeanour or helps him/her in its committal shall be punished as if he/she committed it himself/herself, and can also be punished less severely for supporting.
- (2) There is no misdemeanour responsibility of the prompter and the accessory if the misdemeanour remained an attempt which no misdemeanour responsibility has been proscribed for.
- (3) The following is especially held as supporting the misdemeanour committal: giving advice or instructions on how to commit misdemeanour, making the means for misdemeanour committal available to the perpetrator, and advance promise of the cover-up of misdemeanour, perpetrator, means for committing misdemeanour, misdemeanour traces or objects obtained through misdemeanour.

Chapter Four (IV) GUILT

Guilt Contents

Article 25

- (1) The perpetrator is guilty of those misdemeanours who was sound during the time of committal of which, during which he/she acted in negligence and was conscious or was obliged to and could be conscious of the act being forbidden, or had intent, when misdemeanour regulation proscribes misdemeanour responsibility for this type of guilt.
- (2) Exceptionally, misdemeanour regulations can proscribe responsibility for intent only.

Lack of Sanity and Significantly Decreased Sanity

Article 26

- (1) A person not sane is not guilty and cannot be pronounced or applied misdemeanour legal sanctions upon.
- (2) A person not sane is the person unable to comprehend the meaning of his/her actions, or who could not control his/her volition due to mental illness, temporary mental disturbances, insufficient mental development or some other more severe mental handicap, during the time of the realization of proscribed misdemeanour characteristics.
- (3) The perpetrator who was, during the time of misdemeanour committal, significantly less sane on account of some condition from Paragraph 2 of this Article, can be punished less severely, if the significant degree of decreased sanity was not self-caused.

Self-Caused Lack of Sanity

Article 27

Misdemeanour perpetrator who, through his/her own guilt brought himself/herself into a condition whereupon he/she could not comprehend the meaning of his/her actions or could not control his/her volition through the use of alcohol, drugs or other substances is not held as not sane, if at the time when he/she was inducing such a state he/she was negligent regarding the misdemeanour committed, i.e. had intent when misdemeanour regulation proscribes penalty for such type of guilt.

Negligence and Intent

Article 28

- (1) Misdemeanour can be committed through conscious or unconscious negligence.
- (2) The perpetrator acts with conscious negligence when he/she is conscious that he/she can commit misdemeanour, but is recklessly considering this will not happen or he/she will be able to prevent it.
- (3) The perpetrator acts with unconscious negligence when he/she is unconscious that he/she can commit misdemeanour, even though he/she, according to personal characteristics and circumstances, was obliged to and could be conscious of the possibility.
- (4) Misdemeanour can be committed by direct or indirect intent.
- (5) The perpetrator acts with direct intent when he/she is conscious of his/her misdemeanour and wants it committed.
- (6) The perpetrator acts with indirect intent when he/she is conscious he/she can commit misdemeanour and thereupon accepts so.

Misconception of the Illegality of Misdemeanour

Article 29

- (1) The perpetrator, who out of justified reasons did not know and could not know that the act is forbidden, is not guilty.
- (2) If the misconception was able to be removed, the perpetrator can be punished less severely for the misdemeanour committed.
- (3) The misconception shall be considered as removable if anybody, including the perpetrator, could easily comprehend the illegality of the act, or in case of the perpetrator who, given his vocation, position or duty, was obliged to be acquainted with the corresponding regulation.

Misconception of the Essence of Misdemeanour and Misconception on the Circumstances Excluding Illegality

Article 30

- (1) The perpetrator, who at the time of misdemeanour committal was not aware of its certain characteristics determined by law or other regulation, is not guilty.
- (2) In case the perpetrator had a misconception of proscribed characteristics of the misdemeanour committed out of negligence, he/she is guilty of such a misdemeanour.
- (3) There is no misdemeanour in case the perpetrator realized its proscribed characteristics with intent, in case he/she fallaciously considered, during the time of the committal of the act, that there are circumstances according to which the act would be allowed if these actually existed.
- (4) In case the perpetrator had a misconception of the circumstances excluding illegality out of negligence, he/she shall be punished for the committal of the misdemeanour.

Chapter Five (V)
PUNISHMENTS AND PUNISHING

Types of Punishments

Article 31

- (1) The perpetrator can be punished for misdemeanours proscribed by law: by a financial penalty or by the penalty of prison.
- (2) In case of misdemeanours proscribed by rulings of units of local and regional self-governing, the perpetrator can be punished by a financial penalty.
- (3) The penalty of prison can be proscribed by law as a more severe penalty, along with the proscribed financial penalty.

Purpose of Punishing

Article 32

The purpose of punishing is, taking into account the general purpose of misdemeanour legal sanctions, express social reprove of the misdemeanour committed, to influence the perpetrator and all others not to commit misdemeanours in future, and by applying punishments proscribed, to influence the citizens' consciousness regarding the violation of the public order, social discipline and other social values, and the justice of punishing the perpetrators of these.

Financial Penalty

Article 33

- (1) For misdemeanours proscribed by law, the perpetrator – legal entity – cannot be proscribed nor pronounced a financial penalty in the amount less than HRK 2,000.00, nor higher than HRK 1,000,000.00.
- (2) For misdemeanours proscribed by law, committed in connection to business activities of the craft or independent activities, the perpetrator – natural person of craftsman and person performing other independent business activity – cannot be neither proscribed nor pronounced a financial penalty in the

amount less than HRK 1,000.00, nor higher than HRK 500,000.00.

(3) For misdemeanours proscribed by law, the perpetrator – natural person – cannot be proscribed nor pronounced a financial penalty in the amount less than HRK 100.00, nor higher than HRK 50,000.00.

(4) For misdemeanours proscribed by rulings of units of local and regional self-governing, the perpetrator – legal entity – cannot be proscribed nor pronounced a financial penalty in the amount less than HRK 500.00, nor higher than HRK 10,000.00.

(5) For misdemeanours proscribed by rulings of units of local and regional self-governing, committed in connection to business activities of the craft or independent activities, the perpetrator – natural person of craftsman and person performing other independent business activity – cannot be neither proscribed nor pronounced a financial penalty in the amount less than HRK 300.00, nor higher than HRK 5,000.00.

(6) For misdemeanours proscribed by rulings of units of local and regional self-governing, the perpetrator – natural person – cannot be proscribed nor pronounced a financial penalty in the amount less than HRK 100.00, nor higher than HRK 2,000.00.

(7) For the gravest misdemeanours proscribed by law, in the area of endangering natural resources, the environment and environment protection, work safety and health, work and illegal employment, social security, taxes, customs and finance, telecommunication (electronic communication), endangering market competitiveness, state reserves, biological diversity and introducing genetic modified organisms or products made out of them into the environment or onto the market and failing to fulfil the essential building requirements in the area of construction, a financial penalty can be proscribed and pronounced in the amount of double general maximum at most, as proscribed in Paragraphs 1 through 3 of this Article, and for misdemeanours in the area of endangering natural resources, the environment and environment protection, it is exceptionally possible to proscribe and pronounce to a natural person – the defendant – a financial penalty up to HRK 1,000,000.00.

(8) The perpetrator can be punished more severely for gain misdemeanours, whereby material gain was realized, at most in the amount of double the penalty proscribed for such misdemeanour.

(9) A financial penalty can be proscribed and pronounced by misdemeanour regulation for the gravest misdemeanours from Paragraph 7 of this Article, in the percentage of 1% to 10%, according to damaged protected value, with an indication of special minimums and maximums percentages of the financial penalty. In this case, limitations on the maximum for the financial penalty from Paragraphs 1 through 8 of this Article are void, both during the determination of the penalty and during the pronouncement of the total financial penalty.

(10) The deadline for settling the financial penalty is determined by the court in the very verdict, taking into account the amount of the financial penalty. The deadline cannot be shorter than eight days, nor longer than three months, and in justified cases (depending on the amount of the financial penalty and material circumstances of the defendant), the court can determine settling the financial penalty in instalments in the period up to six months, except if the misdemeanour regulation envisions a longer period for this. In case of the defendant from Article 136, Paragraph 1, of this Act, the payment deadline for the financial penalty pronounced can be determined immediately.

(11) General minimums of financial penalties proscribed by this Article are also applied during the determination of financial penalties for accumulated misdemeanours.

Collection and Exchange of Financial Penalties

Article 34

(1) If the financial penalty has not been settled fully or partially within the deadline determined by a ruling on the pronouncement of the financial penalty, it shall be collected, in accordance with the provisions of this Act.

(2) If the financial penalty is neither fully or partially collected within the deadline of one year from the authorized entity having received the request for collection, the court of authority shall, except in cases involving legal entities and minors as convicts, exchange it by prison, counting each started HRK three hundred of the penalty by one day in prison, given that prison cannot be determined for a period shorter than three days, nor longer than sixty days. Against the defendant from Article 136, Paragraph 1, of this Act, the procedure of collecting unpaid financial penalty shall not be initiated. In this case, the court that reached a legally valid ruling on misdemeanour shall instantly exchange the unpaid financial penalty by a prison penalty, in the manner as envisioned by this Act.

(3) If they judge this as justified, given the severity of the misdemeanour and the amount of unpaid financial penalty, the court can, in exchange for the prison penalty, according to the rule from Paragraph 2 of this Article, determine general welfare work while enjoying liberty. The provisions of this Act regarding general welfare work at liberty are not applied against the defendant from Article 136, Paragraph 1, of this Act.

(4) In case of a ruling by a state administration entity that pronounces a financial penalty, the court of authority shall, upon a request from such entity, determine as per Paragraph 2 or 3 of this Article.

(5) If the convict, the ruling from Paragraphs 2 through 3 of this Article having been reached, fully settles the financial penalty, the ruling shall be made void and further execution procedure cancelled, and if he/she settles part of the financial penalty, the ruling shall be modified in the manner that the unsettled part of the financial penalty is always exchanged by prison i.e. general welfare work at liberty, by applying the rules regarding this from Paragraphs 2 and 3 of this Article.

Prison Penalty

Article 35

(1) The prison penalty can be proscribed and pronounced in the duration of three days minimum, up to thirty days, and for the severest types of misdemeanours also up to sixty days.

(2) For misdemeanours of family violence, other misdemeanours connected to violence, severe misdemeanours against environment and grave misdemeanours connected to misuse of intoxicating drugs, the law can proscribe prison penalties up to ninety days.

(3) The court only can pronounce the prison penalty to the misdemeanour perpetrator.

(4) The prison penalty is pronounced in full days.

General Rule on the Choice of the Type and Measure of Punishment

Article 36

(1) The choice and the measure of punishment for the misdemeanour perpetrator is determined by the court, within the limits determined by regulations for the misdemeanour committed, based on the degree of guilt, the danger of the act and the purpose of punishment.

(2) When determining the type and the measure of the punishment to be applied, the court shall take into consideration all circumstances that make the punishment by type and measure to be more lenient or more severe for the misdemeanour perpetrator (mitigating or aggravating circumstances); the following especially: the degree of guilt, motives for committing the misdemeanour, earlier behaviour of the perpetrator, his/her behaviour following the committal of the misdemeanour, and the totality of social and personal causes that contributed to the committal of the misdemeanour. When pronouncing a financial penalty to the perpetrator, the court shall also take into consideration his/her material possessions.

Punishment Mitigation

Article 37

The punishment proscribed for a certain misdemeanour can be mitigated when this Act expressly proscribes so, or when the court hold that, given the existence of specially marked mitigating circumstances, the purpose of punishment can also be achieved by a more lenient punishment than the one proscribed, so the court can:

1. Instead of the punishment in the amount or duration proscribed, pronounce the punishment below the proscribed special punishment minimum, but not under the general legal minimum for this punishment type as foreseen for the corresponding defendant type (Article 33, Paragraphs 1 through 6).
2. If the law proscribes a financial penalty or prison as the more severe penalty for the misdemeanour, the court can, in the manner of Paragraph 1 of this Article, mitigate each of these punishments it is pronouncing,
3. If a special minimum for the financial penalty is proscribed for the misdemeanour, in the amount higher than the general financial penalty minimum, the financial penalty can, in the manner according to Paragraph 1 of this Article, be mitigated at most by up to one-third of the proscribed special financial penalty minimum, but not under the relational general financial penalty minimum,
4. In case of material gain misdemeanours, the financial penalty can be mitigated up to one-half of the proscribed financial penalty minimum, but not under the general financial penalty minimum.

Release from Punishment

Article 38

- (1) The court shall release the misdemeanour perpetrator from punishment when the law expressly proscribes so.
- (2) The court can release the misdemeanour perpetrator from punishment when the law proscribes such a possibility.
- (3) When the law proscribes the possibility of release from punishment, the court can, instead of releasing the misdemeanour perpetrator from punishment, punish him/her more leniently, in the manner as proscribed by Article 37 of this Act.
- (4) The court can release from punishment also those misdemeanour perpetrators who have fully compensated the damage caused by the misdemeanour or who has settled proscribed fees on account of non-settlement of which the misdemeanour proceedings were initiated.

Accumulated Misdemeanours and Prolonged Misdemeanours

Article 39

- (1) In case the misdemeanour perpetrator commits several misdemeanours, by one or more actions, which he/she is being simultaneously tried for, and the court decided on punishing him/her, the court shall, for each committed misdemeanour, determine the punishment according to law, and shall subsequently pronounce the total punishment for all these misdemeanours, whereby the court must adhere to the following rules:
 1. If the prison penalty was determined for each misdemeanour, it shall pronounce the total prison penalty that is equal to the sum of individually determined prison penalties, provided that it cannot exceed one hundred and twenty days,

2. If it determined financial penalties for each misdemeanour, it shall pronounce the total financial penalty that is equal to the sum of individually determined financial penalties, provided that it cannot exceed the double maximum financial penalty as proscribed by the provision of Article 33, Paragraphs 1 through 8, of this Act (except in the case of Article 33, Paragraph 9),
 3. If individual prison penalties were determined for some misdemeanours and financial penalties for others, it shall pronounce the total prison penalty and the total financial penalty, in accordance with the rules in Paragraphs 1 and 2 of this Article,
 4. In case of Paragraph 3 of this Article, if the total financial penalty is exchanged by the prison penalty, this prison penalty and the total prison penalty pronounced together cannot exceed one hundred and twenty days.
- (2) The provisions on accumulated misdemeanours shall not be applied to prolonged misdemeanours.
- (3) Prolonged misdemeanours have been committed when the perpetrator committed several same or like misdemeanours that, given the manner of committal, their timeframe connection and other actual circumstances connecting them, make a unified whole.

Detention Count-In

Article 40

- (1) The time spent in detention and any bereavement of liberty in connection to misdemeanour is counted into the prison, minors' prison and financial penalty pronounced.
- (2) If the defendant was in detention or custody during criminal proceedings, and criminal proceedings were thereupon cancelled, or the verdicts of rejection or release were reached, the time during which he/she were bereaved of liberty shall be counted into the punishment pronounced for the same act in the misdemeanour proceedings.
- (3) By counting-in according to the provisions of this Article, the following is equated:
 1. Any time of arrest by the police with one day of prison penalty, the penalty of minors' prison and the financial penalty of HRK 300.00,
 2. Each started day of detention or custody with one day of prison penalty, the penalty of minors' prison and the financial penalty of HRK 300.00.

Chapter Six (VI) WARNING MEASURES

Types of Warning Measures

Article 41

Warning measures proscribed by this Act are: reprimand and conditional conviction.

Purpose of Warning Measures

Article 42

- (1) The purpose of reprimand is to address such a reprimand type to the perpetrator so that, when all circumstances connected to the misdemeanour and the perpetrator allow, punishment needs not be applied for the purpose of the realization misdemeanour legal sanctions.
- (2) The purpose of conditional conviction is to address such a reprimand type to the misdemeanour

perpetrator which enables the realization of the purpose of misdemeanour legal sanctions by pronouncing punishment without its execution.

Reprimand

Article 43

- (1) The reprimand is a misdemeanour legal sanction that can be applied as a warning measure towards the perpetrator of a misdemeanour which the financial penalty of up to HRK 5,000.00 was proscribed for as the sole punishment, if according to perpetrator's behaviour, his/her guilt and caused consequences this is obviously a light form of such a misdemeanour, and when given all circumstances connected to the perpetrator, or his/her relation to the damaged party especially and to the compensation of damages caused by the misdemeanour, all conditions for achieving the purpose of the warning measure of admonishing without punishment are present.
- (2) Admonishment can be applied also to accumulated misdemeanours committed, if conditions from Paragraph 1 of this Article have been met for each of these misdemeanours.

Conditional Conviction

Article 44

- (1) The conditional conviction is a misdemeanour legal sanction that, as a warning measure, consists of the prison penalty or minors' prison penalty pronounced, and the deadline until which this penalty is not executed under the conditions as determined by this Act.
- (2) The court can apply conditional conviction when they have appraised that, even without the execution of the penalty, they can expect the realization of the purpose of punishment, especially having in mind the relation of the misdemeanour perpetrator towards this misdemeanour or the damaged party and the compensation of damages caused by the misdemeanour.
- (3) The conditional conviction prolongs the execution of the penalty pronounced, during a period that cannot be shorter than three months, nor longer than one year.

Obligations of a Conditionally Convicted Person

Article 45

- (1) Along with the application of the conditional conviction, the court can determine one or more obligations to the misdemeanour perpetrator; namely:
1. To compensate damages caused,
 2. To return the gain obtained through misdemeanour, or
 3. To fulfil other obligations foreseen by the law, that are appropriate to the type of misdemeanour.
- (2) The deadline for the fulfilment of the obligations from Paragraph 1 of this Article is determined by the court within the set verification period.

Recall of the Conditional Conviction

Article 46

- (1) The court can recall a conditional sentence and determine the execution of the punishment pronounced if the convict commits one or more misdemeanours during the verification period for

which he/she was pronounced the same or more severe punishment than the one pronounced by the conditional sentence.

(2) When the court recalls a conditional sentence and determines the execution of the punishment pronounced, in cases from Paragraph 1 of this Article, they shall proceed according to the provisions of this Act on weighing the punishment for accumulated misdemeanours, regarding punishments pronounced.

(3) When the court does not recall a conditional sentence for a new misdemeanour, they can pronounce punishment or apply a conditional sentence. If they apply the conditional sentence, previously pronounced and newly pronounced punishment shall be governed by the provisions of this Act on weighing the punishment for accumulated misdemeanours, but a new deadline shall be determined, during which the total punishment pronounced shall not be executed.

(4) The court shall recall a conditional sentence and determine the execution of the punishment pronounced, if the convict does not meet the obligations determined for the verification period, and that he/she could meet. In case the inability of meeting obligations is determined, the court can replace these obligations with others, or release the convict from obligations.

(5) Regardless of the reasons for recall, the conditional sentence cannot be recalled following the end of one year since the expiry of the verification period.

Conditional Conviction with Protective Supervision

Article 47

(1) In case conditions for applying the conditional sentence have been realized, but given the circumstances in which misdemeanour perpetrator lives, and given his/her personality, the court appraises that he/she needs help, protection and supervision, for the purposes of meeting obligations, and in order that he/she does not commit a new misdemeanour during the verification period, it can apply the conditional conviction with protective supervision.

(2) Protective supervision is performed by expert personnel of the state entity of authority for the execution of criminal legal sanctions.

(3) Protective supervision can last during the whole verification period, but can be removed by a court ruling earlier, if the requirements of the need for help, protection and supervision have ceased.

Special Obligations in Protective Supervision

Article 48

By applying the conditional sentence with protective supervision, along with the obligations from Article 45, Paragraph 1, of this Act, the court can determine one or more obligations to misdemeanour perpetrator during the verification period, namely:

1. Committing to medical treatment necessary for removing physical or mental hindrances that can instigate the committal of a new misdemeanour,
2. Committing to therapy for dependencies to alcohol and intoxicating drugs in a medical institution or therapeutic community,
3. Participation in the process of psycho-social therapy in specialized institutions, within the framework of state entities, for the purposes of removing violent behaviour,
4. Banning visits to certain locations, bars and shows, that can provide opportunities for and instigate the committal of a new misdemeanour.

Recall of the Conditional Sentence with Protective Supervision

Article 49

The provisions of this Act on the recall of the conditional sentence are fully applied in the recall of the conditional sentence with protective supervision, provided that special obligations connected to protective supervision must be handled as other obligations connected to the conditional sentence (Article 46, Paragraph 4, of this Act).

Chapter Seven (VII)
PROTECTIVE MEASURES

Types of Protective Measures

Article 50

- (1) Protective measures proscribed by this Act and one or more of which the court can apply to the misdemeanour perpetrator are the following:
1. Mandatory psychiatric treatment,
 2. Mandatory addiction therapy,
 3. Ban of conducting a vocation, certain business activities, jobs or duties on a natural person,
 4. Ban of conducting certain business activities or affairs on a legal entity,
 5. Banishment of foreigners from the country,
 6. Dispossession of objects,
 7. Ban of driving a motor vehicle.
- (2) Apart from the protective measures proscribed by this Act (Paragraph 1 of this Article), the law can also proscribe other types of protective measures, that must be aligned with the provisions of this Act, according to their duration and purpose. These protective measures are applied under equal conditions as proscribed for the application of the protective measures from Paragraph 1 of this Article.
- (3) Protective measures proscribed by this Act and separate acts can, if this Act does not proscribe otherwise, be proscribed and applied in the duration which cannot be shorter than one month, nor longer than two years. The protective measure of object dispossession is applied permanently.
- (4) Protective measures envisioned for natural persons are also applied to the responsible person in a legal entity, the craftsman or other person performing an independent business activity.

Purpose of Protective Measures

Article 51

The purpose of protective measures is to remove the conditions that enable or instigate committals of new misdemeanours, through their application.

Mandatory Psychiatric Treatment

Article 52

- (1) The protective measure of mandatory psychiatric treatment can be applied only towards the perpetrator who committed misdemeanour in a condition of significantly reduced sanity, if there is the

danger that the reasons for this condition can also instigate the committal of a new misdemeanour in future.

(2) The protective measure of mandatory psychiatric treatment can be applied during the time of the execution of the prison, minors' prison penalty, or along with the exchange for the prison penalty i.e. minors' prison penalty, or along a conditional sentence, under the conditions from Paragraph 1 of this Article.

(3) Mandatory psychiatric treatment lasts until the reasons for its application cease to exist, but in all cases until the end of the execution of the prison penalty i.e. minors' prison penalty, the expiry of the deadline for verifying the application of a conditional sentence, and in all these cases – it cannot last longer than one year.

(4) The misdemeanour perpetrator who does not accept to undergo psychiatric treatment at liberty along with a conditional sentence, apart from the exchange with the prison penalty i.e. minors' prison penalty, can be treated according to the provision of Article 46, Paragraph 4, of this Act.

Mandatory Addiction Therapy

Article 53

(1) The protective measure of mandatory addiction therapy can be applied towards the misdemeanour perpetrator, who committed the misdemeanour under the decisive influence of alcohol or intoxicating drug addiction, when there is the danger that he/she will commit some misdemeanour on account of this addiction.

(2) The protective measure of mandatory addiction therapy can be applied along the same misdemeanour legal sanctions under the conditions from Paragraph 1 of this Article, in equal duration and in the same manner as determined by this Act for the protective measure of mandatory psychiatric treatment.

(3) The misdemeanour perpetrator who does not accept to undergo the mandatory addiction therapy along with a conditional sentence, apart from the exchange with the prison i.e. minors' prison penalty, can be treated according to Article 46, Paragraph 4, of this Act.

Ban of Conducting a Vocation, Certain Business Activities, Jobs or Duties on a Natural Person

Article 54

(1) The protective measure of banning conducting a vocation, certain business activities, jobs or duties on a natural person can be applied to the perpetrator who committed misdemeanour during the course of conducting a vocation, certain business activities, jobs or duties, if there is the danger that such conducting could favourably instigate committal of a new misdemeanour by misusing the vocation, certain business activities, jobs or duties.

(2) The ban of conducting a vocation, certain business activities, jobs or duties can be applied in relation to one or more vocations, one or more business activities, jobs or duties, during the conduct of which the misdemeanour was committed.

(3) The protective measure of banning conducting a vocation, certain business activities, jobs or duties cannot be applied in the duration shorter than one month, nor longer than one year, given that the time of the execution of the prison penalty, prison determined in exchange for unpaid financial penalty or minor prison is not calculated into the time of the duration of this measure.

(4) The misdemeanour perpetrator who was banned conducting a vocation, certain business activities, jobs or duties along with a conditional sentence, apart from the exchange with the prison or minors'

prison penalty, unless he/she acts according to this ban, can be treated according to Article 46, Paragraph 4, of this Act.

Ban of Conducting Certain Business Activities or Affairs on a Legal Entity

Article 55

- (1) The protective measure of banning conducting certain business activities or affairs on a legal entity can be applied to the legal entity that committed misdemeanour in the course of conducting certain business activities or affairs, if there is the danger that such conducting could favourably instigate committal of a new misdemeanour.
- (2) The ban of conducting certain business activities or affairs can be applied in relation to all or individual business activities or affairs during the conduct of which the misdemeanour was committed.
- (3) The protective measure of banning conducting certain business activities or affairs cannot be applied in the duration shorter than three months, nor longer than one year.
- (4) The ban of conducting certain business activities or affairs cannot be applied to the units of local and regional self-governing and to political parties.

Banishing Foreigners from the Country

Article 56

- (1) The protective measure of banishing foreigners from the country can be applied to the misdemeanour perpetrator who is not a citizen of the Republic of Croatia, and for which there is the danger of him/her continuing committing misdemeanours.
- (2) The protective measure of banishing foreigners from the country cannot be applied in the duration shorter than three months, nor longer than three years.

Dispossession of Objects

Article 57

- (1) The protective measure of the dispossession of objects can be applied in relation to objects intended or used in the committal of misdemeanour or which were created by the committal of misdemeanour, when there is the danger of the object being reused for the committal of misdemeanour, or when the dispossession of the object seems urgently necessary for the protection of public safety, population health, or out of moral reasons.
- (2) The law can in certain cases proscribe mandatory dispossession of objects.
- (3) The application of this protective measure does not influence the right of third persons for damage compensation, on account of the object dispossessed, towards the misdemeanour perpetrator.
- (4) The objects from Paragraph 1 of this Article shall be also dispossessed even when the proceedings do not end in a ruling regarding the misdemeanour that declares the defendant guilty, if this is urgently necessary for the protection of public safety, population health, or out of moral reasons, and when this is determined so by law.
- (5) The objects the defendant or some other person cannot have under the law, or objects intended for the market that can be marketed but under special conditions (with supervisory stamps etc.), shall be dispossessed even when the proceedings do not end in a ruling that declares the defendant guilty.

Banning Driving a Motor Vehicle

Article 58

- (1) The protective measure of banning driving a motor vehicle can be applied to the perpetrator of a misdemeanour against the traffic safety, when there is the danger of him/her committing such a misdemeanour again, by driving a motor vehicle.
- (2) The protective measure of banning driving a motor vehicle can be applied, under the conditions from Paragraph 1 of this Article, but for a certain type or category or for all types and categories of motor vehicles, while the court shall, applying this measure, also take into account the circumstance whether the misdemeanour perpetrator is a driver of motor vehicles by vocation.
- (3) The protective measure of banning driving a motor vehicle cannot be applied in the duration shorter than one month, nor longer than two years.

Chapter Eight (VIII)

THE APPLICATION OF THE MISDEMEANOUR LAW OF THE REPUBLIC OF CROATIA
TOWARDS LEGAL ENTITIES AND SUBJECTS OF EQUAL STATUS

Misdemeanour Responsibility of Legal Entities and Responsible Persons in Legal Entities

Article 59

- (1) This Act determines the preconditions for misdemeanour responsibility of legal entities and responsible persons in legal entities.
- (2) Misdemeanour responsibility of a legal entity stops with the end of its existence, and in case of there being a legal successor to it, the overall legal successor is responsible for the misdemeanour. If there are more successors, the court shall determine which one, given the characteristics of succession, is accountable for misdemeanour.
- (3) In case a legal entity stops existing following the legal validity of a misdemeanour ruling, misdemeanour sanctions shall be executed in relation to the legal successor. Individual sanctions shall not in this case be executed if this should obviously be unfair. The court shall reach a separate ruling regarding the execution of a misdemeanour sanction against legal successors.
- (4) The provisions of this Act and likewise of other regulations relating to misdemeanour responsibility of legal entities and responsible persons in them are also applied to subjects of equal status: branch offices and representations of home and foreign legal entities, other subjects that do not possess legal entity but act independently in the legal framework, and to responsible persons in these subjects.

Basis of the Responsibility of Legal Entities and Responsible Persons in Legal Entities

Article 60

- (1) The legal entity and its responsible person are accountable for misdemeanours committed in terms of misdemeanour regulations.
- (2) Misdemeanour regulations can proscribe misdemeanour responsibility of the legal entity only.
- (3) The court shall determine the legal entity as accountable for misdemeanour also in the case if it determines the existence of legal or actual obstacles for determining the responsibility of the responsible person, or when it cannot determine who the responsible person is.

Responsible Person

Article 61

- (1) The responsible person, in terms of this Act, is the natural person conducting the affairs of the legal entity or who has been entrusted with conducting certain affairs in the area of legal entity's activities.
- (2) Misdemeanour regulation can determine which responsible person within the legal entity is accountable for a certain misdemeanour.
- (3) The responsible person is accountable for committed misdemeanours also in the case if, following the committal of the misdemeanour, he/she stops working in the legal entity, or if the legal entity ceased existing following the committal of misdemeanour.

Exclusion and Limitation of the Responsibility of Legal Entities

Article 62

- (1) The Republic of Croatia cannot be accountable for misdemeanours.
- (2) Units of local and regional self-governing are accountable for misdemeanours committed by actions that do not belong to the execution of their public authority.
- (3) Lack of misdemeanour accountability of state entities and units of local and regional self-governing, according to Paragraphs 1 and 2 of this Article, does not exclude the possibility of misdemeanour responsibility of the responsible person for this misdemeanour, in entities from Paragraphs 1 and 2 of this Article.

Chapter Nine (IX)

THE APPLICATION OF MATERIAL LAW PROVISIONS OF THIS ACT TOWARDS MINORS
AS PERPETRATORS OF MISDEMEANOURS

Application of Misdemeanour Material Law towards Minors

Article 63

Material law provisions of this Act are applied to minors as misdemeanour perpetrators unless the provisions of this Chapter do not proscribe otherwise.

Notion of the Minor

Article 64

- (1) A minor is a person who is fourteen years of age and is not eighteen years of age.
- (2) A junior minor is a person who is fourteen years of age but is not sixteen years of age.
- (3) A senior minor is a person who is sixteen years of age but is not eighteen years of age.

Types of Sanctions

Article 65

- (1) As misdemeanour legal sanctions, educational measures, protective measures and penalties (financial penalties and the minor prison) are applied to persons who committed misdemeanours as minors.
- (2) As misdemeanour legal sanctions for misdemeanours committed, it is only educational measures that can be applied to persons who committed misdemeanours as junior minors.
- (3) As misdemeanour legal sanctions for misdemeanours committed, educational measures can be applied to persons who committed misdemeanours as senior minors, and under the conditions envisioned by this Act, it is also financial penalties and the minors' prison that can be pronounced.
- (4) Protective measures towards minors as misdemeanour perpetrators can be applied under the conditions determined by this Act.

Purpose of Educational Measures and the Minors' Prison

Article 66

Along with the general purpose of misdemeanour legal sanctions, the purpose of special sanctions for minors is to afford protection, care, aid and supervision as well as, by ensuring the general education of minors as misdemeanour perpetrators, to influence his/her upbringing, develop his/her overall personality, and to strengthen his/her personal responsibility.

Types of Educational Measures

Article 67

- (1) There are the following educational measures:
 1. Court reprimand,
 2. Special obligations,
 3. Sending to an educational centre.
- (2) The educational measures from Paragraph 1 of this Article are applied when it is necessary to influence the minor's personality and behaviour through warning measures, providing direction or by other appropriate measures.

Court Reprimand

Article 68

- (1) The court shall apply the court reprimand if it can be concluded, from the minor's relation towards the misdemeanour committed and towards his/her willingness not to commit misdemeanours, that the very reprimand shall achieve the purpose of the educational measure.
- (2) When applying the reprimand, the court shall point to the minor the socially unacceptable and detrimental behaviour of his/hers, and that he/she can receive even a harsher sanction in case of repeated misdemeanour committal.

Special Obligations

Article 69

- (1) The court can determine one or more special obligations to the minor, if they appraise that by applying them they will positively influence the minor and his/her behaviour.

- (2) The court can determine the following obligations to the minor:
1. To apologize to the damaged party,
 2. To repair or compensate damage caused by misdemeanour, according to own abilities,
 3. To refrain from paying visits to certain places and stay away from the company of certain persons adversely affecting him/her,
 4. With consent of the minor's legal representative, to undergo treatments against drugs and other addictions,
 5. For the purposes of acquiring or testing the knowledge of traffic regulations, to attend the institution authorized for training drivers,
 6. To include himself/herself into the operation of humanitarian organizations or into the affairs of communal or ecological significance,
 7. To include himself/herself into the work of sports and other teams, along with pedagogical supervision at school,
 8. To include himself/herself into individual and group counselling for youth.
- (3) Special obligations determined can last six months at most and must not hinder minor's schooling or employment.
- (4) Within the obligation from Paragraph 2, Item 2, of this Article, the court shall determine the forms and the manner of repair and compensation of damages, whereby minor's personal work must not last for more than 20 hours within the period of one month, and must be scheduled so that it does not hinder minor's schooling or employment.
- (5) When determining special obligations, the court shall especially warn the minor that it can, if he/she fails to fulfil the obligations, send him/her to an educational centre.
- (6) The execution of special obligations is done under the supervision of a social care centre, who notify the court regarding this.
- (7) The social care centre must keep a special register for each minor the court applied educational measure to.

Sending to an Educational Centre

Article 70

- (1) The court shall apply the measure of sending the minor to an educational centre when they appraise that stronger measures are needed to influence the minor's personality and behaviour, in order to achieve the purpose of educational measures.
- (2) The court can send the minor who the measure from Paragraph 1 of this Article was applied to, to the centre:
1. For a certain number of hours during the day in the duration of eight days minimum, and fourteen days maximum,
 2. For a continuous stay in the duration of eight days.
- (3) When applying the measure from Paragraph 1 of this Article, care shall be taken that the minor, for the purpose of its execution, does not fail to attend regular schooling or workplace.
- (4) Minor's stay at the centre must be filled with activities appropriate to his/her traits and aimed at developing the sense of responsibility.

Financial Penalty

Article 71

- (1) The court can pronounce a financial penalty to a senior minor – misdemeanour perpetrator, who earns personal income through own work or through assets, if they determine that, given the characteristics and the severity of the misdemeanour committed, they need to pronounce such a punishment.
- (2) Unpaid financial penalty cannot be exchanged for the prison penalty, nor by general welfare work while enjoying liberty, but will be collected using minor's assets, those of his parents or another person who takes care of him/her.

Minors' Prison

Article 72

- (1) Senior minor – misdemeanour perpetrator can be pronounced the minors' prison penalty for a misdemeanour that the law proscribes prison for, as a more severe penalty, if the court determine that, given the characteristics and the severity of the misdemeanour, and the high degree of guilt, it is necessary to pronounce this punishment.
- (2) The penalty of minors' prison is pronounced within the penalty of prison proscribed for a certain misdemeanour, while it cannot be shorter than three days, nor longer than ten days.
- (3) Prior to the minors' prison penalty being pronounced, the court can previously obtain an opinion from the social care centre of authority whether such a punishment is appropriate.

Application of Educational Measures for Accumulated Misdemeanours

Article 73

- (1) The court shall apply but one educational measure for accumulated misdemeanours that they decide to apply educational measures for.
- (2) The court shall proceed according to the provision of Paragraph 1 of this Article also when they, following the application of the educational measure, find that the minor committed misdemeanour before or after its application.

Pronouncing the Minors' Prison Penalty for Accumulated Misdemeanours

Article 74

- (1) The court shall pronounce the total penalty of minors' prison for accumulated misdemeanours within the limits from Article 72, Paragraph 2, of this Act, without prior determination of punishments for each individual misdemeanour. If they hold that the minor should be punished by the penalty of minors' prison for a certain misdemeanour, while for others educational measures should be applied, the court shall pronounce the minors' prison penalty only.
- (2) When the court determine, following the pronouncement of the minors' prison penalty, that the minor committed some misdemeanour before or after this penalty being pronounced, they shall proceed according to the provision of Paragraph 1 of this Article.

Pronouncing a Financial Penalty for Accumulated Misdemeanours

Article 75

- (1) The court shall pronounce the total financial penalty for accumulated misdemeanours, according to the rule from Article 39, Paragraph 1, Item 1, of this Act, without prior determination of punishments for each individual misdemeanour. If they hold that the minor should be pronounced a financial penalty for a certain misdemeanour, while for others educational measures should be applied, the court shall pronounce the financial penalty only.
- (2) If they hold that the minor should be pronounced a financial penalty for a certain misdemeanour, while for others the minors' prison penalty should be applied, the court shall pronounce the minors' prison penalty only.
- (3) When the court determine, following the pronouncement of the financial penalty, that the minor committed some misdemeanour before or after this penalty being pronounced, they shall proceed according to the provisions of Paragraphs 1 and 2 of this Article.

Chapter Ten (X)

DISPOSSESSING MATERIAL GAIN, REHABILITATION, DATA FROM THE MISDEMEANOUR REGISTER AND THE LEGAL CONSEQUENCES OF CONVICTION

Dispossessing Material Gain Obtained through Misdemeanour

Article 76

- (1) None can keep material gain obtained through misdemeanour.
- (2) Material gain obtained through misdemeanour is dispossessed by the ruling on misdemeanour that determines misdemeanour was committed. When inability of dispossessing material gain, either fully or partially, is determined, the misdemeanour court shall commit the misdemeanour perpetrator to pay with a corresponding value in cash.
- (3) Material gain obtained through misdemeanour shall also be dispossessed when it is located with a third person on any legal grounds, if under the circumstances it realized the gain through, it knew or could know that the values have been realized through misdemeanour.
- (4) A special law can proscribe what is considered as material gain obtained through misdemeanour.

Rehabilitation

Article 77

- (1) The prison i.e. minors' prison penalty having being effected, pardoned or expired due to limitation, the convict has all the rights determined by the Constitution, law or other regulations, and can gain all rights except those that are limited through protective measures, while this equally applies to the misdemeanour perpetrator that warning measures were applied to, or that was released from punishment by a ruling on misdemeanour.
- (2) When three years have expired since legal validity of a ruling on misdemeanour, the misdemeanour perpetrator is considered as not convicted according to this misdemeanour ruling, and any use of the data on him/her as misdemeanour perpetrator is forbidden and has no legal effect. Rehabilitated convict has the right to deny previous conviction and cannot be held accountable nor have any legal consequences on account of this.
- (3) Rehabilitation from Paragraphs 1 and 2 of this Article must occur as per the letter of the law.

Data from the Misdemeanour Register

Article 78

- (1) Data from the misdemeanour register can be given but to courts, state administration entities conducting misdemeanour proceedings and state entities – authorized prosecutors, in case of misdemeanour proceedings against the misdemeanour perpetrator the data are requested for.
- (2) Data from the misdemeanour register can also be given to other state entities, following a request with an elaboration, in case of verifying certain affairs and tasks in state employment, or when this is necessary for realizing certain rights of the person the data are requested for with a state administration entity or with entities of local and regional self-governing in administration proceedings of their authority. In the process of public procurement, entities performing it can request data from the misdemeanour register through the state administration entity of authority only.
- (3) Entities of internal affairs can also utilize the misdemeanour register, within their legal authority, for the purposes of finding misdemeanour perpetrators. The data stated are considered as confidential.
- (4) None must submit proofs on their misdemeanour conviction or lack of the same.
- (5) Anybody has the right to request the data from the misdemeanour register for himself/herself, if he/she but proves that he/she needs the data for realizing rights in a foreign country.
- (6) Data on rehabilitated misdemeanours cannot be given to anybody nor utilized for any purposes.

Legal Consequences of Conviction

Article 79

- (1) Legal consequences of conviction, consisting of the loss of or ban on acquiring certain rights, are proscribed by law.
- (2) The legal consequence of conviction that consists of accumulating negative misdemeanour points is proscribed by law.

Proscribing Negative Misdemeanour Points

Article 80

- (1) Negative misdemeanour points as a legal consequence can be proscribed for the perpetrator pronounced guilty in a legally valid manner in case of especially severe misdemeanours.
- (2) The legal consequence of negative misdemeanour points becomes effective on the day of legal validity of the ruling determining the committal of the misdemeanour negative misdemeanour points have been proscribed for by law.
- (3) Up to three negative misdemeanour points can be proscribed for one misdemeanour.

Application of the Legal Consequence of Negative Misdemeanour Points

Article 81

- (1) Following the expiry of two years since the day of legal validity of the ruling based on which the perpetrator collected negative misdemeanour points, these points stop being registered.
- (2) The provisions on expiry due to limitation of misdemeanour legal sanctions according to this Act are used for the execution of the consequence as per Paragraph 1 of this Article.

PART TWO PROCEDURAL PROVISIONS

Chapter Eleven (XI)

INTRODUCTORY PROVISIONS

Basic Purpose of Procedural Provisions

Article 82

- (1) Procedural provisions of this Act determine the rules that govern misdemeanour proceedings in misdemeanour courts and all other entities conducting misdemeanour proceedings, ensure just conduct of misdemeanour proceedings, the protection of human rights, accurate determination of facts and lawful determination on misdemeanour responsibility, so that none innocent are convicted, and the misdemeanour perpetrator is pronounced with a sentence or applied another misdemeanour legal sanction.
- (2) Prior to reaching a legally valid ruling on misdemeanour, the defendant's personal liberty and other rights can be limited under the conditions as determined in this Act only.
- (3) If this Act does not contain provisions on individual issues in proceedings, the provisions of the Criminal Proceedings Act shall be applied in a corresponding manner, when this is appropriate to the purpose of misdemeanour proceedings.

Initiating and Conducting Proceedings

Article 83

Unless this Act determines otherwise, misdemeanour proceedings can be initiated and conducted upon a request by authorized plaintiffs only.

Innocence

Article 84

Everybody is innocent and none can hold him/her guilty of misdemeanour until a legally valid ruling on misdemeanour does not determine guilt.

Right to Defence

Article 85

- (1) At the very first questioning, the defendant must be notified of misdemeanour he/she is accused of and evidence that accuse him/her. It is considered the defendant was notified of misdemeanour he/she is accused of if he/she was duly handed in the proposal for indictment.
- (2) The defendant must be enabled to declare himself/herself on all facts and evidence accusing him/her, and to state all facts and evidence to his/her favour.
- (3) The defendant needs not state his/her defence, nor answer to questions. It is forbidden and punishable to coerce confessions or other statements from the defendant or another person.

Rights of Arrested or Held Person

Article 86

- (1) The person arrested or held under the suspicion he/she committed misdemeanour must at once be acquainted with the reasons for arrest or detention, and upon his/her request, the entity of authority shall notify his/her family or another person he/she determines regarding arrest or detention, and if he/she is interrogated as a suspect or defendant, also instructed he/she needs not declare himself/herself, and that he/she has the right to expert assistance from a lawyer of his/her own choosing.
- (2) Any measure or action that includes depriving person's liberty under the suspicion he/she committed misdemeanour is considered as arrest or detention.

Procedural Language and Script

Article 87

- (1) Misdemeanour proceedings use the Croatian language and the Latin script, unless the law introduced also another language or script for use in individual court areas.
- (2) Parties, participants to proceedings, witnesses and other persons participating in proceedings have the right to use own language. In case proceedings or individual proceedings actions are not conducted in this person's language, upon request from these persons interpretation of what he/she or others are stating shall be ensured, as well as translation of documents and other written evidence. If the person does not understand the language proceedings are conducted in, interpretation and translation shall be ensured in all cases. Interpretation and translation is done by court interpreters.
- (3) The court addresses summons and rulings in the Croatian language and in the Latin script. A proposal for indictment, appeals and other submissions are submitted to the court in the Croatian language and in the Latin script. If the law introduced into official use another language or script as well in individual court areas, submissions can be delivered to the court also in this language or script.
- (4) A translation of the subpoena, rulings and submissions shall be delivered to the defendant being detained and to the person serving the sentence in the language he/she is using in proceedings.
- (5) A foreigner detained on account of suspicion of misdemeanour, or in custody or prison on account of a criminal act, or who has been deprived of liberty on account of other reasons, can deliver submissions to the court, from the start of proceedings until their completion, in his/her language, but prior to and following it only under the condition of reciprocity.

Duty of Determining All Relevant Facts

Article 88

- (1) The court must fully and accurately determine facts important for reaching a lawful ruling based on evidence demonstrated, and devote equal attention to facts accusing the defendant and the ones to his/her benefit.
- (2) The court is free to appraise evidence and the existence or non-existence of facts, and is thereby not limited or hindered by any evidence rules.

Procedural Cost-Effectiveness and Avoiding Misuse of the Rights from this Act

Article 89

- (1) The court must conduct proceedings fast and with no stalling, as well as avoid all unnecessary actions and costs, and disable any misuse of the rights belonging to parties and participants in proceedings.

(2) The court shall deny the party or participant in misdemeanour proceedings, who is obviously stalling proceedings or misusing the rights from this Act in another manner, the right to this act by a ruling. An appeal against this ruling does not prolong its execution.

Illegal Evidence

Article 90

(1) Court rulings cannot be based on evidence obtained in an illegal manner (illegal evidence).

(2) The evidence is illegal when it has been:

1. Obtained by breaching the Constitution, law or the rights guaranteed by international law:
 - a) defence,
 - b) dignity,
 - c) reputation and honour, and
 - d) inviolability of personal and family life,
2. Obtained by breaching the provisions of misdemeanour proceedings that are explicitly envisioned by this Act, and other evidence thus gained.

Instruction of the Rights in Proceedings

Article 91

The court shall instruct the defendant or another participant in proceedings, who could, out of obvious ignorance, miss a certain action or would on account of this not use his/her rights, regarding the rights belonging to him/her according to this Act, and regarding the consequences of missing the action.

Previous Issue

Article 92

If the application of misdemeanour regulations depends on a previous solution of a certain legal issue, the solution of which is within the authority of a court in some other proceedings or some other state entity, the misdemeanour court or a state administration entity conducting misdemeanour proceedings can itself resolve this issue as well, according to the provision valid for evidence in misdemeanour proceedings. Resolution of this issue takes effect only in misdemeanour case being debated.

Chapter Twelve (XII)

THE AUTHORITY OF COURTS AND STATE ADMINISTRATION ENTITIES

Actual Authority of Courts and State Administration Entities

Article 93

(1) Misdemeanour courts and the High Misdemeanour Court of the Republic of Croatia judge in misdemeanour cases. A special act can proscribe actual authority of state administration entities in conducting first-instance misdemeanour proceedings, unless in proceedings following a complaint against the mandatory misdemeanour warrant (Articles 239 through 244 of this Act).

(2) Minors as misdemeanour perpetrators are always tried by courts, unless this Act proscribes otherwise.

Authority of Misdemeanour Courts

Article 94

Misdemeanour have the authority:

1. To try the first-instance of all misdemeanour, except those for which special acts regulate actual authority of state administration entities,
2. To deliberate on the request for the renewal of misdemeanour proceedings:
 - a) regarding the cases they tried,
- b) against legally valid misdemeanour warrants from authorized plaintiffs, in case of misdemeanours from actual court authority, and
 - c) against all legally valid mandatory misdemeanour warrants.
3. To provide legal aid according to provisions of international contracts and of this Act,
4. To perform other affairs as proscribed by law.

Authority of the High Misdemeanour Court of the Republic of Croatia

Article 95

The High Misdemeanour Court of the Republic of Croatia has the authority:

1. To deliberate in second-instance appeals against rulings of misdemeanour courts and state administration entities,
2. To deliberate on extraordinary legal remedies in cases proscribed by this Act,
3. To deliberate on conflicts of authority between courts,
4. To deliberate on requests for the exemption of court presidents,
5. To perform other affairs as proscribed by law.

Authority of State Administration Entities

Article 96

State administration entities have the authority:

1. To deliberate on first-instance misdemeanours when this has been proscribed by a special act,
2. To deliberate on requests for the renewal of misdemeanour proceedings:
 - a) in cases of its authority; and
- b) against legally valid misdemeanour warrants in cases where first-instance deliberation by this state administration entity has been envisioned for the conduct of misdemeanour proceedings.
3. To perform other affairs as proscribed by law.

Court Composition

Article 97

- (1) An individual judge reaches the ruling on misdemeanour and other judgments in the misdemeanour court.
- (2) The High Misdemeanour Court of the Republic of Croatia deliberates in councils composed of three judges.

Local Authority

Article 98

- (1) Locally, the court where misdemeanour was committed or attempted is in authority.
- (2) The law can determine one misdemeanour court which shall determine regarding a certain misdemeanour type within the authority of misdemeanour courts from the areas of several misdemeanour courts or in the area of the Republic of Croatia.
- (3) If misdemeanour was committed or attempted in areas of different courts or at the border of these areas, or it is unknown what area it was committed or attempted in, the court that first initiated proceedings is in authority, and in case proceedings did not as yet start – the court which received the indictment proposal first.
- (4) If misdemeanour was committed on board a ship or an airplane, while it is in a domestic port or dock, the court where that port or dock is in is in authority. In other cases, when misdemeanour was committed on board a ship or an airplane, the court where the home port of a domestic ship i.e. airplane is, or domestic dock in which the ship i.e. airplane (domestic or foreign) first stops is in authority, unless a special act does not determine otherwise.
- (5) If misdemeanour was committed in press, the court in the area of which the document was printed is in authority. If this location is unknown, or the document was printed outside the territory of the Republic of Croatia, the court in the area of which the document is distributed is in authority.
- (6) If the document writer is responsible for misdemeanour according to regulations, the court where the writer has domicile or residence i.e. main office is also in authority, or the court where the event the document referred to occurred.
- (7) The provisions of Paragraph 4 of this Article shall be accordingly applied if the document or the statement was broadcast through the radio, television or another electronic medium.
- (8) If the location of the misdemeanour committal is unknown, the court where the defendant has residence or domicile i.e. main office is in authority. Following the initiation of proceedings, this court remains in authority even if the location of misdemeanour committal was subsequently discovered.
- (9) If, according to the provisions of this Act, it cannot be determined which court is locally in authority, the High Misdemeanour Court of the Republic of Croatia shall designate one of misdemeanour courts, in front of which proceedings shall be conducted.

Merging Proceedings

Article 99

- (1) If the same person is accused of several misdemeanours that fall under the authority of two or more courts, the court where started proceedings first, following a request by the authorized plaintiff, is in authority, and if proceedings have not yet been initiated, the court which received the indictment proposal first.
- (2) According to the provisions of Paragraph 1 of this Article, the authority is determined also if the damaged party simultaneously committed misdemeanour towards the defendant.
- (3) As a rule, in case of co-perpetrators, the court that is authorized for one of them and initiated proceedings first is in authority.
- (4) The court that is in authority for the misdemeanour perpetrator is, as a rule, also in authority for participants (prompter and accessory).
- (5) In all cases from Paragraphs 1, 2, 3 and 4 of this Article, as a rule, single proceedings shall be conducted and one verdict reached.
- (6) Single proceedings shall, as a rule, be conducted and one verdict reached also against the

defendant of a legal entity and against the responsible person in the legal entity.

- (7) The court can decide to conduct single proceedings and reach one verdict also when several persons have been charged with more misdemeanours, but only if there is a mutual link between committed misdemeanours and if there is the majority of same evidence.
- (8) The court can decide to conduct single proceedings and reach one verdict if there are separate proceedings being conducted against the same person before the same court for several misdemeanours, or against several persons for the same misdemeanour.
- (9) The court that is in authority for conducting single proceedings reaches a ruling on merging proceedings.
- (10) Appeal is not permitted against the ruling on merging proceedings.

Separating Proceedings

Article 100

- (1) The court of authority, in accordance with Article 99 of this Act, can reach a ruling before the end of the main hearing i.e. proceedings, out of important reasons or for the purpose of effectiveness, whereby proceedings for individual misdemeanours or against individual defendants are separated. It shall complete the proceedings thus separated itself or have them submitted to another court of authority.
- (2) Appeal is not permitted against the ruling on separating proceedings.

Transfer of Authority

Article 101

- (1) When the court of authority, out of legal or actual reasons, is impeded in its actions, it must report to the High Misdemeanour Court of the Republic of Croatia, which shall designate another court of actual authority for further actions.
- (2) The High Misdemeanour Court of the Republic of Croatia can designate by a ruling another court of actual authority for conducting proceedings, if it is obvious that proceedings shall be thus conducted more easily, or if there are other important reasons for this.
- (3) The court can reach the ruling from Paragraph 2 of this Article upon the proposal from a misdemeanour court judge or state attorney, if he/she is the plaintiff in proceedings.
- (4) The ruling from Paragraph 3 of this Article, in misdemeanour proceedings before a state administration entity conducting misdemeanour proceedings, is reached by the ministry in authority.

Lack of Authority

Article 102

- (1) The court must monitor its actual and local authority and shall, as soon as they notice lack of authority, proclaim itself by a ruling as not in authority. Following legal validity of the ruling, the court shall transfer the case to the court of authority i.e. to another misdemeanour entity in authority.
- (2) Following the initiation of proceedings, the court cannot declare itself as locally not in authority, nor can parties submit complaints regarding local lack of authority.
- (3) The court not in authority must undertake those actions in proceedings for which there is the danger of postponement.

Conflict of Authority

Article 103

- (1) If the court, which was assigned a case based on Article 102, Paragraph 1 of this Act, consider themselves not in authority, they shall initiate proceedings for the resolution of the conflict of authority.
- (2) When the High Misdemeanour Court of the Republic of Croatia determine by their ruling which court is in authority, in case of a complaint against a ruling from a court declaring itself as not in authority (Article 102, Paragraph 1), this court is bound to the ruling on authority.
- (3) The High Misdemeanour Court of the Republic of Croatia determine on the conflict of authority between misdemeanour courts.
- (4) The ministry of authority determine on the conflict of authority between state administration entities conducting misdemeanour proceedings, and in case of conflict of authority between state administration entities belonging to different ministries – the Government of the Republic of Croatia.
- (5) The Constitutional Court of the Republic of Croatia determine on the conflict of authority between courts and state administration entities conducting misdemeanour proceedings.
- (6) The High Misdemeanour Court of the Republic of Croatia, i.e. the ministry in authority or the Government of the Republic of Croatia can, when determining on the conflict of authority, reach a ruling on the transfer of local authority as per their official duty, simultaneously with a ruling on the conflict of authority, if the conditions envisioned by Article 101 of this Act have been met.
- (7) Until the conflict of authority is resolved, the court must undertake those actions in proceedings for which there is the danger of postponement.

Chapter Thirteen (XIII)
EXEMPTION

Exemption and Removal

Article 104

- (1) The judge is excluded from performing the role of the judge:
 1. If he/she was harmed by misdemeanour,
 2. If the defendant, his/her attorney, plaintiff, damaged party, his/her legal representative or empowered person or the representative of the legal entity are his/her spouse or relative in the vertical line up to any level, in the side line up to the fourth level, i.e. in-laws up to the second degree,
 3. If he/she is in relation of the guardian, ward, foster parent, adoptee, home-provider or home-receiver with the defendant or his/her attorney or defendant's spouse, plaintiff, damaged party or the representative of the legal entity,
 4. If he/she conducted the first-instance proceedings in the same case, or participated in first-instance proceedings as: giver of a certain ruling in proceedings, plaintiff, defendant, legal representative or damaged party's empowered person, or was interrogated as a witness or an expert, or he/she participated in inspections or other supervision based on which misdemeanour proceedings were initiated.
- (2) The judge can be removed from performing the role of the judge if, except from the cases as listed in Paragraph 1 of this Article, circumstances that arouse suspicion of his/her impartiality are stated and proven.
- (3) As soon as he/she finds out there are any reasons for exemption from Paragraph 1 of this Article, or circumstances justifying his/her removal (Paragraph 2 of this Article), the judge must at once notify

Court President, who shall designate his/her replacement. If court president is being exempted or removed, he/she shall designate a replacement for himself/herself among the judges of this court, and if this is not possible, he/she shall proceed according to Article 101, Paragraph 1, of this Act.

(4) When the judge has learned of a request for his/her exemption being submitted, he/she must immediately stop any work on the case, and in case of removal from Paragraph 2 of this Article, he/she can undertake but those actions for which there is the danger of postponement, until a ruling on the request has been reached.

Parties' Request for Exemption

Article 105

(1) Parties too can request exemption.

(2) Parties can submit the request for exemption until the commencement of misdemeanour proceedings (Article 157, Paragraph 2), and if they learned of the reason (Article 104, Paragraph 1) for exemption later, they submit the request immediately having learned of it.

(3) The request for the exemption of a judge in the High Misdemeanour Court of the Republic of Croatia can be stated in the appeal, but until the commencement of this court's council at the latest.

(4) A party can ask but for the exemption of an individually named judge conducting the case, i.e. a judge of the High Misdemeanour Court of the Republic of Croatia.

(5) The party must state evidence and circumstance on account of which he/she holds there are legal grounds for exemption in the request. Reasons pointed out in previous requests for exemption rejected cannot be stated in the request.

Deliberation on the Request for Exemption

Article 106

(1) The President of misdemeanour court deliberates on the request for exemption from Article 105 of this Act. If the exemption of court president is requested, this request is deliberated by the Deputy Court President.

(2) If exemption is requested from the court that has no deputy, the President of the High Misdemeanour Court of the Republic of Croatia deliberates on the ruling, and if the exemption of the President of the High Misdemeanour Court is requested, the ruling on exemption is deliberated in a session of all judges of this court, while court president cannot participate in reaching a ruling on exemption.

(3) Prior to reaching the ruling on exemption, a statement from the judge i.e. court president shall be obtained, and if necessary, other verifications shall be conducted.

(4) If the request for removal from Article 104, Paragraph 2, of this Act was submitted following the commencement of proceedings, or the request for exemption was submitted contrary to the provision of Article 105, Paragraphs 4 and 5, of this Act, the request shall be denied fully or partially by a ruling. The ruling can also be reached by the judge i.e. court president the exemption of whom is requested.

(5) If the judge or court president consider that the request for his/her exemption is obviously unfounded, he/she can dismiss such a request himself/herself and continue proceedings. In this case, the provision of Paragraph 3 of this Article is not applied.

(6) No special appeal is allowed against the ruling on the request for exemption, but the reasons for exemption can be pointed out in the appeal on verdict.

Exemption of Other Participants in Proceedings

Article 107

- (1) The provisions on the exemption of the judge shall also be applied to state attorneys and the persons who, based on the State Prosecution Act, are authorized to represent the state attorney in proceedings, persons who represent other plaintiffs in proceedings, clerks, court interpreters, attorneys, other expert personnel and court experts unless something has been determined regarding them. The reason for exemption does not exist in case when the defendant, damaged party and other plaintiffs are represented by persons related to them.
- (2) The court conducting proceedings deliberates on the exemption of clerks, court interpreters, expert personnel, court experts and the attorney of the person representing the plaintiff.
- (3) The state attorney of authority shall be notified of the request for the exemption of state attorney and his/her deputy, and he/she shall be given a deadline to, if he/she holds so necessary, determine another person replacing him/her in proceedings. In the notification, a warning on the consequences that the Act envisions for the participation of persons who should have been exempted in proceedings shall be given.

Chapter Fourteen (XIV)
SUBJECTS OF MISDEMEANOUR PROCEEDINGS

Parties and Participants in Proceedings

Article 108

- (1) Parties in misdemeanour proceedings are the following:
1. Authorized plaintiff,
 2. Defendant.
- (2) Participants in misdemeanour proceedings are the following:
1. Defendant's attorney,
 2. Legal representative or empowered person,
 3. Damaged party,
 4. Other person pertaining to the conduct of misdemeanour proceedings.

Authorized plaintiff

Article 109

- (1) Authorized plaintiffs are the following:
1. State attorney,
 2. State administration entity,
 3. Legal entity with public authority,
 4. Damaged party.
- (2) In case two or more authorized plaintiffs have submitted proposals for indictment against the same defendant for the same misdemeanour before the main hearing was convened or the defendant was invited for interrogation, and one of the submitting parties is the state attorney, proceedings shall be conducted according to the request from the state attorney.
- (3) If proposals for indictment against the same defendant and the same misdemeanour were submitted by the authorized plaintiffs of a state administration entity i.e. a legal entity with public

authority and by the damaged party, within the deadline from Paragraph 2 of this Article, proceedings shall be conducted based on the indictment proposal by state administration entity i.e. legal entity with public authority.

4) If the same misdemeanour by the defendant damaged several persons, and but one of them, or all of them submitted the indictment proposal against this defendant within the deadline from Paragraph 1 of this Article, proceedings shall be merged, with all submitted indictment proposals, and single proceedings shall be conducted, and one verdict reached.

(5) If, during proceedings, the plaintiff on whose indictment proceedings are conducted cancels the indictment proposal, proceedings shall be continued based on already submitted indictment proposal by another authorized plaintiff, according to the rules in Paragraphs 2 through 4 of this Article. If in this case another authorized plaintiff had not, in the sense of Paragraphs 2 through 4 of this Article, submitted a proposal for indictment, the state attorney only is authorized to take the misdemeanour persecution over, or submit a new indictment proposal against the same defendant, for the same misdemeanour.

(6) If several authorized plaintiffs submitted indictment proposals, the court shall not proceed according to those indictment proposals according to which proceedings are not conducted, in accordance with this Article. They shall reject these indictment proposals by a ruling, following legal validity of the ruling on misdemeanour. Appeal is not allowed against this ruling.

(7) The plaintiff can cancel the indictment proposal until as yet legally invalid misdemeanour ruling has been reached.

(8) According to this Act, entities of the units of local and regional self-governing have the same authority, rights and obligations for misdemeanours of their jurisdiction. The provisions of this Act referring to entities of state administration are applied in a corresponding manner also to entities of the units of local and regional self-governing, regarding misdemeanours in their jurisdiction.

State Attorney

Article 110

(1) The state attorney can submit the indictment proposal for all misdemeanours.

(2) The municipal state attorney has actual authority over misdemeanour persecution before the misdemeanour court.

(3) The local municipal state attorney of authority is determined according to provisions valid for the authority of the court in the area the state attorney was appointed for.

(4) The Chief State Attorney of the Republic of Croatia acts before the High Misdemeanour Court of the Republic of Croatia.

(5) The state attorney undertakes all actions in proceedings that he/she is legally authorized for, himself/herself or through persons who are legally empowered to represent him/her in misdemeanour proceedings.

State Administration Entity

Article 111

(1) State administration entity authorized to directly conduct or supervise the execution of regulations that envision misdemeanours is authorized to submit proposals for indictment for that misdemeanour and those regulations. If the entity does not submit the indictment proposal, this can be done by a state administration entity of higher degree that supervises the execution of the same regulations on misdemeanour.

- (2) State administration entity as the submitter of the indictment proposal undertake all actions in proceedings they are authorized for by law through an empowered person.

Legal Entity with Public Authority

Article 112

- (1) Legal entities that have public authority are authorized for misdemeanour persecution of all those misdemeanours proscribed in the area of public authority they have.
- (2) Legal entity with public authority undertakes all actions it is legally authorized for during misdemeanour proceedings through the person it authorizes as its representative.

Damaged Party as Plaintiff

Article 113

- (1) Damaged party, that was harmed or whose certain material or personal rights were jeopardized through misdemeanour is authorized to submit the indictment proposal before the court.
- (2) Damaged party can be interrogated as a witness in proceedings.
- (3) The damaged party as a plaintiff undertakes all actions he/she is legally authorized for in proceedings himself/herself or through an authorized empowered person i.e. representative.
- (4) Indictment proposals for minor damaged parties or a person devoid of business abilities are submitted by their legal representative, who undertakes all actions in proceedings, and can also have an authorized empowered person.
- (5) Senior minors as damaged parties (persons with sixteen years of age) can submit the indictment proposal themselves, and perform related actions in proceedings.
- (6) In case the damaged party dies during the period allowed for submitting the indictment proposal or during proceedings conducted according to his/her indictment proposal, his/her spouse, extra-marital spouse, children, parents, brothers and sisters, foster parent and adoptee can submit the indictment proposal within a month following his/her death, or submit a statement that they continue proceedings.

Defendant

Article 114

- (1) The defendant in misdemeanour proceedings is the following:
1. Natural person,
 2. Natural person – craftsman and a person conducting some other independent business activities. If the misdemeanour regulations do not envision sanctions and punishment for the defendant, a natural person – craftsman, and a person conducting some other independent business activity, the defendant as a natural person is responsible for misdemeanour.
 3. Legal entity and subjects of equal status,
 4. Responsible person in legal entity.
- (2) Defendants from Paragraph 1, items 1, 2 and 4, of this Article present their defence by themselves, and can perform other actions in proceedings by themselves or through an empowered attorney.
- (3) Unless this Act determines otherwise, the defence for the defendant of legal entity and subjects of equal status is presented exclusively by their authorized representative, while other actions in proceedings can be undertaken through the authorized representative or through an empowered attorney.

- (4) If misdemeanour proceedings are simultaneously conducted against a legal entity and its responsible person for the same misdemeanour, and the person responsible is the sole authorized representative and employee of the legal entity, this responsible person is the representative of the legal entity at the same time.
- (5) A representative participates in misdemeanour proceedings for the defendant of legal entity and subjects of equal status, except of the case in Paragraph 4 of this Article, who is authorized to undertake all actions a defendant can. The defendant – legal entity can have but one representative that it can replace during proceedings.
- (6) In its first subpoena, the court shall call upon the legal entity defendant to nominate its representative in writing, and to submit evidence that the person is authorized, in accordance with this Act, to represent this legal entity. The legal entity submits the decision on nominating the representative prior to the commencement of proceedings or the legal entity's representative hands himself/herself in this decision at the time of undertaking the first action in proceedings.
- (7) A legal entity defendant, and subjects of equal status, can nominate as its representative in misdemeanour proceedings the following:
1. Person entered into court or other register as a person authorised for representation,
 2. Employee or a member of the legal entity nominated as the legal entity's representative by the director or some other management person of the legal entity defendant and subjects of equal status.
- (8) in case the legal entity defendant, and subjects of equal status, do not proceed in accordance with Paragraphs 6 and 7 of this Article, or if the court appraises there is a conflict of interest between the legal entity and the responsible person in case of Paragraph 4 of this Article, the court shall determine its representative in misdemeanour proceedings by a ruling, according to the provision of Paragraph 7 of this Article. If there is no such person, the court shall determine a public attorney to the legal entity by a ruling, who shall have all authority of a representative for the legal person. Against the attorney appointed thus no forced measures can be applied, that can legally be applied towards a representative of a legal entity - defendant.
- (9) According to Paragraph 8 of this Article, a representative of the legal entity shall not be determined if the conditions for conducting proceedings without the presence of the accused legal entity have been met.
- (10) No special appeal is permitted against the rulings reached on the basis of Paragraph 8 of this Article.

Attorney

Article 115

- (1) Defendant's attorney can be but a lawyer who can be replaced in proceedings by a legal trainee that has passed the judiciary exam.
- (2) The attorney must, prior to undertaking the first action in proceedings, hand in the power of attorney signed by the defendant, and the defendant can also give the attorney an oral power of attorney entered into minutes of the court conducting proceedings.
- (3) Attorney's rights and obligations cease when the defendant has recalled the power of attorney and notified the court regarding this, in all cases provided the legally valid completion of misdemeanour proceedings.
- (4) The legal representative, spouse or extra-marital spouse, a relative in the vertical line, foster parent, adoptee, brother, sister or supporter can also hire an attorney for the defendant, unless he/she is explicitly opposed to this.
- (5) A single attorney can be a joint attorney in the same or separate proceedings for two or more defendants only if this is not detrimental to their defence.

(6) An attorney cannot be:

1. The party damaged by the misdemeanour, i.e. damaged party's spouse or extra-marital partner, nor his/her relative in the vertical line up to any level, and in the side line up to the fourth level or an in-law up to the second level,
 2. The damaged party as the plaintiff, i.e. his/her spouse or extra-marital partner, nor his/her relative in the vertical line up to any level, and in the side line up to the fourth level or an in-law up to the second level,
 3. A person summoned in proceedings as a witness, unless he/she is relieved of the witness duty according to this Act and has declared he/she shall not testify, or if the defendant placed a request in proceedings for his attorney being interrogated as a witness,
 4. A person who acted as a judge or state attorney in the same case, i.e. as some of other authorized plaintiffs, or participated in the preparation for the submission of the indictment proposal,
 5. A representative of the legal entity accused in misdemeanour proceedings,
 6. A person who is a co-defendant in the same misdemeanour proceedings,
 7. A person who is a court interpreter in proceedings.
- (7) The attorney can undertake all actions a defendant himself/herself can in proceedings, to defendant's benefit, except that he/she cannot provide defence for the defendant.
- (8) Following the indictment proposal being submitted to the court, the attorney has the right to view all the documents and objects obtained, that serve the purpose of determining facts in proceedings.

Damaged Party and Other Participants to Proceedings

Article 116

- (1) A person who has been damaged by misdemeanour, and the procedure is not being conducted according to his/her indictment proposal, is a participant to misdemeanour proceedings, in which he/she realizes his/her rights in the manner and under the conditions as set in this Act.
- (2) The damaged party has the right to submit a request to the court before the end of proceedings, whereby the verdict would commit the defendant to compensate damages caused by misdemeanour, and in connection to this, to propose evidence for the purpose of determining defendant's guilt for misdemeanour, to pose questions to the defendant, witnesses and experts during interrogation, and place comments to their statements, and issue other statements and motions.
- (3) The damaged party can realize his/her rights in proceedings himself/herself or through an authorised empowered person. In case of a damaged party who has not yet turned sixteen or has been revoked business abilities, his/her legal representative undertakes actions in proceedings, who can have an empowered person.
- (4) The damaged party can be interrogated as a witness during proceedings regarding the misdemeanour and the damage he/she suffered, and regarding other facts being determined in proceedings.
- (5) When the damaged party is a legal entity, its authorised representative shall be interrogated in case of circumstances from Paragraph 4 of this Article.
- (6) The judge shall, when the damaged person requires so or if he/she is obviously ignorant, acquaint the damaged party with his/her rights, in the sense of this Article, and with other rights he/she has according to this Act.
- (7) Participant to proceedings is also a person who has not been damaged by misdemeanour, but an object was temporarily dispossessed from him/her, or dispossession of his/her object misdemeanour was committed with or that was created by misdemeanour is being proposed, or it is proposed that material gain obtained through misdemeanour be dispossessed of him/her, or such a ruling has already

been reached. He/she realizes his/her rights in proceedings in the manner and under the conditions as set forth in this Act.

Chapter Fifteen (XV)
SUBMISSIONS AND MINUTES

Submissions

Article 117

- (1) The indictment proposal, motions, legal remedies and other statements and announcements are submitted in writing, unless this Act proscribes otherwise.
- (2) Submissions from Paragraph 1 of this Article must be understandable and contain all that is necessary so it could be proceeded based on them.
- (3) Submissions that are, according to this Act, submitted to the opposing party are handed in to the court in enough copies for the court and the other party. If the submission was not handed in in enough number of copies, the court shall copy the same to the cost of the submitting party.
- (4) Unless this Act proscribes otherwise, the court shall dismiss the submission that is not understandable or does not contain what is necessary so it could be proceeded based on it, by a ruling. The submitting party can re-submit its submission, unless its submission is connected to an expired deadline.
- (5) The submitting party has the right to appeal against the ruling from Paragraph 4 of this Article, which dismisses the submission.

Insults in Submissions

Article 118

- (1) The court can fine anybody who insults the court or a person participating in proceedings in submissions by a ruling, by a financial penalty of up to HRK 5,000.00.
- (2) The court that the submission is submitted to reaches the ruling on the fine, or the court that the submission was delivered to.
- (3) The Croatian Bar Association shall be notified regarding the lawyer's fine, and the minister of authority in case of a fine on an employee of state administration.
- (4) State attorney shall not be fined for the submission from Paragraph 1 of this Article, but the Chief State Attorney of the Republic of Croatia shall be notified of the submission.
- (5) The person that was pronounced the fine has the right to appeal the ruling from Paragraph 1 of this Article.
- (6) Fining according to Paragraph 1 of this Article does not influence the persecution and the pronouncement of misdemeanour legal sanctions for misdemeanour committed through insult.

Minutes on Actions in Proceedings and Its Contents

Article 119

- (1) Minutes shall be composed regarding each action undertaken during misdemeanour proceedings, simultaneously with the action being conducted, and if this is not possible, immediately following it.
- (2) A clerk writes minutes. Minutes can only be written by the person undertaking an action when a flat or persons are being searched, or the action is being undertaken outside the entity's official

premises, and the clerk cannot be ensured.

- (3) When minutes are being written by the clerk, minutes are composed in the manner that the person undertaking an action that shall be entered into minutes speaks loudly to the clerk, except in cases when minutes can be composed by a court counsellor or a court trainee according to this Act.
- (4) Person being interrogated can be allowed to speak answers into minutes himself/herself. In case of misuse, this right can be denied.
- (5) The name of the state entity before which the action is performed, the place where the action is performed, the day and the hour when the action was started and completed, the names and surnames of persons present, and what their affiliation of presence is, and the reference of the misdemeanour case on behalf of which the action is undertaken are entered into minutes.
- (6) Minutes should contain essential data regarding the process and the contents of the action undertaken. The essential contents of testimony statements given only are recorded in the minutes in the form of story-telling. The questions are entered into minutes only if they are required in order for the answer to be understood. If necessary, the question posed shall be entered into minutes verbatim, as well as the answer given.

If objects or documents were dispossessed during the action being undertaken, this shall be indicated in the minutes, while things dispossessed shall be attached to the minutes, or it shall be indicated where these are stored.

- (7) When undertaking actions like an investigation, search of flats or persons, or recognition, the data important for the meaning of such an action shall be entered into minutes, or the data relevant for determining the identity of individual objects (description, measures and the size of objects or traces, placing labels on objects etc.), and if sketches have been made, or drawings, plans, photographs, film or other technical reels, this shall be indicated in the minutes and attached to the minutes.
- (8) Minutes must be maintained in a neat fashion, and nothing must not be added or amended in them. Portions crossed over must remain legible. Minutes are maintained by using a typewriter or a computer, except if this is not possible due to special circumstances. Such circumstances shall be indicated in minutes. In case minutes contain multiple pages, these shall be marked by ordinal numbers. All modifications, corrections and additions are entered at the end of minutes and must be certified by persons signing the minutes.

Signing Minutes

Article 120

- (1) The person interrogated, persons who are mandatorily present to actions in proceedings, and the parties, the defendant and the damaged party, have the right to read the minutes or, if they cannot or are unable to read, can require that the minutes be read to them. The person undertaking the action must warn them of this, and it shall be indicated in the minutes whether the warning was given and whether the minutes were read.
- (2) The minutes are signed by the person interrogated. If the minutes contain several pages, the person interrogated signs each page.
- (3) The court interpreter, if any, shall sign at the end of the minutes, as well as witnesses the presence of whom is mandatory when undertaking the action, and during searches, also the person being searched, or the home or other premises of whom are being searched. If the minutes are not being written by a clerk (Article 119, Paragraph 2), the minutes are signed by persons that witnessed the action. If there are no such persons, or they cannot understand the contents of the minutes, the minutes are signed by two witnesses, unless if it is not possible to ensure their presence.
- (4) The person who cannot write, stamps his/her right hand fingerprint instead of signature, while the clerk enters his/her name and surname below the fingerprint mark. If the right-hand fingerprint mark

cannot be placed, a fingerprint of some other finger is placed or a fingerprint from the left hand, while it shall be indicated in the minutes which finger and which hand the print was taken from.

- (5) If the person interrogated has not both hands, he/she shall read the minutes, and if he/she cannot write, minutes shall be read to him/her, and this shall be indicated in the minutes. If the person interrogated refuses to sign minutes or place a fingerprint mark, this shall be indicated in the minutes, and the reason for refusal stated.
- (6) If the action could not be performed without interruption, the day and the hour of the interruption shall be indicated in minutes, and the day and the hour when the action is continued.
- (7) If there were objections regarding the contents of minutes, this shall be stated in the minutes, as well as these objections.
- (8) The minutes are signed by the person that has undertaken the action and the clerk in the end.

Separating Minutes from the Case File

Article 121

- (1) When this Act determines that a court ruling cannot be based on a piece of evidence, the judge shall, upon proposals from parties or as part of his/her official duty, determine immediately regarding its separation from the case file, by reaching a ruling. Minutes too shall be separated or a part of them that contains such evidence.
- (2) Materials separated according to Paragraph 1 of this Article are enclosed in a separate sheath, are stored separately in the file, and cannot be viewed or used in proceedings. The High Misdemeanour Court of the Republic of Croatia can read and use separated materials when they deliberate on appeals against verdicts in connection to appeal complaints to separation rulings.
- (3) No special appeal is allowed against the ruling that decides on separation.
- (4) The separation of minutes is not performed in proceedings in which misdemeanour warrant is issued.

Chapter Sixteen (XVI) DEADLINES AND REINSTATEMENT

1. DEADLINES

General Provisions

Article 122

- (1) Deadlines envisioned by this Act cannot be extended except when the law explicitly allows so. In case of a deadline proscribed under this Act for the purposes of protecting the rights of defence and other process rights of the defendant, this deadline can be shortened if the defendant or the attorney request so, in writing or orally into minutes before the court.
- (2) When a statement is connected to a deadline, it is considered it was given within the deadline if it was submitted to the one authorized for its receipt before the deadline expired (personally or using some other means of communication).
- (3) When the statement was submitted by registered mail, telegram or some other means of distant communication, the day of submitting it to the post or some other authorized organization is considered as the day of submittal to the one it was delivered to. It shall be considered the sender of the statement did not miss the deadline if the recipient did not timely receive the statement on account of inaccurate operation of the device for sending or receiving messages, that the sender did not know

of.

(4) The defendant who is arrested or detained can also give a statement connected to a deadline into minutes with the entity conducting proceedings or the entity that has arrested him/her or the one where he/she is detained, and the person serving penalty, or located in an institution for the purpose of applying protective measures or educational measures, can submit such a statement to the board of the institution where he/she is at. The day and the hour of submittal of such a statement to the institution board is considered as the time of submittal to the entity authorized to receive it.

(5) If the submission connected to a deadline was submitted or delivered to the court of no authority before the deadline has expired, due to ignorance or an obvious mistake on the part of the submitter, and subsequently gets to the authorized court following the expiry of the deadline, it shall be considered as having been submitted in time.

Counting Deadlines

Article 123

(1) Deadlines are calculated by hours, days, months and years.

(2) The hour or the day when the delivery or the announcement were effected, i.e. when the event since when the duration of the deadline should be calculated is taking place is not calculated into the deadline, but the following next hour i.e. day is taken as the start of the deadline. Twenty-four hours are calculated as one day, while the month is calculated using the calendar.

(3) Deadlines determined by months i.e. years finish by the expiry of the day of the last month i.e. year, that by its number corresponds to the day when the deadline begun (in accordance with Paragraph 2). If that day is missing in the last month, the deadline ends on the last day of that month.

(4) If the last day of the deadline is a state holiday or non-working day, or a Saturday or Sunday, or on any other day when the state entity did not operate, the deadline expires by the expiry of the first following work day.

2. REINSTATEMENT

Conditions

Article 124

(1) The court shall allow the defendant who misses the deadline for submitting appeal to a verdict out of justified reasons reinstatement for the purposes of submitting the appeal, if he/she submits the reinstatement request within the deadline of eight days following the cause that made him/her miss the deadline ceasing, and if he/she also simultaneously submits the appeal along with the request.

(2) Following the expiry of one month since the day the deadline was missed, no reinstatement can be requested.

Deliberating the Request

Article 125

(1) The request for reinstatement, together with the appeal, is submitted to the first-instance court. The first-instance court delivers the request, together with the appeal, to the High Misdemeanour Court of the Republic of Croatia that reaches the ruling.

(2) Deliberating on the request for reinstatement, the High Misdemeanour Court of the Republic of

Croatia shall use a ruling to:

1. Dismiss the request as not permissible, not deliberating on its being founded and not attempting to consider the appeal, if it was submitted together with the request, if:
 - a) the request was submitted by a person not authorized to do so,
 - b) the request was submitted and the appeal was simultaneously not,
 - c) the request was submitted following the dismissal of the appeal,
- d) the request was submitted following the expiry of the deadlines from Article 124, Paragraphs 1 and 2, of this Act.
2. Accept the request for reinstatement as founded and the appeal as timely, if they determine that the reason for missing the deadline is justified, and subsequently continue appeal proceedings,
3. Reject the request for reinstatement as unfounded, if they determine that the reason for missing the deadline is not justified, thereby rejecting the appeal itself as untimely.

Request for Reinstatement and Prolongation of the Execution of a Ruling

Article 126

The request for reinstatement generally does not prevent the execution of the ruling from Article 124, Paragraph 1, of this Act, but the High Misdemeanour Court can, in especially justified case and upon a proposal by the request submitter, decide to halt with the execution until the ruling on the request has been reached.

Chapter Seventeen (XVII)

MEASURES FOR ENSURING THE PRESENCE OF THE DEFENDANT AND SUCCESSFUL
EXECUTION OF MISDEMEANOUR PROCEEDINGS

1. COMMON PROVISIONS

Types of Measures and the Principles of Application

Article 127

(1) Measures for ensuring the presence of the defendant in proceedings and measures for successful execution of proceedings, which can be determined during misdemeanour proceedings, accordingly even before its initiation, are the following:

1. Subpoena to the defendant,
2. Arraigning the defendant in,
3. Precaution measures,
 4. bail,
 5. arrest,
 6. Detaining.

(2) When determining the measures of ensuring the presence of the defendant, the court shall take caution not to apply a more severe measure if the same purpose can be achieved through a milder measure.

(3) The court shall according to its official duty revoke the measures from Paragraph 1 of this Article, or replace them by milder, if legal conditions for their application ceased, or if the conditions of being able to achieve the same purpose with a milder measure have been met.

2. SUBPOENA AND ARRAIGNMENT

Subpoena to the Defendant

Article 128

- (1) The presence of the defendant during the conduct of misdemeanour proceedings is ensured by subpoenaing him/her. The court addresses the subpoena to the defendant.
- (2) Subpoenaing is performed by delivering a closed written subpoena that must contain:
 1. The name of the court subpoenaing,
 2. The name and surname of the defendant,
 3. The title of the label of misdemeanour being charged,
 4. The location where the defendant must come,
 5. The day and the hour when he/she must come,
 6. A remark indicating that he/she is subpoenaed as a defendant,
 7. A warning that in case of not coming, his/her forced arraignment can be determined, or that proceedings or hearing shall be conducted, according to the conditions of this Act, and a verdict reached even without his/her presence (Article 167, Paragraph 3).
 8. The official stamp and the signature of the judge.
- (3) When the defendant is subpoenaed for the first time, he/she shall be instructed that he/she must immediately notify the court of his change of address or intention to change residence until the legally valid completion of proceedings and until the completion of the process of executing the misdemeanour ruling, and shall be warned of the consequences this Act proscribes if he/she fails to act so (Article 145, Paragraph 5). Along with the first subpoena, the defendant is also delivered a copy of the indictment proposal, with a warning that he/she can also submit written defence to the court.
- (4) In case the defendant cannot comply with the subpoena, due to illness or some other insurmountable hindrance, he/she can be interrogated at the location he/she is at, or his/her interrogation can be postponed.
- (5) The provisions of Paragraphs 1 through 4 of this Article are accordingly also meaningfully used in relation to the defendant of legal entity and its representative.

Arraignment

Article 129

- (1) The court shall issue an order for arraignment in case a duly subpoenaed defendant fails to show and does not justify his/her not attending, or if regular delivery of the subpoena could not be effected, while the circumstances clearly point to the defendant avoiding receiving the subpoena or acting according to a duly received subpoena. If the court appraises there are conditions for conducting proceedings and reaching the verdict even without interrogating the defendant, the order of arraignment needs not be issued.
- (2) The police execute the order for arraignment.
- (3) Order for arraignment is issued in writing and contains: the name and surname of the defendant that needs to be arraigned and other known and necessary data, the misdemeanour being charged along with stating the provisions of misdemeanour regulations, the reason why arraignment is ordered, the official seal and the signature of the judge issuing the order.
- (4) The person entrusted with the execution of the order hands the order in to the defendant and asks him/her to come with him/her. In case the defendant refuses to do so, he/she shall be arraigned using force.

- (5) The order of arraignment shall not, as a rule, be issued against military personnel, police members and members of the judiciary police, but arraignment shall be requested from their command, i.e. institution. If this is necessary given the circumstances of the case, these persons shall be arraigned according to general regulations on arraignment (Paragraphs 1 through 4 of this Article).
- (6) The provisions of Paragraphs 1 through 5 of this Article are meaningfully applied also against the representatives of legal entities – defendants.

3. PRECAUTION MEASURES AND BAIL

Purpose, Types and Principles for Applying Precaution Measures

Article 130

(1) The court can, according to its official duty or upon a proposal from the plaintiff, order through a ruling with an explanation that one or several precaution measures be applied against the defendant during proceedings for misdemeanour proscribed by law, following the submittal of the indictment proposal, if this is necessary for ensuring the presence of the defendant in proceedings, preventing the defendant from committing new misdemeanours or preventing or aggravating establishing evidence in proceedings.

(2) Precaution measures are the following:

1. Banning leaving one's residence without court approval,
 2. Banning visits to a certain location or area,
 3. Banning coming near to a certain person and banning establishing or maintaining connections with a certain person,
 4. Banning undertaking a certain business activity,
 5. Temporary dispossession of travel and other documents for crossing the state borders, along with a ban,
 6. Temporary dispossession of one's driving licence for driving a vehicle or licence for steering a vessel, flying an airplane or other means of transport.
- (3) Precaution measures cannot limit the defendant's right to own flat, and the right of undisturbed relations with flatmates, marital, extra-marital or ex-marital partner, and the children of each of them, parents, adoptee, foster parent and a person he/she has children with, with a same-sex partner that he/she lives together in a life community, and ex-same-sex partner he/she lived with in a life community, unless proceedings are conducted on account of misdemeanours connected to family violence.

(4) Precaution measures can be determined during the entire misdemeanour proceedings.

(5) Precaution measures can last as long as there is need for them, and until the legal validity of the misdemeanour ruling at the longest. The court shall verify, according to its official duty, every two months, counting from the day of the legal validity of the previous ruling on the precaution measure, whether precaution measures are still needed, and prolong them or cancel them, if no longer required, by a ruling. Precaution measures shall be cancelled even before the expiry of the two-month deadline if the need for them ceased or if there are no longer any legal conditions for their application.

(6) In case of probability of misdemeanour proscribed by law having been committed, the police and inspection entities of state administration can temporarily determine through a command one or more precaution measures from Paragraph 2 of this Article, and for eight days longest, towards a person for which there is reasonable doubt he/she is the perpetrator of the misdemeanour.

(7) If the police or inspection entities of state administration, in the case from Paragraph 6 of this Article, do not submit the indictment proposal within 8 days since the determination of the precaution measure, along with a proposal to the court to extend the application of the precaution measure, or if,

following the submission of such a request, the court do not determine regarding the precaution measure within the deadline of further 3 days, the precaution measure being applied ceases.

- (8) No appeal is allowed against a ruling rejecting a proposal for determining i.e. extending precaution measures and a ruling cancelling the measure applied. The defendant has the right to appeal against the ruling determining or extending the precaution measure. The appeal does not prolong the execution of the ruling.
- (9) If, prior to or during the proceedings, a precaution measure was determined against the defendant that according to its contents and purpose corresponds to the protective measure applied to the defendant by the ruling on misdemeanour, the duration of the precaution measure is calculated into the time of duration of the protective measure applied.

Determining Precaution Measures

Article 131

- (1) The location where the defendant must reside during the precaution measure being effective and the boundaries he/she must not leave are determined in the ruling determining the precaution measure of banning leaving the domicile without court approval. The measure of banning leaving the domicile can relate as well to leaving for abroad only.
- (2) The location or area and the shortest distance the defendant can approach are determined in the ruling determining the precaution measure of visiting certain locations or areas.
- (3) The shortest distance the defendant can approach to a certain person and persons establishing or maintaining direct or indirect connection with is determined in the ruling determining the precaution measure of banning approaching a certain person and banning establishing or maintaining connection with a certain person.
- (4) The type and the content of a business activity is determined in more detail in the ruling that determines the precaution measure of banning undertaking a certain business activity.
- (5) Personal data, the entity that issued the document, the number and the date of issue, and the ban to leave the Republic of Croatia shall be stated in the ruling that determines the precaution measure of temporary dispossession of travel and other documents for crossing the state border. If he/she has no other documents for determining his/her identity, the defendant can prove his identity by the written ruling on document dispossession.
- (6) The data on the permit (personal data, the entity that issued the permit, the number, the date, the type of vehicle or other means of transport etc.) shall be stated in the ruling determining the precaution measure of temporary dispossession of driving licence for driving a motor vehicle, steering a vessel, flying an airplane or other means of transport.

Executing Precaution Measures

Article 132

- (1) The ruling determining precaution measures is delivered to the defendant and to the entity executing the precaution measure.
- (2) The precaution measures from Article 130, Paragraph 2, of this Act are executed by the police, except for the measure from Article 130, Paragraph 2, Item 4, that is executed by the state administration entity authorized for supervision this business activity.
- (3) The court can request a verification of the execution of precaution measures at any time, and a report from the police or other entity executing the precaution measure. The entity executing the precaution measure shall urgently execute the verifications requested and immediately notify the court

regarding them.

(4) The entity executing the precaution measure immediately notifies the court regarding the acts on the part of the defendant contrary to the ban or his/her failing to fulfil the commitment as determined by the precaution measure.

(5) Based on the report obtained, the court can fine the defendant who acts contrary to the precaution measure determined, or who does not fully or partially fulfil it, by the financial penalty of up to HRK 10,000.00. The financial penalty pronounced thus does not influence the misdemeanour legal sanction that shall possibly be pronounced for the misdemeanour committed. The defendant has the right to appeal against the ruling pronouncing the penalty.

(6) The court can, by a special ruling, ban the person other than the defendant the activities that disrupt precaution measures towards the defendant. If this person acts contrary to the ruling, he/she can be fined by a ruling with a financial penalty of up to HRK 10,000.00.

(7) The court can pronounce the financial penalty of up to HRK 20,000.00 for repeated breach of ordered precaution measures of ban of activities from Paragraph 6 of this Article.

Bail

Article 133

(1) The court can leave the defendant, against whom detainment needs to be determined, or detainment against whom has already been determined for fear he/she would escape, at liberty i.e. release him/her, if he/she personally, or somebody else for him/her, provides bail that he/she shall not escape until the completion of misdemeanour proceedings, and he/she himself/herself swears into minutes he/she shall not hide or leave his/her residence without approval.

(2) The bail is always determined as a sum of money, determined in relation to the severity of misdemeanour, damages incurred by misdemeanour, material gain obtained through misdemeanour and expected costs of executing proceedings, defendant's personal and family circumstances and defendant's material wealth or the material wealth of the person providing bail for him/her. Instead of cash, securities, valuables or other movable assets easily turned into cash can be deposited as bail.

(3) Bail remains deposited until the legally valid completion of proceedings, unless this Act does not determine otherwise, or if the legal conditions for earlier bail closure have been effected.

(4) The court uses rulings to:

1. Determine or dismiss bail according to Paragraph 1 of this Article,
2. Determine the occurrence of reasons for bail closure according to Paragraph 3 of this Article, and to determine that bail needs to be returned to the person that deposited it,
3. Determine that the defendant escaped and to determine that the bail deposited belongs to the state budget, and in case proceedings have already been completed by a ruling establishing defendant's guilt and punishment, it is determined that a financial penalty, costs of proceedings, damaged caused by misdemeanour be collected from the bail deposited, or given to the damaged party, in case a material legal claim has been awarded, while the rest of the bail belongs to the state budget.
- (5) If misdemeanour proceedings were completed with legal validity and the defendant was punished by prison, the court shall, following the defendant starting serving the prison penalty, determine by a ruling that the bail needs to be returned to the defendant or the person that had deposited bail for him/her. If the bail was deposited by the defendant personally, all financial commitments of the defendant shall first be collected from the bail, according to the misdemeanour ruling. The court shall equally proceed if the verdict pronounced a financial penalty to the defendant, as well as in terms of penalties the defendant was pronounced by special rulings during proceedings.

(6) No appeal is permitted against the ruling from Paragraph 4, Items 1 and 2, of this Article.

(7) If the defendant has the right to the return of bail, and if he/she does not request the return of cash

and other things within the deadline of two years since acquiring the right to return, he/she forfeits the right to return. In such a case, the mortgage ceases, and the court shall effect its erasure. A third person collecting the bail must have a special power of attorney from the person that gave the bail.

4. ARREST AND DETENTION

Arrest

Article 134

(1) The police is authorized to arrest the person found committing misdemeanour proscribed by law, if there are reasons for detention from Article 135 of this Act.

(2) Following arrest, the police must:

1. Immediately notify the arrestee of the reasons for his/her arrest,
2. Upon arrestee's request, notify his/her family of the arrest within 12 hours. Arrested minor's parent or foster-parent shall be notified of the arrest independently of arrestee's wishes,
3. Notify the authorized social care entity if measures regarding the care of arrestee's child and other family members he/she cares of need to be undertaken, and – in proceedings connected to family violence – mandatorily immediately notify the same, for the purposes of possible care for family members damaged by this violence.

(3) The police shall bring the arrestee to the judge, along with an indictment proposal, or release him/her as soon as the necessity of depriving him/her of liberty ceases, and at the latest within 12 hours from the arrest. The police shall take personal and other necessary data from the arrestee. If the stated deadline for arrest is outside of court's working hours or duty shifts, the arrestee shall be brought until the end of the time court operates in. If this is not possible due to arrest circumstances or other important reasons, the police shall bring the arrestee to the judge, along with a written explanation, at the start of next day's working hours or duty shift. Arrest in no case can last longer than 24 hours.

(4) Following the arrested person being brought to him/her, according to Paragraph 3 of this Article, the judge must immediately question the arrested person regarding the statements in the indictment proposal and, upon a request from the police, or according to his/her official duty, determine by an explained ruling regarding his/her detention or release.

Detention

Article 135

(1) If an indictment proposal for misdemeanour proscribed by law was submitted against a certain person, and the misdemeanour refers to breaching public order, is connected to family violence, or is a misdemeanour that can be pronounced with a prison penalty or a financial penalty of over HRK 10,000, the court can, of its own accord or upon a proposal from the plaintiff, following the interrogation of the defendant and determining that there are no reasons for dismissing the indictment proposal from Article 161 of this Act, determine detention of this person if:

1. There are circumstances that point to the danger of him/her escaping (he/she is hiding etc.),
2. There is the danger that he/she shall destroy, hide, change or forge evidence or traces important for misdemeanour proceedings or that he/she shall disrupt misdemeanour proceedings by influencing witnesses or participants,
3. Special circumstances justify the fear of him/her repeating the same misdemeanour.

(2) Detention determined according to Paragraph 1 of this Article can last until there are reasons on

account of which it was determined, but not longer than fifteen days, counting into this the time of arrest as well, and against a minor, it can last twenty-four hours, counting from the moment the court ordered detention.

- (3) Following a legally as yet invalid verdict being reached, detention against the defendant can be extended or determined if a prison penalty or minors' prison penalty have been pronounced, and special circumstances justify the fear that he/she shall commit the same misdemeanour.
- (4) Detention according to Paragraph 3 of this Article can last fifteen days, but not longer than the penalty pronounced, and the defendant can, upon his/her request, be sent to undergo the penalty pronounced even before the legal validity of the verdict.
- (5) If the defendant is in detention during the moment of the verdict becoming legally valid, he/she shall remain in detention until being sent to undergo the penalty, and until the expiry of the penalty pronounced at the longest.
- (6) Detention according to Paragraphs 1 and 3 of this Article is determined or extended by a written and explained ruling that is immediately submitted to the defendant detained. The time of the submittal of the ruling is indicated in the file and the defendant confirms this by his/her signature.
- (7) The defendant has the right to appeal against the ruling determining or extending detention within the deadline of 48 hours. The appeal does not prolong the execution of the ruling.
- (8) The court proceeds exceptionally urgently in the case where detention is determined, and has the official duty to verify whether the reasons and the legal conditions for further duration of detention ceased, and in this case immediately cancels detention.
- (9) When the court has determined detention against the defendant, it shall proceed in the manner as proscribed in Article 134, Paragraph 2, Items 2 and 3, of this Act.
- (10) No appeal is allowed against the ruling rejecting the proposal for the determination of extension of detention and the ruling cancelling detention.
- (11) The total duration of detention in misdemeanour proceedings cannot be longer than 15 days prior to an as yet legally invalid verdict being reached, along with further 15 days at most following the as yet legally invalid verdict being reached, according to Paragraph 3 of this Article, except in the case from Paragraph 12 of this Article and Article 136 of this Act.
- (12) If the High Misdemeanour Court cancels the as yet legally invalid verdict and returns the case for re-trial, it shall verify the foundation for defendant's detention from Paragraph 3 of this Article, and can extend detention for fifteen days at most. Such detention can be, unless the case includes the person from Article 136, Paragraph 1, of this Act, determined but once during the duration of proceedings, and its duration is not limited according to Paragraph 11 of this Article. In relation to the person from Article 136, paragraph 1, of this Act, such detention can last in the total of 30 days following the expiry of the deadline from Paragraph 11 of this Article maximum.

5. MEASURES IN SPECIAL CASES

Detention or Bail in Special Cases

Article 136

- (1) When the defendant, who has no permanent domicile or residence in the Republic of Croatia, was pronounced a penalty by an as yet legally invalid verdict, and there are no legal conditions for determining or extending detention against him/her (Article 135, Paragraph 3), the court shall offer him/her to deposit bail in the amount of the financial penalty pronounced, the amount of proceedings cost determined and the compensation of damages he/she must compensate. If the prison penalty was pronounced, part of the bail securing the execution of the prison penalty shall be determined in proportion to the amount of the penalty pronounced, whereby the time he/she spent in detention shall

be taken into consideration.

- (2) If the defendant does not deposit bail according to Paragraph 1 of this Article, the court shall, even contrary to the conditions in Article 135, Paragraph 3, of this Act, extend or determine his/her detention, which can last until the expiry of the prison penalty pronounced, i.e. for as long as prison would be determined in exchange for unpaid financial penalty. The defendant can submit an appeal against this ruling within the deadline of forty-eight hours, which does not prolong the execution of the ruling.
- (3) If the defendant deposits bail according to Paragraph 1 of this Article, this bail shall be determined by meaningfully applying the provisions of Article 133 of this Act.
- (4) When depositing bail according to Paragraph 1 of this Article, the defendant must submit to the court a power of attorney for a person of his choosing, which he/she authorizes to receive documents and all court rulings in further duration of proceedings, in case of his/her leaving the Republic of Croatia before the ruling on misdemeanour becomes legally valid and executed. If he/she fails to do so, the court is authorized to perform submittals by advertising on court's bulletin board.

Special Police Measure for Immediate Prevention of Misdemeanour Perpetrator under the Influence of Intoxicating Drugs Committing Further Misdemeanours

Article 137

- (1) The police can determine the following measures by a command, for the purposes of immediate prevention of further misdemeanour committal, against the person under the influence of intoxicating drugs that was found committing misdemeanour, in case special circumstance point to him/her continuing to commit misdemeanours:
 1. Placing in a special room until the intoxicating drug has ceased with its effects, but not for the duration longer than 12 hours,
 2. Transferring a motor vehicle to a certain location until the intoxicating drug has ceased with its effects, but not longer than 12 hours. The police notify the person against whom this measure was determined and the vehicle owner regarding the location of vehicle transfer, in case this person is different from the driver, as soon as possible, and at the latest until the measure has ceased. Following the cessation of the measure taken, the driver or the owner can repossess the vehicle. If the police hold this does not endanger the realization of the purpose of the measure, the police can give the vehicle to the owner of a person empowered by him/her even before the expiry of the deadline the measure lasts until. The costs of the transfer and handling of the vehicle are borne by the driver.
- (2) The Minister authorized for internal affairs shall proscribe the manner of executing the measure from Paragraph 1, Item 2, of this Article, in detail, through regulations.
- (3) In case of unfounded or illegal application of the measure from Paragraph 1 of this Article, the person against whom the measure was undertaken has the right to damage compensation.

Chapter Eighteen (XVIII)
COSTS OF MISDEMEANOUR PROCEEDINGS

Proceedings Cost Structure

Article 138

- (1) The costs of misdemeanour proceedings are expenses made in relation to misdemeanour proceedings from its initiation, and even earlier, all through its completion.
- (2) The costs of misdemeanour proceedings encompass:

1. The costs of the plaintiff from Article 109, Paragraph 1, Items 2 and 3, of this Act, incurred by the determination of misdemeanour by the use of technical means or through the execution of necessary analyses and expert analyses,
 2. All costs that the court settled in advance out of its budget during the conduct of proceedings (the costs of witnesses, experts, court interpreters, other expert personnel, investigation, arraigning the defendant and other persons, travel expenses and the fees of officials etc.)
 3. A lump sum charged by the court,
 4. Costs of medical treatment for the defendant who does not have health insurance, during the time he/she is detained or in a medical institution based on a ruling by the court,
 5. Travel expenses of the defendant,
 6. Necessary expenses of the damaged party and the damaged party as the plaintiff, and of their legal representatives and their empowered persons,
 7. Necessary expenses and the fee of the defendant's attorney.
- (3) The lump sum is determined within the scope as determined by special regulation, given the complexity and the duration of proceedings and the material wealth of the defendant.
- (4) The court later settles the proceedings costs it settles in advance from its budget from the defendant or other persons who must compensate them, according to the provisions of this Act.
- (5) The court maintains a special list of expenses paid according to Paragraph 2, Items 1, 2 and 4, of this Act. The person who asks for his/her costs to be reimbursed submits a list of costs to the court, with necessary data and proof of costs incurred.
- (6) The costs for translation/interpretation into the languages of minorities in the Republic of Croatia, incurred by the application of the provisions of the Constitution and the laws on minority representatives' rights in the Republic of Croatia to utilize their own languages, shall not be collected from persons who must reimburse proceedings costs according to this Act.
- (7) The Minister authorized for judiciary affairs proscribes the reimbursement of misdemeanour proceedings costs in detail, through regulations.

Cost Payer

Article 139

- (1) The defendant, the damaged party, the damaged party as the plaintiff, the attorney, the legal representative, the empowered person, the representative of a legal entity as the defendant, the witness, the court expert, the court interpreter and the expert person, regardless of the outcome of proceedings, settle the costs of their appearance, the prolongation of summons or the main hearing and other proceedings costs they did not incur by own guilt.
- (2) A special ruling is reached regarding the costs from Paragraph 1, unless in case of a payer whose obligation to compensate proceedings costs which is determined through a verdict.
- (3) If the court found the defendant guilty, it shall pronounce in its ruling that he/she must compensate proceedings costs, unless this Act determines otherwise.
- (4) If the defendant was, under the same verdict, pronounced guilty for some misdemeanours, and for others proceedings were suspended, he/she shall not be obliged to compensate the costs of proceedings connected to misdemeanours for which proceedings were suspended, if these costs can be separated from the total cost.
- (5) In case of a verdict which proclaims several defendants as guilty, the court shall determine the portions of costs to be settled by each of them, and if this is not possible, it shall determine that all defendants compensate the costs with solidarity. The payment of the lump sum shall be determined for each defendant individually.
- (6) In its ruling that resolves proceedings costs, the court can release the defendant, partially or fully,

from the obligation to compensate proceedings costs from Article 138, Paragraph 2, Items 1 through 4, of this Act, if his/her living or support of persons he/she must support would be compromised by settling these.

Determining Proceedings Costs

Article 140

- (1) Each verdict and ruling that suspends misdemeanour proceedings shall determine who proceedings costs are borne by, what the amount is, and to whom and within what deadline these must be settled.
- (2) If misdemeanour proceedings are suspended, it shall be pronounced in the relevant ruling that misdemeanour costs from Article 138, Paragraph 2, Items 2 through 4, of this Acts are borne by court's budget, unless this Act determines otherwise, and as for the costs from Article 138, Paragraph 2, Items 5 and 7, of this Act, only if proceedings are suspended for the reason that the defendant's act is not misdemeanour, or there are no evidence he/she committed misdemeanour.
- (3) If proceedings are conducted and completed upon the request by the damaged party as the plaintiff, he/she shall be committed to compensate proceedings costs from Article 138, Paragraph 2, Items 2 through 5, of this Act, and the necessary expenses and fees for the defendant's attorney, if he/she consciously submitted a false indictment proposal.
- (4) The provisions of this Act regarding proceedings costs are applied in the same manner to all authorized plaintiffs.
- (5) Persons who have the right to the compensation of proceedings costs must submit their claims for the realization of costs immediately. The court shall warn these persons of their right to cost compensation. In exceptional cases, if these persons do not have all the information required for the cost to be calculated, the court can approve that they submit their claim within the deadline determined by the court, and within the deadline of 3 months maximum.
- (6) Persons who do not submit claims for the payment of costs within the deadline from Paragraph 5 of this Article forfeit their right to the realization of these costs.
- (7) The defendant who gained the right to cost compensation following the ruling on misdemeanour can realize this right if he/she submits the claim for cost compensation within the deadline of three months from the day he/she was delivered a legally valid ruling on misdemeanour.
- (8) If the court did not decide, partly or in full, regarding misdemeanour costs in its ruling on misdemeanour, it shall do so in a special ruling.

Chapter Nineteen (XIX)
PROPERTY LEGAL CLAIMS

Submitting Claims

Article 141

- (1) The person damaged by misdemeanour (the damaged party) can submit a property legal claim against the defendant until the end of first-instance proceedings. The court shall discuss the property legal claim, if all facts and evidence the claim is based on are stated in it, and if the discussion would not significantly stall misdemeanour proceedings.
- (2) Property legal claim can refer to the compensation of damages, return of things and cancellation of a legal matter.

Discussing and Determining Claims

Article 142

- (1) If misdemeanour proceedings would significantly be stalled by discussing the property legal claim, the court shall limit its action to gathering those data the later determination of which would not be possible or would be significantly more difficult.
- (2) The court can, in the verdict pronouncing the defendant as guilty, rule a property legal claim in favour of the damaged party, in full or partially, and advise litigation for the rest. If the data of misdemeanour proceedings do not provide reliable foundation neither for full nor partial ruling in favour, the court shall advise the damaged party the property legal claim can be realized in full in litigation. If the damaged party decided not to pursue the property legal claim until the completion of proceedings, this claim can be realized in litigation.
- (3) The court shall advise the damaged party that the property legal claim can be realized in litigation, in its verdict that dismisses the indictment or clearing the defendant from guilt, and in the ruling that suspends misdemeanour proceedings.

Chapter Twenty (XX)

JUDGMENTS IN MISDEMEANOUR PROCEEDINGS AND THEIR REACHING

Judgments in Misdemeanour Proceedings

Article 143

- (1) There are the following judgments in misdemeanour proceedings:
 1. The verdict,
 2. The ruling on misdemeanour,
 3. The misdemeanour warrant,
 4. The ruling,
 5. The order.
- (2) The verdict is reached by the court only.
- (3) The ruling on misdemeanour is reached by the state administration entity conducting misdemeanour proceedings,
- (4) The misdemeanour warrant, rulings and orders are reached also by other entities participating in misdemeanour proceedings.

Reaching Judgments

Article 144

- (1) Judgments in misdemeanour proceedings, in accordance with this Act, are reached by the council, the judge, Council President and the misdemeanour proceedings head. The misdemeanour warrant, rulings and orders are reached by authorized entities, prior to the initiation i.e. commencement of misdemeanour proceedings, and connected to them.
- (2) Council rulings are reached following oral consultations and voting. A ruling has been reached when the majority of council members voted in its favour.
- (3) Council president manages the council work and voting and votes the last. He/she must take care all issues are discussed fully and from all angles. Council members cannot refuse to vote on issues introduced by council president.

(4) Council work and voting are conducted in a closed session, in the presence of council members and a clerk, which is registered in special minutes signed by council president, council members and the clerk, and which remains in the case file.

Chapter Twenty-One (XXI)
DELIVERING RULINGS, SUBMISSIONS AND DOCUMENTS AND VIEWING DOCUMENTS

General Provisions

Article 145

- (1) Rulings, submissions and other documents are delivered by:
1. Mail,
 2. Own delivery service of the entity having reached the ruling,
 3. Immediate hand-in with the entity having reached the ruling, or
 4. Some other way that realizes the purpose of delivery and does not compromise the right to defence.
- (2) The court can also orally communicate the subpoena for the main hearing or other summons to the person before the court, along with instructions on the consequences of failing to attend. The summons communicated in this manner shall be recorded in minutes, which the person summoned shall sign, unless this summons was recorded in the minutes for the main hearing. It is considered that the delivery thus became legally valid.
- (3) The court can entrust delivery to a legal entity that is authorized to perform universal mail services based on the Mail Act (the delivery of documents in misdemeanour proceedings).
- (4) Delivery costs according to Paragraph 3 of this Article are a composite part of the costs of misdemeanour proceedings.
- (5) If summons or a ruling cannot be delivered to a party or a participant in proceedings (Article 108, Paragraphs 1 and 2), because he/she did not report a change in address to the court, or if there are circumstances that point he/she is obviously avoiding the receipt of the summons or the ruling, the court shall advertise the summons or the ruling on the court's bulletin board, except in case of a verdict that pronounces the defendant prison or minors' prison penalty, and following the expiry of the eight day since these were placed on the bulletin board, the delivery is considered as duly effected. The court shall equally proceed regarding the delivery of a legally valid ruling for the purposes of its realization.
- (6) Delivery is performed:
1. In case of the plaintiff, to the address he/she stated in indictment proposal, i.e. to the address he/she registered with the court,
 2. In case of the defendant, a natural person, to the address of his/her residence, or another address he/she registered with the court, workplace or any other place where he/she is likely to be at.
 3. In case of the defendant, a natural person – craftsman or a person conducting other independent business activity, to the address of the seat of the craft or independent business activity, to the address of the residence or other address he/she registered with the court, or any other place he/she is likely to be at.
 4. In case of the defendant, a legal entity or other subject with the equal status, to the address of company headquarters, i.e. to the address it registered with the court, or any other place where the person authorized to receive the document is likely to be at.
 5. In case of participants in misdemeanour proceedings from Article 108, Paragraph 2, Items 1 through 4, of this Act, to the address of the headquarters, residence, the address indicated in the power of attorney, i.e. to the address they registered with the court, or any other place they are likely to be at.

Manner of Delivery

Article 146

- (1) The delivery is performed in the following manner:
1. Personally,
 2. Through mediation.
- (2) The following is delivered in person to the defendant, unless in case of a legal entity:
1. The subpoena for initial interrogation, along with indictment proposal,
 2. The verdict and other rulings that the legal remedy deadline of which is counted since the delivery, if there is no attorney in proceedings.
- (3) The summons, the verdict and other rulings shall be delivered to the attorney or another person only, designated by the defendant (person empowered for receiving documents) upon his/her request. Delivery to that person is considered as delivery to the defendant. The verdict that has pronounced prison penalty to the defendant is always also delivered to the defendant.
- (4) The summons and rulings from Paragraph 2, Items 1 and 2, of this Article are delivered to the defendant personally, through immediate handing in. If he/she is not found at the location where delivery is to be performed, the delivery person shall find out when and where he/she can be located and leave him/her a written notice with one of the persons listed in Paragraph 7 of this Article, to be in his/her flat or at his/her workplace on a specific date and hour. If, following this, the delivery person does not find him/her, he/she shall proceed according to the provision of Paragraph 7 of this Article. The summons or the ruling is thereby considered as delivered.
- (5) If the verdict pronouncing prison penalty needs to be delivered to the defendant without an attorney, and the verdict cannot be delivered, the court can appoint an attorney to the defendant according to official duty, who shall analyze the file and if necessary submit an appeal.
- (6) If the defendant has an attorney, all rulings following the delivery of which the deadline for submitting the legal remedy is counted since shall be delivered to the defendant according to the provisions of Paragraph 7 of this Article. If the delivery is performed both for the defendant and the attorney, the deadline for the submission of the legal remedy starts expiring from the later delivery.
- (7) Documents for which this Act does not proscribe immediate delivery are also delivered personally, but these, if the recipient is not found in the flat or at work, can be submitted to some of his adult household members, who must receive the document. If they are not found in the flat, the document shall be delivered to the superintendent or a neighbour, if they consent to this. If the document is delivered to a person at work, and he/she is not found there, the document can be delivered to the person authorized for receiving mail who must receive it, or to the person employed at the same location, if he/she consents to receive the submission.
- (8) If the person that the document needs to be delivered to is determined as absent, and that the persons from Paragraph 7 of this Article cannot hand it in in time, the document shall be returned along with a remark of where the absentee is located.
- (9) Delivery to legal entities is performed by delivering the document to the person authorized to receive documents or to another person working for the legal entity.

Delivery to Plaintiffs and Other Persons

Article 147

- (1) The first summons for the main hearing or interrogation and documents through which the court requires the person to undertake an action or fulfill an obligation are delivered personally (Article 146, Paragraph 4) to the damaged party as the plaintiff, the damaged party and the persons from Article

108, Paragraph 2, Item 4, of this Act, i.e. their legal representatives and empowered persons other than attorneys. Rulings following the delivery of which the deadline for submitting a legal remedy is counted since are delivered in the same manner. If the stated persons have an empowered person, the delivery is performed to their empowered person only.

- (2) Rulings and other documents can be delivered to the state attorney by submissions to the clerks' office as well.
- (3) Summons for the main hearing and other summons and rulings following the delivery of which the deadline for submitting a legal remedy is counted since are delivered to all plaintiffs to the address they indicated in indictment proposal. If the summons and rulings cannot be delivered to the address that was indicated in indictment proposal or to the address they registered with the court, these shall be advertised on the court's bulletin board, and with the expiry of eight days since the placement on the bulletin board, it is considered the delivery became legally valid.

Confirming Delivery

Article 148

(1) The confirmation receipt on delivery performed (the delivery receipt) is signed by the recipient and the delivery person. The recipient shall indicate himself/herself the date and the hour of receipt on the delivery slip.

(2) If the recipient cannot write or is not in the condition to be able to sign, the delivery person shall sign for him/her, indicate the date and the hour of receipt and place a remark on why he/she signed the recipient.

(3) If the recipient refuses to sign the delivery slip, the delivery person shall indicate so on the delivery receipt slip and indicate the date and the hour of the delivery. If the recipient does not know how to indicate the date and the hour of receipt, the delivery person shall do this, and indicate it on the delivery slip. In these cases, the delivery is considered as having been duly performed.

(4) When the recipient or an adult household member refuse to receive the document, the delivery person shall indicate the date and the hour and the reason for refusing receipt on the delivery slip, and shall leave the document in the recipient's flat, in the business workplace where he/she works, or shall, if this is not possible, leave the document on the door to the flat or the business premises, or leave it in the place where mail is usually left. This shall be indicated on the delivery slip. This completes the delivery. In case of delivering to the place of misdemeanour committal, if the recipient refuses to confirm the receipt of a ruling or another document by his/her signature, the manner envisioned by this Paragraph shall be followed, and the ruling or another document shall be left to the recipient in the manner of making it available in a suitable way, and this shall be indicated, whereby the delivery is considered as duly performed.

(5) The person receiving the document signs the delivery slip for the document delivered to a legal entity, craftsman or another person conducting independent business activity.

Delivery in Special Cases

Article 149

(1) The summons and other documents are delivered to military personnel, police authority members and judiciary police members, except in the manner envisioned by this Act, also through their command i.e. immediate commander.

(2) The summons is delivered to persons deprived of liberty in the court or through the institution they are placed in.

(3) Summons and other documents are delivered to persons located abroad in accordance with international contracts or customary practice. Delivery can also be performed directly through mail, if the foreign country does not object.

(4) The summons is delivered to citizens of the Republic of Croatia abroad, unless the procedure described by provisions of international legal in criminal matters is applied, through the mediation of the diplomatic or consular envoy of the Republic of Croatia in the foreign country, under the condition that the foreign country does not object to such a delivery and with the consent of the recipient of the summons. The authorized employee of the diplomatic or consular envoy signs the delivery receipt slip as the delivery person, if the summons was delivered in the envoy premises, while this is indicated on the delivery slip if the summons was delivered by mail.

(5) Summons and rulings which are reached until the completion of the main hearing can be submitted, in case of persons participating in proceedings except the defendant, to a participant in proceedings who consents to hand them in to the addressee, if the proceedings entity holds this manner guarantees their delivery.

(6) Documents, except the verdict, can be sent by telegraph, fax, e-mail or other remote communication means, if it can be assumed under the circumstances that the notice sent in the manner shall be received by the person these are addressed to. Summons, except for the first subpoena and individual notifications, can be phoned in to proceedings participants.

(7) An official remark in the file shall be composed regarding the delivery or notification in the manner proscribed in Paragraphs 1, 2, 5 and 6 of this Article.

Viewing, Copying and Xeroxing Documents

Article 150

(1) Apart from parties and participants in proceedings who, following the initiation of proceedings, have the right to view, copy and Xerox individual file parts, the court can also allow this to anybody else who is pursuing a justified interest.

(2) The permission from Paragraph 1 of this Article can be fully or partially denied by the court:

1. If this is required in order to protect the defendant's or other proceedings participant's person,
2. If the actions from Paragraph 1 of this Article are contrary to the interest of defendant's or damaged party's interests.

(3) The court shall compose an official note regarding the denial from Paragraph 2 of this Article and attach it to the file.

(4) When proceedings are ongoing, the permission from Paragraph 1 of this Article is given by the judge conducting the proceedings, and in his absence by the Court President. Once the proceedings have been completed, the permission is given by court president.

(5) The actions from Paragraph 1 of this Article are conducted under court supervision while costs are borne by the person requesting them.

(6) Regardless of whether it is a party in proceedings, the court shall deliver misdemeanour file for inspection to the state attorney, upon his/her request.

Chapter Twenty-Two (XXII) EXECUTING RULINGS AND OTHER PROVISIONS

1. EXECUTING RULINGS

General Provisions

Article 151

- (1) Rulings are executed by authorized entities upon requests from the court or some other authorized entity, unless the court itself is executing own ruling.
- (2) Verdicts and rulings are executed following their becoming legally valid and executable, unless this Act determines otherwise.
- (3) The verdict becomes legally valid:
 1. On the day of the expiry of the deadline for appeal, if the appeal has not been submitted or if the appeal has been submitted following the expiry of this deadline, or in case when the appeal is not allowed,
 2. On the day of waiving the right to appeal, abandoning submitted appeal or submitted appeal being rejected.
- (4) The verdict is executable following its:
 1. Becoming legally valid,
 2. Delivery to the convict,
3. Deadline for voluntary execution having expired, if this has been determined by the verdict, and
4. Being determined there are no legal impediments for its execution.
- (5) The ruling becomes legally valid when it can no longer be denied through appeals or when the appeal is not allowed.
- (6) Unless this Act proscribes otherwise, rulings are executed when they have become legally valid.
- (7) Orders are executed immediately unless the entity that issued them does not determine otherwise.
- (8) If there is doubt regarding the permissibility of the court ruling or a ruling by some other misdemeanour proceedings entity being executed (the ruling was pronounced as legally valid but legal conditions have not been realized etc.) or the penalty being calculated, or the calculation of arrest, detention or custody, or the penalty undertaken earlier, has not been determined in the legally valid ruling, or these calculations were not done correctly, the first-instance judge i.e. proceedings head shall determine this in a special ruling. Appeal against this ruling does not prolong its execution, unless the judge i.e. proceedings head did not determine otherwise.
- (9) If there is doubt regarding the interpretation of the court ruling or a ruling by some other misdemeanour proceedings entity, the court i.e. other misdemeanour proceedings entity that reached a legally valid ruling determines this, in the manner from Paragraph 8 of this Article.

Procedure for Executing Rulings

Article 152

- (1) The misdemeanour court sends the convict who was pronounced the prison penalty through a legally valid verdict, by issuing a ruling, to an institution for serving the prison penalty in the area where he/she has domicile or residence, which is authorized for this in accordance with the Prison Penalty Execution Act.
- (2) If the court that reached the verdict from Paragraph 1 of this Article in the first instance is not in authority to send the convict to serve the prison penalty, a certified copy of the verdict with the clause of legal validity shall be delivered to the court in authority according to Paragraph 1 of this Article.
- (3) If the convict, according to a legally valid misdemeanour ruling, did not pay within a certain deadline the financial penalty in full, or partially, the costs of misdemeanour proceedings or dispossessed material gain, the court or other entity that reached a first-instance legally valid ruling shall submit a written request for collection to the authorized tax administration – department for collection. Along with a written request, a certified copy of the legally valid ruling with a clause of

legal validity shall be delivered. In case of a minor as convict, the provision of Article 71, Paragraph 2, of this Act shall be followed, and in case the convict is a legal entity, also in accordance with the provision of Article 59, Paragraph 3, of this Act. The first-instance misdemeanour entity can also determine to undertake the procedure of forced execution of a legally valid misdemeanour ruling itself, in accordance with this Paragraph.

(4) If the tax administration – department for collection do not collect the financial penalty, either fully or in part, within the deadline of one year following the receipt of the request for collection, they shall, with no postponement, except in case of a legal entity as the convict and a minor as the convict, return the request to the submitting party of the written request, with a notification that they did not succeed in collecting the financial penalty, either partially or in full.

(5) When they have received the notification according to Paragraph 4 of this Article, the court shall with no postponement reach a ruling, according to the domicile or residence of the convict, which shall:

1. Determine the replacement of the financial penalty with prison or general welfare work while enjoying liberty, in accordance with the provisions of Article 34, Paragraphs 2 and 3, of this Act, and
2. Send the convict to serve the prison determined in this manner, or to perform general welfare work while enjoying liberty, in accordance with Paragraph 1 of this Article.

(6) The court which is not in authority, in accordance with Paragraph 5 of this Article, and the state administration entity shall, when they have received the notification from the tax administration, in accordance with the provision of Paragraph 4 of this Article, deliver the ruling on the financial penalty pronounced, along with the clause on legal validity, and the notification received from the tax administration, to the court of authority with no postponement, in accordance with Paragraph 5 of this Article, for the purposes for proceeding in accordance with this provision.

(7) The manner and the process of serving prison from Paragraphs 1 and 5 of this Article are conducted in all aspects according to the Prison Penalty Execution Act.

(8) The law can proscribe denial of the issue or extension of an individual permit, registration or certifications from official registers to the convict who has not paid the financial penalty within a certain deadline, from those administration areas in which misdemeanour was committed and for the financial penalty which was not paid. This denial cannot be applied in the area of official registers that relate to personal (status) rights, or those that serve the freedom of movement, realization of work rights, pension and social insurance, or the non-issue of which would endanger health or safety of citizens. The denial can last until the settlement of the financial penalty, but not after the expiry of the execution of the financial penalty due to limitation, or until the time of the convict started serving the execution of prison or performing general welfare work while enjoying liberty, in accordance with Paragraph 5 of this Article.

(9) The authority and the manner of the execution of general welfare work while enjoying liberty, protective measures, educational measures, minor prison and protective supervision along with a conditional sentence are determined by a special act.

(10) Using objects dispossessed in a legally valid manner in misdemeanour proceedings is determined by regulations reached by the minister in authority of judiciary affairs, along with the consent of the minister in authority of finance.

(11) Following convict's death, the procedure for the execution of misdemeanour legal sanctions is not initiated. If the procedure is ongoing, a court ruling or a ruling of other entity that have requested it, it shall be abandoned.

(12) Appeal against the ruling reached based on Article 34, Paragraph 2, the third sentence, of this Act, does not prolong the execution of the ruling.

2. OTHER PROVISIONS

Misdemeanour Register

Article 153

- (1) Misdemeanour register is constituted and maintained by the ministry in authority of judiciary affairs, according to regulations reached by the minister in authority for judiciary affairs.
- (2) Regulations on the register of educational measures pronounced are reached by the minister in authority of the affairs of social care.
- (3) Registers from Paragraphs 1 and 2 of this Article are maintained in electronic format.

Legal Aid

Article 154

- (1) The courts must provide legal aid necessary to each other, and all state entities to courts and other entities participating in misdemeanour proceedings.
- (2) The courts shall, within their authority, provide legal aid to other state entities.

Death of Defendant and Cessation of Existence of Legal Entity as Defendant

Article 155

- (1) If it has been established, prior to the initiation of misdemeanour proceedings, that the defendant died i.e. the legal entity as the defendant ceased to exist (Article 59, Paragraph 2, the first sentence), the indictment proposal shall be rejected by a ruling, and if the fact of death or cessation of legal entity's existence is determined following the initiation of misdemeanour proceedings, misdemeanour proceedings shall be abandoned by a ruling.
- (2) If proceedings can be conducted against the legal successor to the legal entity, the ruling from Paragraph 1 of this Article shall not be reached, but proceedings shall be halted, and following the authorised plaintiff having amended the indictment proposal in appropriate manner, proceedings shall be resumed. If the ruling from Paragraph 1 of this Article has already been reached, following the plaintiff having amended the indictment proposal, this ruling shall be made void and proceedings resumed.
- (3) If, following the issue of the misdemeanour warrant, and prior to its becoming legally valid or void, it is determined that the defendant died i.e. the legal entity as the defendant ceased to exist, the misdemeanour warrant shall be made void by a ruling.
- (4) The ruling from Paragraphs 1 and 2 of this Article is reached by the court that has the file at the time of determining defendant's death i.e. cessation of legal entity's existence.

Immunity

Article 156

- (1) None who commit misdemeanour in the Republic of Croatia enjoy immunity from misdemeanour persecution, unless this Act determines otherwise.
- (2) The rules of international law are applied in case of persons who enjoy immunity from misdemeanour persecution in the Republic of Croatia.
- (3) If in doubt whether the persons in question enjoy immunity under the rules of international law, the court shall address the ministry in authority of foreign affairs for clarification.

Initiating and Commencing Misdemeanour Proceedings

Article 157

- (1) Unless this Act determines otherwise, misdemeanour proceedings are initiated:
 1. By issuing the misdemeanour warrant,
 2. By the authorized plaintiff submitting the indictment proposal.
- (2) Misdemeanour proceedings commence:
 1. By opening the main hearing,
 2. In case of proceedings without the main hearing, by interrogating the defendant or by demonstrating other evidence.
- (3) If the misdemeanour proceedings entity is conducting misdemeanour proceedings according to its official duty, proceedings are initiated by reaching a ruling on the execution of misdemeanour proceedings.
- (4) The ruling on the execution of misdemeanour proceedings is delivered to the defendant, along with the summons for the hearing or interrogation, and no appeal is allowed against it.
- (5) The ruling from Paragraph 3 of this Article contains the data on the defendant and a short factual and legal description of misdemeanour. If this is necessary due to facts determined in proceedings, the misdemeanour proceedings entity shall amend or extend the ruling to a new misdemeanour, or in terms of the factual and legal description of misdemeanour the proceedings are already conducted for.

Chapter Twenty-Three (XXIII)

PROCEEDINGS UNTIL REACHING OF VERDICT

1. INVESTIGATIONS AND URGENT DEMONSTRATION OF EVIDENCE

Misdemeanour Investigations and Gathering Evidence in the Execution of Supervision

Article 158

- (1) The authorized personnel of state administration entities must undertake the necessary measures when proceedings within the scope of their authority in the execution of supervision, or if there is reasonable doubt that misdemeanour has been committed, in order to:
 1. Determine whether misdemeanour has been committed and who the perpetrator is,
 2. That the perpetrator or participant does not hide or escape,
 3. Locate and safeguard misdemeanour traces and objects that can serve for determining facts,
 4. Gather all information that could be of use for successful conduct of misdemeanour proceedings.
- (2) State administration entities can request information from citizens and undertake other measures in accordance with regulations that guide their actions, unless these measures are not contrary to this Act. If there is the danger of affecting public order or the danger of persons' safety and the safety of property, state administration entities can request the assistance of the police when executing the actions from Paragraph 1 of this Article.
- (3) The police can do the following for the purposes of fulfilling the tasks from Paragraph 1 of this Article:
 1. Request necessary information from citizens,
 2. Perform necessary inspection of vehicles, persons and baggage,
 3. Supervise and limit the movement of certain persons in a certain area within the shortest necessary time and for six hours at the longest,
 4. Undertake other measures to locate persons and things (watching, following, blockading, raiding,

ambushing, trapping etc.),

5. Undertake necessary measures connected to determining the identity of persons and objects,

6. Conduct inspections of certain objects and premises of state entities, legal entities and other business premises in the presence of the responsible person, and realize insights into certain documentation and data of theirs,

7. Also undertake other necessary measures and actions.

(4) Official notice shall be composed regarding the facts and circumstances determined during undertaking individual actions from Paragraphs 1 through 3 of this Article, which are of interest for misdemeanour proceedings, unless this Act or a special regulation does not determine that minutes are composed.

(5) If the authorized official person of the state administration entity, within the scope of his/her authority for executing supervision, immediately perceived the act of committing misdemeanour, or determined this directly by appropriate technical devices, and composed an official notice or a technical recording, the official notice and the technical recording are evidence in misdemeanour proceedings. Minutes by supervision entities composed during the execution of supervision according to special regulation can also be used as evidence in misdemeanour proceedings, if these minutes were composed according to the provisions of the General Administration Procedure Act, or according to special regulations guiding supervision.

(6) When gathering information, the authorized person of the state administration entity, proceedings within the scope of his/her authority for executing supervision, can interrogate persons as suspects, in accordance with the provisions of this Act on the interrogation of defendants in misdemeanour proceedings. When doing this, they must warn him/her that they have the right to attorney, who can be present during their interrogation. If the defendant does not hire an attorney immediately or does not opt for answering without an attorney, state administration entities shall halt with the interrogation up to 2 hours, in order for the defendant to be able to hire an attorney of his/her own choosing or from the list of attorneys on duty.

(7) The authorized person of the state administration entity, when proceeding within the scope of his/her authority for executing supervision, can interrogate persons also as witnesses, in accordance with the provisions of this Act on interrogating witnesses in misdemeanour proceedings.

(8) Minutes on interrogating suspects and witnesses from Paragraphs 6 and 7 of this Article can be used as evidence in misdemeanour proceedings.

Urgent Demonstration of Evidence

Article 159

(1) Authorized personnel of state administration entities, when proceeding within the scope of their authority of supervision, can request the court to command the following even prior to the initiation of misdemeanour proceedings according to the provisions of this Act, if there is reasonable doubt misdemeanour has been committed:

1. Search of flats and other premises, transport vehicles, baggage and persons,
2. Temporary dispossession of objects,
3. Temporary halt of the execution of a financial transaction,
4. Recognition,
5. Investigation,
6. Necessary expert analyses.

(2) If there is the danger of prolongation, authorized state administration entities can determine the execution of the actions from Paragraph 1 of this Article themselves, except for the search of flats and recognitions. They compose minutes regarding actions undertaken, and also issue receipts for objects

dispossessed, that are attached to the indictment proposal.

- (3) The court can entrust the execution of the actions from Paragraph 1 of this Article to state administration entities.
- (4) Minutes on the actions from Paragraphs 1 and 2 of this Article are evidence in misdemeanour proceedings.
- (5) The actions from Paragraphs 1 of this Article are undertaken by meaningful application of the provisions of the Criminal Proceedings Act, that refer to these actions and their undertaking prior to the initiation of criminal proceedings, unless a provision of this Article determines otherwise.
- (6) The person obstructing undertaking of the actions from Paragraph 1 of this Article or the person not surrendering an object requested during the search can be fined by the financial penalty up to HRK 5,000.00.
- (7) If the use of force is necessary when executing the actions from Paragraphs 1 and 2 of this Article, or physical resistance is expected when executing the actions, and the action is performed by a state administration entity other than the police, the police shall assist the state administration entity in its execution.

2. INITIATION OF MISDEMEANOUR PROCEEDINGS AND PREPARATIONS FOR MAIN HEARING

Contents of Indictment Proposal

Article 160

- (1) Unless this Act determines otherwise, misdemeanour proceedings can be conducted based on submitted indictment proposal by the authorized plaintiff only.
 - (2) The indictment proposal contains the following:
 1. Data on the plaintiff; namely, the following: name of the state entity or the legal person, i.e. name and surname of the natural person as the plaintiff and the address of the plaintiff,
 2. In case misdemeanour perpetrator is a natural person, name and surname with personal data (Article 171, Paragraph 1), the information whether the person is detention and since when exactly, and if the person was released, the duration when he/she was denied liberty, whether a precaution measure is applied and since when,
 3. In case misdemeanour perpetrator is a natural person who is a craftsman or is a person conducting other independent business activity, except for the data from Paragraph 2, Item 2, of this Article, also the exact name of the craft or the business activity, head office, and the location of craft or other independent business activity registration,
 4. In case misdemeanour perpetrator is a legal entity or other subject of equal status, its exact name, head office and tax and registration number, name and surname of its representative, date of birth and residence address, citizenship, country of passport issue and passport number if the person is foreign, and whether any of precaution measures is being applied and since when,
 5. Factual description of misdemeanour action that constitutes a legal misdemeanour characteristics,
 6. The time and place of misdemeanour committal, the means that misdemeanour was committed with and other essential circumstances for accurate determination of misdemeanour,
 7. Legal term of misdemeanour and the regulation that determines it,
 8. A proposal for evidence that need to be demonstrated in the main hearing, a denotation of the names of witnesses and other persons the interrogation of whom is proposed, files that need to be read and cases serving for the determination of facts, along with a brief elaboration of the indictment proposal. In the indictment proposal, the plaintiff can propose the type, the severity and the duration of the sanction. Such a proposal does not bind the court.

(3) One indictment proposal can encompass several misdemeanours or defendants only if, according to the provisions of Article 99 of this Act, single proceedings can be conducted and one ruling on misdemeanour reached.

(4) The indictment proposal is delivered to the court in authority in as many copies as there are defendants plus one copy for the court.

Verifying Indictment Proposal

Article 161

(1) The judge that the case was assigned to, shall first verify whether he/she is in authority and if he/she determines he/she is not, shall declare himself/herself as lacking authority by a ruling and following the legal validity of the ruling transfer the case to the court of authority.

(2) If he/she did not declare himself/herself as out of authority, the court shall verify whether the indictment proposal has been composed in accordance with Article 160 of this Act and whether there are circumstances that make misdemeanour proceedings impossible.

(3) If the indictment proposal is missing some of the data from Article 160, Paragraph 2, of this Act, because the plaintiff could not obtain them, and the data missing are not of such nature that proceedings could not start without, proceedings shall go on, and the plaintiff or the court, according to its official duty, shall obtain the missing data during proceedings.

(4) If the indictment proposal is missing the data from Article 160, Paragraph 2, of this Act, without which it is impossible to conduct proceedings or these data are wrong, the court shall ask the plaintiff to supplement or amend the indictment proposal within 8 days. If the plaintiff fails to do so, the court shall reject the indictment proposal by a ruling.

(5) Verifying the indictment proposal, the court shall reach the verdict that rejects the indictment if:

1. The submitting party for the indictment proposal is not an authorized plaintiff,
2. There are circumstances that exclude misdemeanour persecution,
3. The plaintiff waived the indictment proposal.

(6) If the court, verifying the indictment proposal, finds that the act indicting the defendant is not misdemeanour, it shall immediately reach the verdict clearing the defendant of indictment.

(7) If the court hold there are conditions envisioned by this Act for issuing the misdemeanour warrant, it shall immediately do so.

Preparations for Main Hearing

Article 162

(1) If it did not reach none of the rulings from Article 161 of this Act, the court shall command the time and the place for holding the main hearing and summon the persons the presence of whom is necessary at the main hearing.

(2) The following persons shall be summoned to the main hearing:

1. The plaintiff and his/her legal representative or empowered person,
2. The defendant and his/her attorney,
3. The damaged party and his/her legal representative or empowered person,
4. Witnesses and experts that the court hold needs to be summoned,
5. Other persons the presence of whom is necessary at the hearing.

Summoning

Article 163

Summoning, by delivering a written summons, is performed at the address of the person being summoned, in accordance with the provisions of Article 145, Paragraph 6, Items 1 through 5, of this Act.

Summoning to Main Hearing

Article 164

- (1) The summons to the defendant for the main hearing i.e. interrogation has the contents according to the provision of Article 128 of this Act. If the presence of the defendant is not necessary, the court shall indicate in the summons to the defendant that he/she can state his/her defence by a written submission.
- (2) Between the delivery of the summons to the defendant and the date of the main hearing, the defendant must be given the time of three days minimum for the preparation of defence, and the period can be shortened upon his/her request.
- (3) The plaintiff is summoned by written summons, so that the name of the court, name and surname i.e. the name of the plaintiff, the time and place of arrival, misdemeanour case summoned for are indicated, along with the official stamp and judge's signature.
- (4) Participants to proceedings (Article 108, Paragraph 2, Items 1 through 4), witnesses, court experts and interpreters are summoned by written summons, so that their name and surname, the name of the court, the time and place of arrival, the role summoned for, misdemeanour case summoned for are indicated, along with the official court stamp and judge's signature, while the witness, the court expert and the interpreter shall be warned that if they do not respond to the summons and justify their inattendance, their arraignment can be instructed.

3. MAIN HEARING

General Provisions

Article 165

- (1) The main hearing commences with its opening at the time and the place it was appointed. Prior to the opening of the main hearing, it is verified whether the conditions for its conduct have been achieved. Following the opening of the hearing, the court announce the proceedings case.
 - (2) The main hearing is public, unless this Act determines otherwise.
 - (3) The duty of the judge is to take care of discussion of the case from all angles, to prevent any stalling of proceedings and to care for maintaining order in courtroom and the dignity of the court.
 - (4) The judge manages the main hearing, interrogates the defendant, witnesses, court experts, gives the right to speak to parties and participants to proceedings.
- (5) The defendant is interrogated first at the main hearing, followed by the demonstration of evidence in the order determined by the judge. If there are several defendants, they are interrogated separately, one by one.
- (6) No photographic, film, television or other recordings by technical devices can be performed in the courtroom. In exceptional cases, Court President can allow photographic recording by a ruling, and President of the High Misdemeanour Court of the Republic of Croatia television and other recordings

in individual main hearings. The parties and the damaged party can for their purposes make audio recordings of the hearing process, unless the hearing excludes the public or if they interfere with the proceedings process.

(7) If recordings are allowed in accordance with Paragraph 6 of this Article, the judge can decide by a ruling at the main hearing to not allow recordings of individual parts of the main hearing, out of justified reasons.

(8) No appeal is allowed against the ruling from Paragraphs 6 and 7 of this Article, rejecting or allowing recordings.

(9) Parties and participants in proceedings (Article 108, Paragraphs 1 and 2) have the right to propose the demonstration of evidence at the main hearing, to give other proposals and statements and declarations on evidence demonstrated, and, provided judge's approval, to pose questions to others in proceedings. The judge decides on parties' and proceedings participants' evidence demonstrated by a ruling in minutes, accompanied by a brief elaboration.

Disciplinary Punishment

Article 166

(1) If the actions by the attorney, empowered person or the legal representative, that they undertake during the proceedings process, are obviously targeted at stalling proceedings, the court can fine them by a financial penalty up to HRK 5,000.00, by a ruling.

(2) If the defendant, the attorney, the damaged party, the legal representative, empowered person, court expert, interpreter or other person present at the session are obstructing the order or do not obey judges's orders for the maintenance of order, the judge shall warn the person, and if he/she continues to obstruct order, he/she can be fined by up to HRK 5,000.00. If the act of obstructing order or disobeying is severe, the perpetrator shall be punished even without a warning. For repeated actions, the perpetrator shall be fined by a financial penalty of up to HRK 10,000.00.

(3) The court shall notify the Croatian Bar Association regarding the punishment of attorneys or trainees.

Preconditions for Holding Main Hearing

Article 167

(1) If prior to opening the main hearing the judge determined the plaintiff has abandoned the indictment proposal, he/she shall reject the indictment by a verdict.

(2) Prior to opening the hearing, the judge verifies whether all invited persons came and whether other conditions for holding the hearing have been realized.

(3) If duly summoned parties and other duly summoned participants to proceedings did not come to the main hearing, the main hearing can be conducted and the verdict reached. The main hearing can be held without the presence of the defendant in case his/her interrogation is not necessary and if it does not influence the legal and proper reaching of the verdict.

(4) If other summoned persons did not come to the main hearing, it shall be held even without their presence, and if their presence is necessary, the hearing shall be postponed and the court shall summon them once again or, when there are conditions for this, order their arraignment.

(5) If the plaintiff has not been duly summoned, the main hearing can exceptionally be held even without his/her presence only if this does not damage his/her legal interest and does not endanger the proper determination of facts in proceedings.

(6) If there are conditions for holding the main hearing without the presence of individual persons,

defendant's defence stated earlier or submitted in writing shall be read, as well as witnesses' statements and the findings and opinions of court experts obtained.

(7) If conditions for holding the main hearing have not been realized, the judge can interrogate witnesses and court experts outside of hearing, who have answered the hearing summons. Minutes on their interrogation shall be read in the hearing during later process of hearing evidence.

(8) If, according to the state of evidence in case file, the verdict of rejecting the indictment should be reached, the main hearing shall be held regardless of the presence of parties and other persons summoned, and whether legal conditions for holding the hearing have been realized.

Postponement and Adjournment of Main Hearing

Article 168

(1) The main hearing that has not commenced can be postponed by a ruling, and if it has commenced, it shall be adjourned and its continuation determined:

1. If the defendant did not come to the hearing and the court hold his/her interrogation before reaching the verdict as necessary, while it was not possible to have him/her arraigned immediately,

2. If some other person, without whom the main hearing cannot be held according to law, is not present, or if without the presence of some of persons summoned it would not be effective to hold the hearing so they need to be summoned again,

3. If the defendant or his/her attorney have not been duly invited to the hearing,

4. If new evidence need to be demonstrated or there are other obstacles for the completion of the hearing.

(2) In case from Paragraph 1, Items 1 and 2, of this Article, the court shall order that the defendant, witness and court expert that were duly summoned be arraigned to the next hearing. If these persons meanwhile justify their inattendance of the hearing and to come to the next one, the court shall withdraw the arraignment order, unless the circumstances do not exhibit these persons are avoiding to come to the main hearing.

(3) The judge can adjourn the main hearing for taking a break, because of the expiry of working hours, for the purposes of gathering certain evidence or out of other justified reasons. The court shall take care of the recess lasting as shortly as possible.

(4) No appeal is permitted against the ruling on postponement and adjournment of the main hearing.

Main Hearing Minutes

Article 169

(1) Minutes must be kept regarding the work at the main hearing, into which the whole process of the main hearing is entered in essential details.

(2) Minutes conclude with the completion of the session and are signed by the judge and the clerk and the defendant if he/she is present. If the defendant refuses to sign minutes, this shall be indicated so in minutes.

(3) Parties and participants to proceedings have the right to view the completed minutes and their attachments, to give comments regarding the contents and to request amendments to minutes.

(4) The judge can order corrections to misentered names, numbers and other obvious mistakes in writing, upon proposals from parties or the person interrogated, or following his/her official duty.

(5) Parties' comments and proposals regarding minutes, and corrections and additions performed in minutes must be noted in continuation of the minutes completed. In the continuation of minutes, the reasons for non-acceptance of individual proposals and comments shall also be noted. The judge and

the clerk sign the continuation of minutes as well.

- (6) In the introduction to minutes, the court before which the main hearing is being held, the place and the time of holding the hearing, the name and surname of the judge and the clerk, the plaintiff i.e. his/her representative, the defendant, the damaged party and his/her legal representative or empowered person, of the court interpreter, the misdemeanour that is the subject of the discussion shall be entered, as well as whether the main hearing is public or excludes the public.
- (7) Minutes in particular must contain the data on whether the indictment proposal was read or orally elaborated at the hearing, whether the indictment proposal was amended or extended during the hearing, what motions the parties submitted, and what rulings were reached by the judge, what evidence was demonstrated, whether any minutes and other submissions were read, whether sound or other recordings were reproduced, and what comments parties gave regarding read minutes, submissions or recordings reproduced. If the public was excluded from the main hearing, it shall be indicated in minutes that the judge warned the present of the consequences in case of their unauthorized disclosure of what they learned as confidential during this main hearing.
- (8) If rulings on detention, precaution measures or bail were reached at the main hearing, these rulings shall be entered into minutes. If special appeal is permitted to any rulings reached during the main hearing, such a ruling shall be created separately too, unless the parties waived their right to appeal.
- (9) The full pronouncement of the verdict is entered into minutes on the main hearing, along with a remark whether it was publicly pronounced. The pronouncement of the verdict in the minutes on the main hearing is the original of the verdict.

Commencement of Main Hearing

Article 170

- (1) The main hearing commences with its opening, following which the indictment proposal is read or elaborated.
- (2) The indictment proposal is read or orally elaborated by the judge, and if the plaintiff i.e. his/her representative is present at the hearing, he/she can do it.

Interrogating Defendant

Article 171

- (1) When the defendant is interrogated for the first time, he/she shall be asked for his/her name and surname, mother's maiden name, place of birth and residence, the day, month and the year of birth, which country he/she is citizen of, what his/her unique citizen number of the Republic of Croatia is, what his/her occupation is, what the family circumstances are, whether he/she can write, what education he/she has, whether he/she was decorated, what his/her material status is, whether and when he/she was convicted for misdemeanour or criminal offence, whether he/she served the stated penalty, whether any misdemeanour or criminal proceedings are being conducted against him/her, and if he/she is a minor, who his/her legal representative is. The defendant shall be also asked for other personal data if this is of importance for proceedings. The defendant shall be instructed he/she must answer the summons and immediately communicate any address change or the intention to change residence, and shall be warned of the consequences if he/she does not proceed so.
- (2) When the defendant is interrogated for the first time, he/she shall be warned that he/she needs not state his/her defence, nor answer questions, which will be entered into minutes.
- (3) The defendant is interrogated orally. When interrogating, the defendant can be allowed to use his/her notes.

- (4) When interrogating, the defendant must be allowed to uninterruptedly elaborate on all circumstances against him/her and to state all facts to his/her defence.
- (5) When the defendant has completed his/her statement, he/she shall be asked, if necessary, to fill in gaps or to remove inconsistencies and unclarities in his/her elaboration.
- (6) Interrogation needs to be conducted so as to fully respect the defendant's person.
- (7) No force, threats or other similar means must not be used against the defendant, in order to obtain his/her statement or confession.
- (8) If proceeding against the provisions of Paragraphs 2 and 7 of this Article, the defendant's statement can not be used as evidence in misdemeanour proceedings.
- (9) If the defendant does not reside or have domicile in the area of the court conducting misdemeanour proceedings, he/she can be interrogated by using an application before the court where he/she resides or has domicile.

Defendant's Right to Attorney

Article 172

- (1) The defendant can have an attorney during entire misdemeanour proceedings, and also prior to its initiation, when this Act proscribes so (Article 158, Paragraph 6).
- (2) If the defendant was arrested and brought before the court, the judge must warn him/her regarding his/her right to attorney. If the defendant declares he/she wants an attorney, the interrogation shall be paused for two hours at most, during which time the defendant shall be enabled in appropriate manner to hire an attorney, or to choose the same from the list of attorneys on duty. If the defendant does not hire an attorney during this time, or the attorney he/she hired or chose does not appear within this time, the court can also interrogate the defendant without attorney's presence. Defendant's declaration regarding attorney shall be entered into minutes.
- (3) If the judge establishes that the defendant is dumb or deaf, he must, regardless of the phase of proceedings, proceed in all matters according to Paragraph 2 of this Article. If the defendant does not hire an attorney for himself/herself, Court President shall appoint him/her an official duty attorney upon judge's request, for the subsequent process until proceedings have been brought to a legally valid completion. An appeal against the ruling on appointing an official duty attorney does not prolong the execution of the ruling. In any case, during defendant's interrogation, and other actions in proceedings as well, in which a deaf or a dumb defendant participates, an interpreter must be present.
- (4) If proceedings against Paragraphs 2 and 3 of this Article, no convicting verdict can be based on defendant's statements.

Interrogating Witnesses and Court Experts

Article 173

- (1) When interrogating witnesses and court experts during misdemeanour proceedings, the provisions valid in the Criminal Proceedings Act for interrogating witnesses and court experts shall be meaningfully applied, unless this Act proscribes otherwise (Article 166, Paragraph 2, Article 167, Paragraph 7 and Article 168, Paragraph 2).
- (2) Witnesses and experts who do not have domicile and residence in the area of the court conducting proceedings can also be interrogated by using an application, before the court where the witness or the court expert have domicile or residence.

Search, Temporary Object Dispossession, Recognition, Investigation and Expert Analyses

Article 174

When conducting search of flats and other premises, transport vehicles, baggage and persons, during temporary dispossession of objects, suspension of the execution of a financial transaction, recognition, investigation and determining expert analyses in misdemeanour proceedings, and even prior to its initiation (Article 159), the provisions valid for these matters in the Criminal Proceedings Act shall be meaningfully applied.

Documents and Technical Recordings

Article 175

Minutes on search, temporary dispossession of objects, recognition, investigation, expert analyses, documents, books, files and other submissions, and technical recordings as well, serving for the determination of facts, shall be read or viewed at the main hearing.

Amending, Extending and Submitting New Indictment Proposal

Article 176

- (1) If, during the main hearing, the evidence demonstrated exhibit other factual state of affairs than what was elaborated in the indictment proposal, the plaintiff present can orally amend (change, narrow or extend) or submit a new indictment proposal until the completion of the process of hearing evidence. The new or amended indictment proposal can refer but to the event that is the subject of the indictment, i.e. to an event that is closely related to it. If this is a minor amendment in the factual description of the act, or its different legal qualification, the amendment of the indictment proposal can be performed orally into minutes.
- (2) The court can allow adjournment of the main hearing for the purposes of preparing the amended or the new indictment proposal, and shall determine the deadline for this, that cannot be longer than eight days. The indictment proposal thus amended shall be delivered to the defendant. If the plaintiff does not amend the indictment proposal or does not submit the new one within the deadline determined, proceedings shall be continued according to the existing indictment proposal.
- (3) The defendant shall in any case be afforded the possibility of oral or written statement regarding the amended or the new indictment proposal.

Completion of Evidence Demonstration

Article 177

The parties and participants to proceedings (Article 108, Paragraphs 1 and 2) present at the main hearing having exhausted proposals of evidence or the judge having rejected the proposals for further demonstration of evidence, and having determined there is no need to demonstrate additional evidence he/she shall pronounce the process of hearing evidence as completed.

Parties' Closing Speeches and Completion of Main Hearing

Article 178

- (1) Following the completed process of hearing evidence, the judge gives the parties, the defendant and the attorney, if they are present at the hearing, the right to speak. The plaintiff speaks first, followed by the damaged party, the attorney, and then the defendant. The court can allow the plaintiff and the damaged party to comment on the closing speech of the defendant and/or his/her attorney, but must subsequently allow the reply of the defendant and/or his/her attorney.
- (2) If the judge, following closing speeches from Paragraph 1 of this Article, does not determine further evidence needs to be demonstrated, he/she shall pronounce the main hearing closed and withdraw in order to reach the verdict.

Chapter Twenty-Four (XXIV) VERDICT

Reaching and Announcing Verdict

Article 179

- (1) If the judge determines the main hearing needs not be continued, for the purposes of adding to proceedings or clarifying individual issues, he/she shall immediately reach the verdict, that he/she shall communicate to parties and participants to proceedings present. If, in more complex cases, the court cannot reach the verdict on the same day, following the completion of the main hearing, it shall prolong its reaching and pronouncement for three days. The parties and participants present shall be notified regarding the place and the time of pronouncing the verdict. In any case, the pronouncement of the verdict is entered into minutes on the main hearing and is the original of the verdict. If the ruling on detention was reached as well, it is also entered into minutes on the main hearing.
- (2) The verdict is reached and publicly pronounced in the name of the Republic of Croatia.
- (3) The verdict can refer but to the person the indictment proposal against which was submitted and proceedings conducted, and only regarding the act from submitted indictment proposal, or the one amended or extended during the hearing.
- (4) The court is not bound to plaintiff's proposals regarding the legal appraisal of the act.
- (5) The court base its verdict only on facts and evidence demonstrated at the main hearing, conscientiously valuating any evidence individually, and in connection to other evidence, and shall conclude whether a fact was proven based on such valuations.
- (6) Unless this Act determined otherwise, the certified transcription of the verdict with elaboration is delivered to parties and other persons who have the right to appeal.
- (7) Anybody who, in accordance with this Act, has the right to appeal against the verdict can waive this right, following oral communication i.e. delivery of the verdict he/she has the right to appeal to, and can abandon the appeal already submitted. The defendant can abandon the appeal submitted that a person authorized to do so submitted on his/her behalf (Article 192, Paragraph 2). If the defendant waived the right to appeal, the appeal cannot be submitted by persons authorized to appeal on his/her behalf.
- (8) Waiving the right to submit the appeal i.e. abandoning the appeal already submitted is irrevocable.
- (9) If, in accordance with Paragraph 7. Of this Article, following the pronouncement of the verdict, the plaintiff and the defendant waived their rights to submit appeals, the court need not write elaboration of the verdict. A certified transcription of the verdict (pronunciation) shall be delivered to them if they especially request so.

Verdict Types

Article 180

- (1) The verdict rejects the indictment or the defendant is released from indictment or is pronounced as guilty.
- (2) If the indictment proposal encompasses several misdemeanours, the verdict shall pronounce also whether and for which misdemeanour indictment is rejected, or the defendant is released from indictment or is pronounced as guilty.

Verdict Rejecting Indictment

Article 181

The verdict that rejects the indictment shall be pronounced by the court:

1. If does not have actual authority for the trial,
2. If proceedings were conducted without the indictment proposal by the authorized plaintiff,
3. If the plaintiff abandoned the indictment proposal during the main hearing,
4. If the defendant was already convicted with legal validity for the same misdemeanour, released from indictment or proceedings against him/her were cancelled with legal validity, and this is not the case of cancellation of proceedings from Article 213 of this Act.
5. If misdemeanour persecution cannot be conducted on account of expiry due to limitation, or if there are other circumstances that exclude misdemeanour persecution.

Verdict Releasing Defendant from Indictment

Article 182

The verdict releasing the defendant from indictment shall be pronounced by the court:

1. If the act he/she is indicted for is not a misdemeanour,
2. If there are circumstances excluding guilt,
3. If it has not been proven that the defendant committed the act being indicted for.

Verdict Pronouncing Defendant as Guilty

Article 183

- (1) The court shall pronounce the following in the verdict pronouncing the defendant as guilty:
 1. What the act he/she is pronounced as guilty for, along with remarks on facts and circumstances that make characteristics of misdemeanour, and those the application of this Act depends on, and the regulations proscribing the misdemeanour,
 2. The name of the misdemeanour, according to the regulations proscribing it,
 3. What penalty is pronounced, or what other measure is applied, or released from penalty according to the provisions of this Act,
 4. What protective measure is applied and whether material gain is dispossessed,
 5. The ruling on calculating into detention and any deprivation of liberty,
 6. The ruling on the costs of misdemeanour proceedings and property legal requests.
- (2) If the defendant was pronounced a financial penalty, the verdict shall determine the deadline for its payment.

Creating and Delivering Written Verdict

Article 184

- (1) The verdict pronounced must be written and dispatched within a month following pronouncement.
- (2) The verdict is signed by the judge and the clerk.
- (3) A certified transcription of the verdict is delivered to parties and participants to proceedings, unless this Act proscribes otherwise (Article 146, Paragraph 3 and Article 179, Paragraph 9), and instructions on the right to appeal shall be delivered to the defendant, the damaged party as the plaintiff and the damaged party, if they have the right to appeal.
- (4) A legally valid verdict shall be delivered to the damaged party upon his/her request. In proceedings regarding family violence misdemeanours, the verdict shall always be delivered to the damaged party as well.

Verdict Contents

Article 185

- (1) The written verdict must correspond in full to the verdict pronounced.
- (2) The verdict must have an introduction, the pronouncement and an elaboration, unless this Act determines otherwise.
- (3) The introduction to the verdict contains: a note that the verdict is being pronounced in the name of the Republic of Croatia, the name of the court, the names and surnames of the judge and the clerk, the name and surname of the defendant i.e. the name of the legal entity and the subject of equal status as defendant, the misdemeanour charged by the indictment proposal and whether the defendant was present at the main hearing, the date of the main hearing and whether it was public, a note on the plaintiff, the name of the attorney, legal representative and empowered person that were present at the main hearing and the date of verdict pronouncement.
- (4) The pronouncement of the verdict contains: the defendant's personal data, the ruling that pronounces the defendant as guilty of misdemeanour indicted or clearing him/her of the charge for the act or that rejects the indictment.
- (5) If the defendant was pronounced guilty, the verdict pronouncement must encompass all necessary data listed in Article 183 of this Act, and if he/she was released from indictment or the indictment was rejected, the verdict pronouncement must encompass a description of the acts indicted and the ruling on misdemeanour proceedings costs and on property legal claims if they were raised.
- (6) In case of accumulated misdemeanours, the court shall enter the penalties determined for each individual misdemeanour in the verdict pronouncement, and following this, the penalty pronounced for all accumulated misdemeanours.
- (7) In the verdict elaboration, the court shall briefly state the reasons for each item in the verdict, by doing the following: stating undisputed facts, which disputed facts and out of which reasons it holds as proven or unproven, the appraisal of the credibility of contradictory evidence, why it did not allow individual motions by parties and participants to proceedings, why a witness or a court expert was not directly interrogated, which reasons were the guidelines in resolving legal issues, and especially during the determination of whether defendant's misdemeanour and guilt exist, followed by the application of certain provisions of this Act and the special regulation on misdemeanour on the defendant and his/her act.
- (8) If the defendant was pronounced a penalty, the elaboration shall briefly list the circumstances the court considered when weighing the penalty. The reasons for mitigating the penalty shall especially be given, or reasons for pronouncing more severe penalty proscribed, or release from the penalty, or the application of the warning measure, the application of protective measures and dispossession of material gain. Personal and material circumstances of the defendant must also be elaborated in case of pronounced financial penalty.
- (9) If the defendant is cleared of indictment, the elaboration shall state out of which reasons this is

done, from those listed in Article 183, Paragraph 2, of this Act.

- (10) The court shall not enter the appraisal of the principal matter in verdict elaboration that rejects the indictment, but shall limit itself to the reasons for rejecting the indictment.

Verdict Amendments

Article 186

(1) The judge shall, upon requests from parties or according to his/her official duty, correct, by a special ruling, mistakes in names and numbers and other obvious mistakes in writing and calculating, deficiencies in form and inconsistencies in the written verdict and other rulings, according to the original.

(2) If there are inconsistencies between the written verdict and other rulings and their original, in terms of the data from Article 182, Paragraph 1, Items 1 through 4, and Item 6, of this Act, the ruling on correction shall be delivered to those the verdict, or another ruling, was previously delivered to.

(3) The second-instance verdict can be amended only on account of obvious mistakes in names and numbers and other obvious mistakes in writing and calculating, while a verdict dispatched and its correction produce legal effects towards parties and third persons.

(4) If the amendment changes the legal position of the defendant, the ruling on verdict, or other ruling, amendment shall be delivered to all those that the verdict, or other ruling, was delivered to, and who have the right to appeal or another legal remedy. In this case, a new deadline for appeal or another legal remedy expires for empowered persons for the right to appeal or another legal remedy.

Chapter Twenty-Five (XXV)

MISDEMEANOUR PROCEEDINGS BEFORE STATE ADMINISTRATION ENTITIES

Application of Regulations on Proceedings Process

Article 187

State administration entities in actual authority for conducting first-instance misdemeanour proceedings conduct the proceedings according to procedural provisions of this Act that refer to misdemeanour courts, unless the provisions of this Chapter proscribe otherwise.

Initiating Misdemeanour Proceedings

Article 188

State administration entities conduct misdemeanour proceedings according to their official duty, or based on the indictment proposal by the authorized plaintiff.

Proceedings Process

Article 189

(1) The individual proceedings Head conducts misdemeanour proceedings in state administration entity, reaches the ruling on misdemeanour and other rulings, unless this Act determined that proceedings are conducted by the council.

(2) The Council from Paragraph 1 of this Article can authorize a council member to conduct

- proceedings and reach rulings during proceedings, except for reaching the ruling on misdemeanour.
- (3) A person with a degree in law, and with the judiciary examination completed, can be appointed for proceedings Head and Council President.
- (4) The nomination from Paragraph 3 of this Article is performed according to the organization act for the state administration entity in authority and conducting misdemeanour proceedings.
- (5) The provisions of Paragraphs 1 through 4 of this Article do not refer to state administration entities that issue misdemeanour warrants during the execution of supervision (that do not conduct misdemeanour proceedings).
- (6) When this Act determines that the ruling during proceedings is reached by the President of misdemeanour court in authority, i.e. of the High Misdemeanour Court of the Republic of Croatia, the same ruling is reached by the Head of the state administration entity in authority within the state administration entity conducting misdemeanour proceedings, i.e. the minister in charge of this state administration entity.
- (7) If conditions for the determination i.e. extension of defendant's detention are met in misdemeanour proceedings before a state administration entity, according to the conditions in Articles 135 and 136 of this Act, the state administration entity shall request the ruling to be reached by the misdemeanour court in authority regarding this matter. The state administration entity can order the arraignment of the defendant to this court for the purposes of reaching the ruling on this matter.

Misdemeanour Ruling

Article 190

- (1) The state administration entity conducting misdemeanour proceedings, abandons misdemeanour proceedings or pronounces the defendant as guilty by a ruling.
- (2) In cases from Articles 181 and 182 of this Act, misdemeanour proceedings are abandoned against the defendant by a ruling.
- (3) Unless this Act determines otherwise, the ruling on misdemeanour pronouncing the defendant as guilty has corresponding contents according to Article 183 of this Act.
- (4) The misdemeanour ruling introduction bears the note of the Republic of Croatia.
- (5) If a financial penalty was pronounced to the defendant by the misdemeanour ruling, the ruling shall determine the deadline for its payment.

Chapter Twenty-Six (XXVI) REGULAR LEGAL REMEDIES

1. APPEAL AGAINST FIRST-INSTANCE COURT VERDICT

General Provisions

Article 191

- (1) Unless this Act determines otherwise, empowered persons can submit the appeal against the verdict of the first-instance court, within the deadline of eight days following the delivery of a copy of the verdict.
- (2) If the verdict was delivered both to the defendant and his/her attorney, but on different days, the deadline for the appeal shall be calculated from the later date.
- (3) The appeal submitted timely by the person empowered prolongs the execution of the verdict.
- (4) The provisions on the appeal against the verdict of the first-instance court shall meaningfully be

applied to the appeal against the misdemeanour ruling by the first-instance state administration entity (Article 190).

Empowered Persons' Right to Appeal

Article 192

- (1) The appeal against the first-instance verdict can be submitted by parties, the attorney and the defendant.
- (2) The appeal to the benefit of the defendant can also be submitted by his/her marital and extra-marital partner, a relative in the vertical line, legal representative, foster parent, adoptee, brother, sister and the home receiver. The appeal deadline in this case too proceeds according to Article 191, Paragraph 1, of this Act.
- (3) The plaintiff can submit the appeal both to the detriment and to the benefit of the defendant.
- (4) The damaged party can dispute the verdict only on account of the ruling on misdemeanour proceedings costs.
- (5) The appeal can also be submitted by the person dispossessed of material gain obtained through misdemeanour.
- (6) Defendant's attorney and the persons from Paragraph 2 of this Article can submit the appeal even without special empowerment by the defendant, but not against his/her will.

Appeal Contents

Article 193

- (1) The appeal must contain the following:
 1. A reference to the verdict against which it is submitted,
 2. The basis for disputing the verdict,
 3. Appeal elaboration,
 4. A proposal to have the disputed verdict fully or partially cancelled or amended,
 5. The name and the surname of the appeal submitter and his/her signature.
- (2) The court shall reject the appeal for which it cannot determine which verdict it refers to or who the submitting party is.
- (3) If the appeal does not contain the signature of the submitting party, the submitting party shall be summoned to sign it within 8 days, and if he/she does not, the appeal shall be rejected.
- (4) The court shall consider the appeal that does not contain other data from Paragraph 1 of this Article.
- (5) New facts and new evidence can be stated in the appeal only if these facts and evidence did not exist during first-instance proceedings or if the appeal submitter was not aware of them.

Basis for Disputing Verdict

Article 194

- The verdict can be disputed on account of the following:
1. Key violations of the provisions of misdemeanour proceedings,
 2. Violations of material misdemeanour law,
 3. Inaccurately or incompletely determined facts,

4. Rulings on misdemeanour legal sanctions, dispossession of material gain, costs of misdemeanour proceedings and property legal claims.

Key Violations of Misdemeanour Proceedings Provisions

Article 195

- (1) Key violations of the provisions of misdemeanour proceedings exist in case of the following:
1. If the court was improperly composed or if a judge who did not participate in conducting proceedings i.e. main hearing participated in pronouncing the verdict, except if the hearing or proceedings were conducted by the court counsellor, in accordance with the law, or who was exempt from trial by a legally valid ruling,
 2. If a judge that should have been exempted participated in the main hearing i.e. in the conduct of proceedings (Article 104, Paragraph 1),
 3. If the main hearing was held or proceedings conducted without the participation of parties and participants to proceedings, contrary to the provisions of this Act,
 4. If the defendant, the attorney, the damaged party as the plaintiff was denied to use his/her language during the main hearing, contrary to his/her request, or to observe the hearing process in his/her language,
 5. If the ruling on the exclusion of the public from the main hearing was reached contrary to the law,
 6. If the court violated misdemeanour proceedings regulations regarding the issue of whether there is the indictment proposal by an authorized plaintiff or the indictment proposal was exceeded,
 7. If the ruling was reached by a court that could not try the matter on account of actual lack of authority or if the court improperly abandoned misdemeanour proceedings for lack of actual authority by a verdict,
 8. If the court did not dully resolve the indictment case by its verdict,
 9. If the verdict violated the provision of Article 202, Paragraph 4, of this Act,
 10. If the verdict is based on evidence from Article 90 of this Act,
 11. If the verdict pronouncement is incomprehensible, contradictory to itself or to the reasons for the verdict, or if the verdict lacks reasons or does not state the reasons for decisive facts or if these reasons are completely unclear and contradictory to a significant degree, or if there is significant contradiction regarding decisive facts, between what is stated in the reasons for the verdict on the contents of documents or minutes on statements given in proceedings and the very documents or minutes.
- (2) A key violation of the provisions of misdemeanour proceedings exists also if the court did not apply or misapplied some of the provisions of this Act during the preparation of the main hearing or proceedings or during the main hearing i.e. during proceedings or when reaching the verdict, or if it violated the right to defence at the main hearing i.e. during proceedings, and this influenced or could have influenced the verdict.

Violations of Material Misdemeanour Law Provisions

Article 196

A violation of material misdemeanour law exists if the law or a regulation based on it were violated in regards to:

1. Whether the act that proceedings are being conducted for against the defendant is misdemeanour,
2. Whether there are circumstances excluding guilt,
3. Whether there are circumstances excluding misdemeanour persecution, and especially whether the expiry of misdemeanour persecution occurred due to limitation or the matter was already issued a

- legally valid verdict,
4. Whether a non-applicable regulation was applied regarding the misdemeanour that is the subject of indictment,
 5. Whether the ruling on penalty, conditional sentence or a warning i.e. ruling on protective measures or on dispossession of material gain exceeded the authority that the court have according to law,
 6. Whether the provisions on calculating arrest, detention, and the sentence served were violated.

Wrongly or Incompletely Determined Facts

Article 197

- (1) The verdict can be disputed on account of wrong or incomplete determination of facts.
- (2) Facts are wrongly determined if the court determined some decisive fact wrongly, i.e. when the contents of documents, minutes on evidence or technical recordings demonstrated seriously question the regularity or reliability of the determination of decisive facts.
- (3) Incomplete determination of facts exists if certain decisive facts were not determined.

Ruling on Misdemeanour Legal Sanctions and Other Issues

Article 198

- (1) The verdict can be disputed on account of the ruling on penalty, conditional sentence and reprimand, when this ruling did not exceed legal authority (Article 196, Item 5), but the court did not regularly weigh the penalty given the circumstances influencing that the penalty be stricter or more lenient, and because the court applied or did not apply the provisions on the mitigation of penalty, release from penalty, conditional sentence or warning, even though legal conditions for doing so existed.
- (2) The ruling on protective measures or dispossession of material gain can be disputed if there is no violation of law from Article 196, Item 5, of this Act, but the court irregularly reached this ruling or did not pronounce protective measures i.e. dispossession of material gain, even though legal conditions for doing so existed. On account of the same reasons, the ruling on misdemeanour proceedings costs can be disputed.
- (3) The ruling on property legal claim can be disputed when the court reached a ruling regarding this matter that is contrary to the law or if this ruling is unfounded.

Appeal Process

Article 199

- (1) The appeal is submitted before the court that pronounced the first-instance verdict, in enough copies for the first-instance and the second-instance courts.
- (2) Untimely and not permissible appeals shall be rejected by the judge of the first-instance court.
- (3) The one whose appeal was rejected has the right to appeal against the ruling from Paragraph 2 of this Article.

Submitting Appeal with Documents to Second-Instance Court

Article 200

- (1) When the documents on appeal have reached the second-instance court, in case of misdemeanour proceedings conducted at the request by the state attorney, the file shall be delivered to the state attorney of authority, who must view it and return it to the court with no postponement.
- (2) The file having reached the second-instance court, it shall be assigned to the reporting judge. He/She can obtain a report from the first-instance court on the violations to the provisions of misdemeanour proceedings and material misdemeanour law, and verify the statements in the appeal in an appropriate manner, and obtain necessary reports and documents.
- (3) If the reporting judge determined the file contains minutes or parts of minutes envisioned in Article 121, Paragraph 1, of this Act, he/she shall reach a ruling on their separation into a separate closed folder and leave them in the file.

Council Session

Article 201

- (1) The reporting judge having proceeded according to Article 200 of this Act, and having prepared a report on the case, he/she shall determine the date and time of the council session.
- (2) In case of an appeal to the verdict pronouncing the prison penalty to the defendant, the defendant and his/her attorney (if he/she has one), who requested to be notified of the session within the deadline envisioned, shall be notified regarding the council session, and if proceedings are conducted upon the request by the state attorney, the state attorney too shall be notified regarding the council session. The reporting judge or the council can in this case determine that the defendant and his/her attorney be notified regarding the council session, even when they have not requested to be notified regarding council session, if their presence would be useful in clarifying the matter.
- (3) If, in case from Paragraph 2 of this Article, the defendant is in detention, custody or is serving a sentence, his/her presence shall be ensured at the council session only if the reporting judge or the council consider this as having purpose.
- (4) The council session begins with the reporting judge reporting on the matter. The council can request from the parties present at the session clarifications connected to the statements of the appeal. The parties can propose to have the individual documents read for the purpose of adding to the report, and can state necessary clarifications for their statements in the appeal, not repeating the contents of the report.
- (5) The session can be held even in the absence of parties who were duly notified of it. If the defendant was not notified because he/she had not notified the court regarding a change of residence or flat, the council session can be held even if he/she was not notified of it.
- (6) Minutes on the council session held according to Paragraph 2 of this Article is attached to the files from the first-instance and second-instance courts.

Limits of Verifying First-Instance Verdict and Some Limitations

Article 202

- (1) The second-instance court verify the verdict in the part being disputed by the appeal, on the basis and out of the reasons the appellant states in the appeal. In the part where they verify the verdict according to the appeal, the court also verify according to their official duty whether the verdict violated the provisions of misdemeanour material law to defendant's detriment and whether expiry of misdemeanour persecution due to limitation occurred in proceedings.
- (2) Regarding the appellant's appeal, the first-instance verdict can be cancelled or also amended to defendant's benefit.

- (3) Regarding the violation from Article 195, Paragraph 1, Item 2, of this Act, the appellant can refer to the violation only if he/she could not state it during the main hearing or proceedings, or he/she stated it, but the first-instance court did not consider it.
- (4) If the appeal was submitted but to defendant's benefit, the verdict must not be amended to his/her detriment.
- (5) The appeal submitted to defendant's benefit, on account of wrongly or incompletely determined facts or on account of the violation of material misdemeanour law contains within itself also an appeal to the ruling on misdemeanour legal sanction and dispossession of material gain.
- (6) If the second-instance court determine in regard to anybody's appeal that the reasons for their reaching the ruling to defendant's benefit also of benefit to some of co-defendants who did not appeal or did not appeal in this sense, they shall proceed according to their official duty as if such an appeal existed, unless the verdict rejects indictment against the appellant on account of expiry of misdemeanour persecution due to limitation.

Second-Instance Rulings on Appeals

Article 203

- (1) The second-instance court can, during the council session, reject an appeal by a ruling as untimely or not permissible, or reject the appeal by a verdict as unfounded, and confirm the first-instance verdict, or cancel the first-instance verdict by a ruling and deliver the case to the first-instance court for a new trial and ruling, or amend the first-instance verdict by a ruling.
- (2) The second-instance court determines by one ruling on all appeals against the same verdict.

Dismissing Appeal

Article 204

- (1) The appeal shall be rejected by a ruling as untimely if it has been determined it was submitted upon the expiry of the legal deadline.
- (2) The appeal shall be rejected by a ruling as not permissible if:
1. It has been determined that the appeal was submitted by a person not authorized for submitting appeals,
 2. It has been determined the appeal was submitted by a person who had waived his/her right to appeal or is, according to this Act, considered as having waived the right,
 3. It has been determined that the submitting party cancelled the submitted appeal or is, according to this Act, considered that he/she cancelled the submitted appeal,
 4. It has been determined the appeal is not permissible by law.

Rejecting Appeal

Article 205

The second-instance court shall reject the appeal by a ruling as unfounded and confirm the first-instance verdict when there are no reasons on account of which the verdict is disputed.

Abolishing First-Instance Verdict

Article 206

- (1) The second-instance court shall, accepting the appeal as founded, abolish the first-instance verdict by a ruling, and deliver the case for a new trial, if they have determined there is a key violation of the provisions of misdemeanour proceedings, except in cases from Article 207, Paragraph 1, of this Act, or if they hold that a new main hearing or proceedings before the first-instance court need to be ordered, on account of wrongly or incompletely determined facts.
- (2) The second-instance court can order that a new main hearing i.e. proceedings be held in front of another judge before the first-instance court.
- (3) The second-instance court can also abolish the first-instance verdict partially, if individual verdict parts can be separated with no damage for just trial.

Amending First-Instance Verdict

Article 207

The second-instance court shall, accepting the appeal, amend the first-instance verdict by a verdict, if they accept the facts determined in the pronouncement of the first-instance verdict as accurate and fully determined, and that, given the facts determined according to proper application of the law, a different ruling must be reached, and according to state of affairs also in case of violations from Article 195, Paragraph 1, Items 6 and 9, of this Act.

Elaborating Second-Instance Verdicts and Rulings

Article 208

- (1) In elaborations to verdicts i.e. rulings, the second-instance court must appraise key appeal statements and state violations of the laws they considered.
- (2) When the first-instance verdict is cancelled on account of key violations of the provisions of misdemeanour proceedings, the elaboration must state which provisions were violated and what the violations are.
- (3) When the first-instance verdict is cancelled on account of wrongly or incompletely determined facts, the deficiencies in determining facts shall be listed, especially in determinations on parties' motions to obtain and demonstrate certain evidence i.e. why new evidence and facts are important for reaching a proper ruling.

Delivering Documents to First-Instance Court

Article 209

- (1) The second-instance court shall return all documents to the first-instance court, in enough certified transcriptions of its ruling, for the purpose of delivery to parties and other interested persons.
- (2) If the detention is in detention, the second-instance court must deliver its ruling with documents to the first-instance court urgently.

Repeated Trial and Determination of First-Instance Court

Article 210

- (1) The first-instance court that the case was delivered to for repeated trial shall take the previous indictment proposal as its basis. If the first-instance verdict was partially cancelled, this court shall

take as its basis but the part of the indictment proposal that refers to the cancelled part of the verdict.

- (2) New facts can be pointed out and new evidence demonstrated by the parties at the new main hearing i.e. proceedings.
- (3) The first-instance court must execute all procedural actions and debate all disputed issues the second-instance court warned of in its ruling.
- (4) When pronouncing a new verdict, the first-instance court is bound by the ban from Article 202, Paragraph 4, of this Act.

2. APPEAL AGAINST RULING AND LEGAL REMEDY AGAINST COMMAND

Appeal against Ruling

Article 211

- (1) The parties and persons whose rights were violated can always submit an appeal against the ruling of the first-instance court reached, prior, during and following the proceedings executed, unless when this Act proscribes no appeal is permitted. The appeal is submitted to the court that reached the ruling within three days from the delivery of the ruling, unless this Act determines a different deadline. The appeal prolongs the execution of the ruling unless this Act determines otherwise.
- (2) Deliberating on the appeal, the second-instance court can reject the appeal by a ruling as untimely or not permissible, reject the appeal as unfounded or accept the appeal and amend or cancel the ruling, and if necessary deliver the case to the first-instance court for redetermination.
- (3) Appropriate provisions of Article 179, Paragraph 7 and 8, Article 191, Articles 193 through 199 and Article 202, Paragraph 6, of this Act shall be applied to the appeal process against rulings.

Legal Remedy against Command

Article 212

Unless this Act determines otherwise, no appeal or other legal remedy is allowed against command.

Chapter Twenty-Seven (XXVII) EXTRAORDINARY LEGAL REMEDIES

1. RENEWAL OF MISDEMEANOUR PROCEEDINGS

Renewal of Misdemeanour Proceedings to Defendant's Detriment

Article 213

- (1) Misdemeanour proceedings can be executed again upon the request by the authorized plaintiff if:
 1. The indictment proposal was rejected in a legally valid manner because there was no authorized plaintiff,
 2. The indictment proposal was rejected in a legally valid manner out of the reasons envisioned by Article 239, Paragraph 6, of this Act,
 3. Misdemeanour proceedings were abandoned in a legally valid manner because there was no authorized plaintiff,
 4. The indictment was rejected in a legally valid manner because there was no authorized plaintiff.
- (2) Misdemeanour proceedings can be executed again, based on an amended or extended indictment

proposal, if a legally valid ruling rejected the indictment proposal as untidy or incomplete.

(3) If a legally valid verdict rejected the indictment on account of the defendant falling ill following committed misdemeanour of certain permanent mental illness, proceedings shall be continued upon the request from the authorized plaintiff as soon as the causes for reaching the stated ruling cease.

(4) If the authorized plaintiff from Article 109, Paragraph 1, Items 1 through 3, of this Act, did not initiate misdemeanour proceedings within the deadline proscribed, or abandoned the indictment proposal during proceedings, and the indictment was therefore rejected by a legally valid verdict, and the damaged party did not initiate proceedings, misdemeanour proceedings can be renewed if it is proven proceedings have not been initiated i.e. the abandonment of the indictment proposal was caused by the criminal offence of misusing official position of the responsible person in the authorized plaintiff entity. Regarding the argumentation of the criminal offence, the provision of Article 214, Paragraph 2, of this Act, shall be applied.

(5) In case from Paragraph 4 of this Article, the deadlines for expiry start from the date when the conditions for reinitiation of misdemeanour proceedings have been met.

Renewal of Misdemeanour Proceedings to Convict's Benefit

Article 214

(1) Misdemeanour proceedings completed by a legally valid verdict or other misdemeanour ruling can be renewed to the convict's benefit:

1. If it is proven that the verdict or other rulings are based on a false document or a false witness, court expert or interpreter testimony,
2. If it is proven that the verdict or other ruling was reached on account of a criminal offence by the responsible person of the plaintiff or the judge,
3. If new facts are demonstrated or new evidence submitted that are of their own account, or related to earlier evidence, suitable for causing the release of the defendant convicted, or for his/her conviction according to a more lenient regulation,
4. If the convict was convicted several times for the same act, or if several convicts were convicted for the same act, that could have been committed but by one convict or some of them.

(2) In cases from Paragraph 1, Items 1 and 2, of this Article, it must be proven by a legally valid verdict that the stated persons were pronounced as guilty for the criminal offences in question. If proceedings against these persons cannot be conducted because they died or because there are circumstances excluding criminal persecution, the facts from Paragraph 1, Items 1 and, of this Article can also be determined by other evidence.

Persons Empowered for Submitting Requests, Submitting and Deliberating Requests

Article 215

(1) The request for the renewal of misdemeanour proceedings can be submitted by parties, and following the death of the convict, also the persons from Article 192, Paragraph 2, of this Act.

(2) The request can be submitted also after misdemeanour legal sanction has been executed and regardless of expiry due to limitation.

(3) The request is submitted to the misdemeanour court that tried the previous proceedings, who also deliberate on the request.

(4) The request must state what legal basis is used for requesting renewal and what evidence substantiate the facts the request is based on. If the request does not contain these data, the court shall proceed in accordance with Article 117, Paragraph 4, of this Act.

- (5) The judge who participated in reaching the previous ruling cannot participate in deliberation on the request.
- (6) The court shall reject the request by a ruling if they determine the following:
1. That the request does not contain the data from Paragraph 4 of this Article,
 2. That the request was submitted by an unauthorized person, based on the request itself and the file of the previous proceedings,
 3. That there are no legal conditions for the renewal of proceedings,
 4. That the facts and the evidence the request is based on have already been stated in a previous request for proceedings renewal that was rejected by a legally valid court ruling,
 5. That the facts and the evidence are obviously not suited to allow renewal based on them.
- (7) If the court do not reject the request according to Paragraph 6 of this Article, a transcription of the request shall be delivered to the opposing party, that has the right to reply to the request within eight days. When the court have received the reply to the request, or following the expiry of the deadline for providing the reply, the judge shall investigate facts and obtain the evidence that the request refers to in the request and the reply to the request.
- (8) Following the execution of investigation, the court shall immediately decide on the request for proceedings renewal by a ruling, by accepting the request and allowing the renewal of misdemeanour proceedings, or by rejecting the request, if the new evidence are not suitable for realizing the renewal of misdemeanour proceedings.
- (9) If the court determine that the reasons used for allowing renewal exist for some of co-defendants as well, who have not submitter requests, they shall proceed according to their official duty as if such requests existed.

New Proceedings

Article 216

- (1) The same provisions as for the first proceedings are valid for the new proceedings being conducted based on the ruling allowing the renewal of misdemeanour proceedings. During new proceedings, the court is not bound by the rulings reached in earlier proceedings.
- (2) If the new proceedings are abandoned until the beginning of the main hearing, the court shall also cancel the previous verdict by a ruling on abandoning proceedings.
- (3) When the court have reached the verdict in new proceedings, the previous verdict shall be pronounced as partly or fully void or remaining valid. The penalty served by the dedendant shall be calculated into the penalty determined by the new verdict, and if renewal was determine but for some of the acts the convict was convicted for, the court shall pronounce a new single penalty, according to the provisions of Article 39 of this Act.
- (4) The court is always bound by the ban proscribed in Article 202, Paragraph 4, of this Act in new proceedings.

2. REQUEST FOR EXTRAORDINARY PENALTY MITIGATION

Permissibility of Requests for Extraordinary Penalty Mitigation

Article 217

- (1) Mitigation of a legally valid pronounced penalty is allowed when, following legal validity of the misdemeanour ruling pronouncing the convict prison penalty or a financial penalty in the amount higher than HRK ten thousand in case of a natural person, the amount higher than HRK thirty

thousand for the defendant of a natural person – craftsman and the person conducting other independent business activity, and the amount higher than HRK fifty thousand in case of a legal entity, there are circumstances not present when the misdemeanour ruling was pronounced or the court did not know of them, and, had they existed, they would have obviously produced a more lenient conviction.

- (2) The request for extraordinary penalty mitigation cannot be submitted once the penalty has been executed.

Submitting and Persons Empowered for Submitting Requests for Extraordinary Penalty Mitigation

Article 218

- (1) The request for extraordinary penalty mitigation is submitted to the misdemeanour court that reached the misdemeanour ruling in the first instance.
- (2) The request for extraordinary penalty mitigation can be submitted by the convict and his kin who are authorized to submit the appeal against the verdict to his/her benefit.
- (3) The request for extraordinary penalty mitigation does not prolong the execution of the penalty, except in case of the prison penalty, if the first-instance court judge does not order otherwise out of justified reasons.
- (4) The first-instance court delivers the request submitted with no prolongation to the High Misdemeanour Court of the Republic of Croatia.

Deliberating Requests for Extraordinary Penalty Mitigation

Article 219

- (1) The High Misdemeanour Court of the Republic of Croatia deliberate on the request for extraordinary penalty mitigation.
- (2) The High Misdemeanour Court of the Republic of Croatia shall reject i.e. refuse the request as not permissible, if they determine the legal conditions for extraordinary penalty mitigation have not been met. If they accept the request, the court shall modify the legally valid ruling on misdemeanour by a ruling, in regard to the ruling on the penalty.
- (3) The court shall recall the ruling whereby the request for extraordinary penalty mitigation was accepted if it is proven the ruling is based on a false document or a false testimony by a witness or court expert.

3. REQUEST FOR LEGALITY PROTECTION

Request for Legality Protection and Application of Criminal Proceedings Act

Article 220

- (1) The state attorney of the Republic of Croatia can raise the request for legality protection against legally valid court rulings and against court proceedings that preceded these legally valid rulings, if the law was violated.
- (2) The provisions of the Criminal Proceedings Act that refer to raising the legality protection act and deliberation on the request shall be applied in an appropriate manner to the request for legality protection in misdemeanour proceedings.
- (3) The state attorney needs not raise the request for legality protection if he/she holds that the law

was violated, but that the violation of the law did not influence the justice of the ruling, and that this legal matter is not important for the singularity of court practice or the protection of human rights.

PART THREE

SPECIAL PROCEEDINGS AND OTHER PROVISIONS

Chapter Twenty-Eight (XXVIII) URGENT PROCEEDINGS

Conditions for Conducting Urgent Proceedings

Article 221

(1) Urgent proceedings are conducted:

1. For misdemeanours for which a financial penalty up to HRK 10,000.00 in case of a natural person, a financial penalty up to HRK 30,000.00 for a legal entity and up to HRK 10,000.00 for the responsible person in a legal penalty is proscribed as the sole penalty.
 2. Against a minor as misdemeanour perpetrator,
 3. Against a person arrested (Article 134, Paragraph 4),
 4. Against the defendant who detention was determined for (Article 135, Paragraph 1),
 5. Against the defendant who does not have permanent domicile or residence in the Republic of Croatia,
 6. Upon an objection against the mandatory misdemeanour warrant, on account of denying misdemeanour.

(2) Urgent proceedings can also be conducted for misdemeanours which the proscribed penalty for is higher than the one stated in Paragraph 1, Items 1, of this Article, upon plaintiff's motion, but in this case the misdemeanour court cannot pronounce a penalty higher than the one envisioned in Paragraph 1, Item 1, of this Article.

(3) Misdemeanour proceedings commenced as urgent shall be conducted and completed in a legally valid manner as urgent proceedings regardless of whether there conditions for conducting urgent proceedings from Paragraph 1 of this Article still exist.

(4) If proceedings against a legal entity and the responsible person in the legal entity are simultaneously conducted, urgent proceedings shall be conducted only if there are conditions for conducting urgent proceedings envisioned by Paragraph 1 of this Article exist both for the legal entity and the responsible person in the legal entity. If urgent proceedings against the responsible person need to be conducted based on Paragraph 1, Items 3 through 5, of this Article, urgent proceedings shall be conducted also against the legal entity and against the responsible person.

(5) If proceedings are simultaneously conducted against several defendants, urgent proceedings shall be conducted if in relation to all defendants i.e. all misdemeanours, there are conditions for conducting urgent proceedings according to Paragraph 1, Item 1, of this Article. If urgent proceedings need to be conducted against some of the defendants based on Paragraph 1, Items 3 through 5, of this Article, urgent proceedings shall be conducted against all defendants.

(6) If proceedings are simultaneously conducted against an adult and a minor as misdemeanour perpetrator, urgent proceedings shall always be conducted.

(7) If proceedings are conducted against the defendant who committed some misdemeanour while a minor, and other as an adult, urgent proceedings shall be conducted.

Conducting Urgent Proceedings and Application of Other Provisions of this Act

Article 222

- (1) When conducting urgent misdemeanour proceedings, the provisions of this Act are applied accordingly, unless the provisions of this Chapter determine otherwise.
- (2) When conducting urgent misdemeanour proceedings, individual actions in accordance with this Act shall be executed, during which the provisions of this Act regarding the main hearing, its appointment and conduct are not applied.
- (3) In accordance with the provisions of this Act, the court summon the defendant, witnesses, court experts and others for the purposes of interrogation, and when they appraise, based on these evidence and other evidence in the file, that the state of affairs has been clarified enough, they reach the misdemeanour ruling.
- (4) During proceedings, the plaintiff and other participant to proceedings can participate in proceedings in the manner envisioned by this Act.

Chapter Twenty-Nine (XXIX)

PROCEEDINGS INVOLVING MINORS AS MISDEMEANOUR PERPETRATORS

General Provisions

Article 223

- (1) The provisions of this Act are applied in proceedings against minors as perpetrator, unless the provisions of this Chapter determine otherwise.
- (2) Unless this Act determines otherwise, minors as misdemeanour perpetrator must be interrogated before reaching the ruling on misdemeanour.
- (3) When interrogating the minor and undertaking other actions during which the minor is present, the treatment shall be considerate, so that, given the mental development and the minor's personal traits, the conduct of misdemeanour proceedings does not damage the development of his/her personality.
- (4) The minor is summoned and other documents are delivered to him/her through parents, i.e. legal representative, unless this is impossible due to the necessity of urgent proceedings or other justified circumstances.
- (5) The court report to the social care centre when facts and circumstances have been in misdemeanour proceedings that point to the need of undertaking measures for the protection of minor's rights and welfare.
- (6) During proceedings against minors as misdemeanour perpetrator, along with the authority envisioned by this Act, the representative of the social care centre has the right to get acquainted with the proceedings process, motion and warn of facts and evidence important for reaching the right ruling during that process.
- (7) The authorized plaintiff shall notify the responsible social care centre regarding any initiation of proceedings against the minor. If the plaintiff is the damaged party, the court conducting proceedings against the minor must do so.
- (8) None can be relieved of the witness duty regarding the circumstances necessary for the appraisal of minor's mental development, getting acquainted with his/her personality and the circumstance he/she lives in.
- (9) The entities participating in proceedings against the minor and other entities and institutions that information, reports or opinions are requested from, must proceed as urgently as possible in order for proceedings to be completed as soon as possible.

(10) The process state of misdemeanour proceedings against the minor cannot be announced without court approval, as well as rulings reached in the proceedings. It is only the part of proceedings i.e. that part of rulings which approval exists for that can be announced, but the minor's name must not be stated, as well as other data based on which it could be concluded which minor is in question.

(11) The public is always excluded in proceedings against minors, while the court can allow the presence of persons employed in the protection and education of minors and scholars.

(12) The provisions of Paragraphs 5 through 7 of this Article shall not be applied in proceedings against minors as misdemeanour perpetrators without permanent domicile or residence in the Republic of Croatia.

Court of Authority

Article 224

(1) The court of local authority for proceedings against minors as misdemeanour perpetrators is the court of his/her domicile, and if the minor has no domicile or it is unknown – the court of minor's residence. Proceedings can be conducted before the court of minor's residence, if the minor has domicile, or before the court where misdemeanour was committed, if it is obvious proceedings shall be conducted more easily before that court.

(2) The provision of Paragraph 1 of this Article is not applied in case from Article 225, Paragraph 1 (if proceedings are not separated) and 2, of this Act.

(3) The general provisions regarding the authority in misdemeanour proceedings shall be applied in proceedings against minors as perpetrators who have no permanent domicile or residence in the Republic of Croatia.

Separated and Single Proceedings

Article 225

(1) When the minor participated in committing misdemeanour together with an adult person, proceedings against him/her shall be separated and conducted independently, unless the separation of proceedings absolutely cannot be effected with no damage for the matters to be clarified from all sides.

No appeal is allowed against the ruling on proceedings separation and against the ruling of proceedings not being separated.

(2) When the same person has committed one misdemeanour while a minor and the other as an adult, single proceedings shall be conducted.

Principle of Purpose

Article 226

(1) If the court determine that the initiation and conduct of proceedings would not be justified given the personal circumstances of the minor and the misdemeanour committed, they shall decide, regardless of the evidence against the minor, that proceedings do not start or that the proceedings initiated are abandoned.

(2) If the authorized plaintiff from Article 109, Paragraph 1, Items 1 through 3, of this Act has determined there are circumstances from Paragraph 1 of this Article, he/she is authorized not to initiate misdemeanour proceedings, while warning the minor of his/her act and acquainting minor's parent, foster parent, guardian and other persons that take care of him/her regarding the matter.

Rulings in Proceedings against Minor Misdemeanour Perpetrators

Article 227

- (1) The minor misdemeanour perpetrator is pronounced the sentence by a verdict, in the form envisioned for convicting verdicts.
- (2) Proceedings against minors as misdemeanour perpetrators are abandoned by a ruling:
 1. In cases when the court reach the verdict according to Articles 181 and 182 of this Act,
 2. When the court have determined it is not purposeful to pronounce the minor as misdemeanour perpetrator neither the penalty nor educational measures (Article 226, Paragraph 1),
- (3) Educational measures are applied to minors as misdemeanour perpetrators by a ruling. What the measure applied only is stated in the pronouncement of the ruling, but the minor as perpetrator is not pronounced as guilty of the misdemeanour being charged against him/her. The elaboration of the ruling shall state the description of misdemeanour and the circumstances justifying the application of the educational measure applied.
- (4) The minor as misdemeanour perpetrator can be obliged to settle the costs of misdemeanour proceedings and to fulfil the property legal claim only if he/she has own income or assets.
- (5) The appeal against the ruling from Paragraphs 2 and 3 of this Article is submitted within the deadline of eight days.

Chapter Thirty (XXX)
MISDEMEANOUR WARRANT

1. GENERAL PROVISIONS

General Conditions for Issuing Misdemeanour Warrant

Article 228

- (1) The misdemeanour warrant, as a special ruling on misdemeanour, can be issued:
 1. Prior to the initiation of misdemeanour proceedings,
 2. Following the initiation of misdemeanour proceedings, without conducting the main hearing i.e. proceedings.
- (2) The misdemeanour warrant can be issued against an adult misdemeanour perpetrator only.
- (3) Unless this Act determines otherwise, the misdemeanour warrant can, according to the conditions of this Act, pronounce i.e. apply each of the misdemeanour legal sanctions proscribed for adult misdemeanour perpetrators, dispossession of material gain, determine the compensation of the lump sum for the costs of issuing the misdemeanour warrant and the costs incurred by determining misdemeanour by the use of technical means or by conducting necessary analyses and expert analyses.
- (4) The misdemeanour warrant cannot pronounce the prison penalty nor protective measures, except for dispossession of objects and the ban of driving a motor vehicle.
- (5) The other provisions of this Act are applied in appropriate manner in the process of issuing the misdemeanour warrant, unless the provisions on the process of issuing the misdemeanour warrant do not determine otherwise.

Persons Empowered for Issuing Misdemeanour Warrant

Article 229

(1) According to the conditions of this Act, the following entities are authorized to issue the misdemeanour warrant:

1. Court,
2. State administration entity conducting misdemeanour proceedings,
3. Authorized plaintiffs from Article 109, Paragraph 1, Items 1 and 2, of this Act, and state agencies the founders of which are the Croatian Parliament and the Government of the Republic of Croatia.

(2) If the indictment proposal was submitted by the damaged party as the plaintiff, the court and the state administration entity conducting misdemeanour proceedings can issue the misdemeanour warrant but upon his/her proposal.

2. MISDEMEANOUR WARRANT OF INDIVIDUAL EMPOWERED PERSONS

Court

Article 230

The court can issue the misdemeanour warrant if all of the following conditions are met:

1. That the authorized plaintiff from Article 109, Paragraph 1, Items 1, 2, 3 and 4 (in case from Article 229, Paragraph 2), of this Act submitted the indictment proposal,
2. That the court did not reach a ruling in accordance with Article 161, Paragraphs 1 and 4, of this Act,
3. That the indictment proposal misdemeanour was determined:
 - a) by immediate viewing or supervision performed by the authorized person of the plaintiff, who created an official note or minutes regarding this, or
 - b) based on credible documentation, also including the minutes on investigation by the authorized entity, or
 - c) through the use of proscribed technical devices or by conducting appropriate proscribed laboratory analyses or expert analyses.

State Administration Entity Conducting Misdemeanour Proceedings

Article 231

The state administration entity conducting misdemeanour proceedings can issue the misdemeanour warrant if all of the following conditions are met:

1. That the authorized plaintiff from Article 109, Paragraph 1, Items 1, 2, 3 and 4 (in case from Article 229, Paragraph 2), of this Act submitted the indictment proposal, or received a report on the committal of misdemeanour,
2. That the entity did not reach a ruling in accordance with Article 161, Paragraphs 1 and 4, of this Act,
3. That the misdemeanour from the indictment proposal or the report was determined:
 - a) by immediate viewing or supervision performed by the authorized person of the plaintiff or the state administration entity conducting misdemeanour proceedings itself, who created an official note or minutes regarding this, or
 - b) based on credible documentation, also including the minutes on investigation by the authorized entity, or
 - c) through the use of proscribed technical devices or by conducting appropriate proscribed laboratory analyses or expert analyses.

State Attorney

Article 232

The state attorney can issue the misdemeanour warrant if the misdemeanour from the report on misdemeanour was determined:

1. by immediate viewing or supervision performed by the authorized person of the entity that reported the misdemeanour, who created an official note or minutes regarding this, or
2. based on credible documentation, also including the minutes on investigation by the authorized entity, or
3. through the use of proscribed technical devices or by conducting appropriate proscribed laboratory analyses or expert analyses.

State Administration Entities and State Agencies as Authorized Plaintiffs

Article 233

- (1) State administration entities can issue the misdemeanour warrant as authorized plaintiffs if they determined misdemeanour:
 1. By immediate viewing or supervision performed by their authorized persons when conducting inspections or other supervision within their authority, who created an official note or minutes regarding this, or
 2. based on credible documentation, also including the minutes on investigation by the authorized entity, or
 3. through the use of proscribed technical devices or by conducting appropriate proscribed laboratory analyses or expert analyses.
- (2) The provisions of this Act regarding state administration entities as empowered persons for issuing the misdemeanour warrant are fully applied also to state agencies from Article 229, Paragraph 1, Items 3, of this Act.

3. CONTENTS OF AND PROCEDURE FOR ISSUING COMPLAINTS AGAINST
MISDEMEANOUR WARRANTS

Contents of Misdemeanour Warrants and Their Delivery

Article 234

- (1) The misdemeanour warrant is issued in writing by a content that appropriately applies the provisions of Articles 183 and 185 of this Act, unless the provisions of this Article determine otherwise.
- (2) The elaboration of the misdemeanour warrant shall briefly state evidence only, and other conditions envisioned by this Act, that justify its issue.
- (3) The misdemeanour warrant is delivered to the defendant, his/her attorney if he/she has one, and to the plaintiff, while the state administration entity conducting misdemeanour proceedings delivers the same to the defendant, his/her attorney if he/she has one, and to the plaintiff if proceedings are conducted based on the request by an authorized plaintiff.
- (4) Other authorized issuing parties for the misdemeanour warrant deliver the misdemeanour warrant to the defendant.

Complaint against Misdemeanour Warrant

Article 235

- (1) A complaint against the misdemeanour warrant can be submitted by the following parties to the issuing party, within the deadline of eight days:
 1. The defendant,
 2. The attorney,
 3. Persons from Article 192, Paragraph 2, of this Act.
- (2) The defendant can waive the right to submit complaint against the misdemeanour warrant, and can abandon the timely submitted complaint until the initiation misdemeanour proceedings and prior to the misdemeanour warrant being made void.
- (3) Waiving the right to submit the complaint and abandoning the already submitted complaint are irrevocable.
- (4) The defendant who misses the deadline for the submission of the complaint out of justified reasons shall be allowed restitution. The provisions of this Act regarding the application for restitution shall be applied when deliberating the application for restitution on account of missing the deadline for submitting the complaint against the verdict.

Complaint Contents

Article 236

- (1) The complaint contains:
 1. A reference to the misdemeanour warrant against which it is submitted and the entity it is submitted to,
 2. The name and surname of the submitting party and his/her signature,
 3. The basis on account of which the complaint is submitted,
 4. The elaboration, if the complaint is submitted only on account of pronounced i.e. applied misdemeanour legal sanctions.
- (2) The complained timely submitted by an authorized person does not prolong the execution of the misdemeanour warrant.

Bases for Submitting Complaints

Article 237

- (1) The complaint can be submitted on account of:
 1. Denying the misdemeanour
2. Pronounced i.e. applied misdemeanour legal sanction, material gain dispossessed or certain costs in regard to the issue of the misdemeanour warrant.
- (2) If the complaint is submitted on the basis of Paragraph 1, Items 2, of this Article, the submitting party needs to elaborate the complaint, and submit evidence of the facts the complaint is based on.

Complaints Process

Article 238

- (1) Untimely and non-permissible complaint shall be rejected by the misdemeanour warrant issuing party, through a ruling.
- (2) The complaint shall be rejected as untimely if an authorized person submitted it following the expiry of the deadline proscribed by this Act for the submission of complaints.
- (3) The complaint shall be rejected as not permissible if it was submitted by a submitting party not authorized for doing so, in accordance with Article 235, Paragraph 1, of this Act.
- (4) The complaint for which it cannot be determined which misdemeanour warrant it refers to, or who the submitting party is, shall be rejected by a ruling.
- (5) If the complaint does not contain the signature of the submitting party, the submitting party shall be summoned to sign it within 8 days, and failing to do so, the complaint shall be rejected.
- (6) The submitting party of the complaint has the right to appeal the ruling on rejecting the complaint.
- (7) The complaint that does not contain other data from Article 236 shall be considered. If the complaint does not contain the basis from Article 237, Paragraph 1, of this Act, or it is unclear, it shall be considered that the complaint was submitted on account of denying the misdemeanour (Article 237, Paragraph 1, Item 1).
- (8) Deliberating on the appeal against the ruling rejecting the complaint, the High Misdemeanour Court of the Republic of Croatia can do the following, using a ruling:
 1. Reject the appeal as untimely or non-permissible,
 2. Reject the appeal as unfounded,
 3. Accept the appeal, cancel the first-instance ruling and deliver the case of the issuer of the misdemeanour warrant for re-deliberation,
 4. Accept the appeal, amend the first-instance ruling and accept the complaint as timely, permissible i.e. complete, and, in case of complaint from Article 237, Paragraph 1, Item 1, of this Act, submitted against the misdemeanour warrant by the court or a state administration entity conducting misdemeanour proceedings, and deliver them the file for the execution of misdemeanour proceedings, and in case of complaint submitted against the misdemeanour warrant issued by other authorized issuer, deliver the file to them, in order for the file to be delivered to the court or a state administration entity conducting misdemeanour proceedings for the execution of misdemeanour proceedings. The court or a state administration entity shall, in this case, accept the issued misdemeanour warrant as the plaintiff's indictment proposal. By doing so, the provision of Article 117, Paragraph 4, of this Acts shall not be applied, if the misdemeanour warrant contains the data on misdemeanour and its perpetrator. If, in this case, the complaint refers to Article 237, Paragraph 1, Item 2, of this Act, the High Misdemeanour Court of the Republic of Croatia shall proceed according to Paragraph 11 of this Article.
- (9) If the complaint from Article 237, Paragraph 1, Item 1, of this Act was submitted against the misdemeanour warrant by the court or a state administration entity conducting misdemeanour proceedings, who have not reached a ruling in accordance with Paragraphs 1, 4 and 5 of this Article, in case from Paragraph 7 of this Article likewise, misdemeanour proceedings shall be conducted. Following the commencement of the main hearing i.e. prior to the interrogation of the defendant, the misdemeanour warrant issued shall be made void by a ruling. No appeal is allowed against the ruling making the misdemeanour warrant void.
- (10) If the complaint from Article 237, Paragraph 1, Item 1, of this Act was submitted against the misdemeanour warrant by an authorized plaintiff who have not reached a ruling in accordance with Paragraphs 1, 4 and 5 of this Article, the misdemeanour warrant shall be, along with the complaint, delivered to the court of authority for the purposes of proceedings in accordance with Paragraph 9 of this Article.
- (11) If the complaint from Article 237, Paragraph 1, Item 2, of this Act was submitted, and the issuer of the misdemeanour warrant do not reach a ruling in accordance with Paragraphs 1, 4 and 5 of this Article, the misdemeanour warrant, along with the complaint, shall be delivered to the High

Misdemeanour Court of the Republic of Croatia, who shall accept the complaint by means of the appeal against the misdemeanour warrant and decide on the appeal process by appropriate application of the provisions of this Act.

(12) In misdemeanour proceedings conducted in accordance with Paragraph 8, Item 4, and Paragraphs 9 and 10 of this Article, the court is not bound by the ban from Article 202, Paragraph 4, of this Act.

Chapter Thirty-One (XXXI)
MANDATORY MISDEMEANOUR WARRANT AND COLLECTION OF FINANCIAL
PENALTIES AT MISDEMEANOUR COMMITTAL LOCATION

1. MANDATORY MISDEMEANOUR WARRANT

General Conditions for Issuing Mandatory Misdemeanour Warrants

Article 239

(1) The authorized plaintiffs from Article 109, Paragraph 1, Items 1 and 2, of this Act shall mandatorily issue the misdemeanour warrant (the mandatory misdemeanour warrant) prior to the initiation of misdemeanour proceedings against the misdemeanour perpetrator, for the following:

1. Misdemeanours proscribed by rulings of units of local and regional self-governing,
2. Misdemeanours proscribed by law, for which financial penalties only are proscribed as the penalty, up to HRK 2,000.00 for natural persons, up to HRK 5,000.00 for the natural person of craftsman and the person conducting other independent business activities as misdemeanour perpetrators, up to HRK 10,000.00 for a legal entity, and up to HRK 5,000.00 for the responsible person in the legal entity. If both the legal entity and the responsible person in it are accountable for misdemeanour, and the conditions for issuing the mandatory misdemeanour warrant exist but in terms of the legal entity, the mandatory misdemeanour warrant shall be issued both in terms of the legal entity and the person responsible in it. If the conditions for issuing the mandatory misdemeanour warrant exist but in relation to the responsible person, the mandatory misdemeanour warrant shall not be issued.

(2) The authorized plaintiffs from Article 109, Paragraphs 1 and 2, of this Act can issue the misdemeanour warrant in accordance with the provisions on the mandatory misdemeanour warrant even if the law proscribes a financial penalty for a certain misdemeanour higher than the ones from Paragraph 1, Item 2, of this Article, if, according to the provisions of this Act, it is possible to pronounce a reprimand or a financial penalty for the relational misdemeanour up to the amount from Paragraph 1, Item 2, of this Article. In this case the provision of Paragraph 4 of this Article shall not be applied.

(3) If, in case of accumulated misdemeanours, there are no conditions for one or several misdemeanours to issue the mandatory misdemeanour warrant, or if the misdemeanour warrant for several misdemeanours should encompass several defendants, and there are no conditions from Paragraphs 1 and 2 of this Article for some of the misdemeanours, the provisions on mandatory issue of misdemeanour warrant shall not be applied. The authorized plaintiff from Paragraph 1 of this Article can in such a case issue the misdemeanour warrant according to the regulations on mandatory issue of the misdemeanour warrant only in terms of those misdemeanours and their perpetrators for which there are conditions from Paragraphs 1 and 2 of this Article.

(4) The misdemeanour warrant from Paragraphs 1 and 2 of this Article can determine the settlement of a lump sum for the issue of the misdemeanour warrant, apart from the penalty, up to HRK 100.00, as well as the costs incurred by determining the misdemeanour, through the use of technical means or by conducting analyses and expert analyses required.

(5) During the process of issuing the mandatory misdemeanour warrant from Paragraphs 1 and 2 of

this Article, the provisions of this Act on issuing the misdemeanour warrant are also appropriately applied, unless the provisions of this Act on issuing the mandatory misdemeanour warrant determine otherwise.

(6) If the authorized plaintiff submitted the indictment proposal instead the misdemeanour warrant from Paragraph 1 of this Article, the court shall reject such indictment proposal.

(7) The provision of Article 234 of this Act shall be applied to the misdemeanour warrant from Paragraphs 1 and 2 of this Article.

Mandatory Issuing of Misdemeanour Warrants in case of Plaintiffs of Legal Entities with Public Authority or Damaged Parties

Article 240

(1) In case when misdemeanour is proscribed by a ruling of units of local and regional self-governing, and the authorized plaintiff is an entity with public authority or the damaged party, the authorized plaintiff shall submit the request for issuing the mandatory misdemeanour warrant to the responsible entity of the unit of local and regional self-governing.

(2) The request from Paragraph 1 of this Article contains essential data on the submitting party, the defendant, misdemeanour itself and evidence determining the misdemeanour.

(3) The provisions of Article 239, Paragraphs 2 through 6, of this Act shall be appropriately applied to the misdemeanour warrant from Paragraph 1 of this Article.

(4) If the misdemeanour is proscribed by law, and the authorized plaintiff is a legal entity with public authority or the damaged party, the provisions on mandatory issue of the misdemeanour warrant are not applied.

Complaint against Mandatory Misdemeanour Warrant

Article 241

(1) The complaint against the mandatory misdemeanour warrant can be submitted by the following, within the deadline of eight days:

1. The defendant,

2. The attorney,

3. A person from Article 192, Paragraph 2, of this Act.

(2) The complaint is submitted to the issuing entity and has its contents in accordance with Article 236 of this Act.

(3) A complaint that is timely and submitted by an authorized person prolongs the execution of the misdemeanour warrant.

Bases for Complaints

Article 242

(1) The complaint can be submitted on account of the following:

1. Denial of the misdemeanour,

2. Pronounced i.e. applied misdemeanour sanction or certain costs related to the issue of the misdemeanour warrant.

(2) The reasons for denying misdemeanour need to be stated in the complaint on account of misdemeanour denial (did not commit misdemeanour, the act is not misdemeanour, there are

circumstances excluding guilt).

- (3) If the complaint is submitted on account of Paragraph 1, Item 2, of this Article, the submitting party needs to elaborate the complaint and submit evidence on facts the complaint is based on.

Previous Complaint Process

Article 243

(1) When the entity that issued the misdemeanour warrant have received the complaint against the misdemeanour warrant, they shall immediately deliver it along with the case file to the misdemeanour court in authority according to the location of misdemeanour committal.

(2) The court shall reject untimely and non-permissible complaints by a ruling, as well as the complaint of which the submitting party or the misdemeanour warrant the complaint is submitted against cannot be established.

(3) If the complaint does not contain the signature of the submitting party, the court shall summon the submitting party to sign it within 8 days, and failing to do so, the complaint shall be rejected.

(4) No appeal is allowed against the ruling rejecting the complaint.

(5) The complaint that does not contain other data from Article 236 of this Act shall be considered. If the complaint does not contain the basis from Article 237, Paragraph 1, of this Act, or it is unclear, it shall be considered that the complaint was submitted on account of denying misdemeanour (Article 237, Paragraph 1, Item 1).

(6) It is not possible to submit the appeal of restitution in the process of issuing the mandatory misdemeanour warrant.

Deliberating Complaints

Article 244

(1) If the court have not rejected the appeal submitted on account of denying misdemeanour, or have not reached the verdict because of the existence of some of the reasons from Article 196, Items 1 through 4, of this Act, urgent proceedings shall be conducted (article 221), and the verdict against no appeal is allowed shall be reached.

(2) If the complaint was submitted on account of pronounced penalty or proceedings costs, the court shall reject the complaint and confirm the misdemeanour warrant by a verdict outside hearing or urgent proceedings, if they find the complaint unfounded, or use the verdict to amend the misdemeanour warrant in terms of rulings regarding the penalty or proceedings costs, if they find the complaint partly or fully founded.

(3) No appeal is allowed against the verdict from Paragraph 2 of this Article.

2. COLLECTION OF FINANCIAL PENALTIES AT MISDEMEANOUR COMMITTAL LOCATION

Empowered Persons and Conditions for Collecting Financial Penalties at Misdemeanour Committal Location

Article 245

(1) Unless the law determines otherwise, the financial penalty can be collected at the location of misdemeanour committal, if the financial penalty of up to HRK 1,000.00 for the natural person and

the responsible person in a legal entity, and up to HRK 10,000.00 for a legal entity or subject of equal status, is proscribed for the misdemeanour, and the official person of the authorized plaintiff, except the damaged party, determined the misdemeanour:

- a) performing supervision within the scope of his/her authority,
- b) by immediate viewing,
- c) through the use of technical devices,
- d) by inspecting credible documentation.

(2) If the misdemeanour was committed by a legal entity and its responsible person, in order to proceed according to Paragraph 1 of this Article, it is sufficient that there is the condition from Paragraph 1 of this Article regarding the financial penalty proscribed for the legal entity only or the responsible person only.

(3) A financial penalty pronounced orally according to the conditions of Paragraph 1 of this Article is collected from the misdemeanour perpetrator, along with the issue of the receipt on the collection. The cost of determining misdemeanour through the use of technical devices can be immediately collected in the same manner.

(4) If the misdemeanour perpetrator, in accordance with Paragraphs 1 and 2 of this Article, pays the pronounced financial penalty and the cost of determining misdemeanour, misdemeanour proceedings shall not be conducted, the penalty pronounced is not entered into the misdemeanour register, and the misdemeanour perpetrator is not considered a person convicted of misdemeanour.

(5) If a police official, proceeding in accordance with Paragraph 1 of this Article, pronounces a financial penalty to the misdemeanour perpetrator who does not have domicile or permanent residence in the Republic of Croatia, and determines the costs of the process, and he/she refuses to pay the fine and the costs, the police official can arraign the perpetrator to the misdemeanour judge, along with submission of the indictment proposal. The misdemeanour judge shall immediately interrogate the misdemeanour perpetrator arraigned. If the conditions for detaining the defendant have not thereby been met, in accordance with the provision of Article 135, Paragraph 3, of this Act, the judge can proceed in accordance to Article 136 of this Act.

(6) When the police, performing the affairs of supervision, determine misdemeanour has been committed, for which but financial penalty up to HRK 1,000.00 is proscribed, of especially light nature and with the perpetrator having not committed similar misdemeanours earlier, they can, instead of proceeding in accordance to Paragraphs 1 and 2 of this Article, issue a written, or pronounce an oral warning to the misdemeanour perpetrator.

(7) Proceeding according to Paragraph 6 of this Article shall be regulated in detail by regulations by the minister in charge of internal affairs.

Chapter Thirty-Two (XXXII) OTHER SPECIAL PROCESSES AND ACTIONS

Process of Recalling Conditional Convictions

Article 246

(1) When the conditional sentence determines the penalty shall be executed unless the convict returns the material gain, compensates damages or complies with other obligations, and the convict has not met these obligations within a certain deadline, the first-instance court shall conduct proceedings for the recall of the conditional sentence, upon the proposal by an authorized plaintiff or the damaged party.

(2) The court shall interrogate the convict if he/she is available in the process of recalling the conditional sentence from Paragraph 1 of this Article, and undertake necessary investigation for the

purposes of determining facts and gathering evidence important for the ruling on the recall of the conditional sentence.

(3) If the court have determined the convict did not meet the obligation as determined by the verdict, they shall reach the verdict recalling the conditional sentence and determine the execution of the pronounced penalty, or determine a new deadline for meeting the obligation, or replace this obligation with another, or release the convict from the obligation. If the court find there is no basis for reaching some of these rulings, they shall abandon the process of recalling the conditional sentence by a ruling.

Search

Article 247

If the domicile or the residence of the defendant is unknown during proceedings and the process of the execution of the misdemeanour ruling, and in other cases as well, when this is required according to this Act, the court shall request the police to locate the defendant and notify the court of his/her address. Simultaneously with the search request, the court can request from the police to execute the arraignment warrant.

Warrant of Apprehension

Article 248

- (1) The court can order the warrant of apprehension to be issued against the defendant on the run, who misdemeanour proceedings have been initiated against, for misdemeanour for which a financial penalty of HRK two thousand or higher can be pronounced, or against whom the pronounced misdemeanour legal sanction pronounced for such misdemeanour needs to be executed.
- (2) The order for issuing the warrant of apprehension is delivered to an internal affairs entity by the court, in authority according to the location of the court before which misdemeanour proceedings are being conducted, and which issue the warrant of apprehension.
- (3) The court that ordered the issue of the warrant of apprehension shall recall the order on issue or a warrant of apprehension already issued if:
 1. The person searched for has been located,
 2. Misdemeanour persecution expired due to limitation,
 3. The execution of the pronounced misdemeanour legal sanction expired due to limitation,
 4. Some other reason for the warrent of apprehension being further unnecessary has arisen.

Process of Applying the Legal Consequences of Negative Misdemeanour Points

Article 249

- (1) If the convict collected the number of negative misdemeanour points for which the law envisions the occurrence of certain legal consequences, the entity in authority of registering negative misdemeanour points shall determine that the convict collected that number of negative misdemeanour points by a ruling, and apply the legal consequence envisioned by a special act, using a ruling.
- (2) The convict has the right to appeal against the ruling from Paragraph 1 of this Article within the deadline of 8 days. The appeal prolongs the execution of the ruling. The High Misdemeanour Court of the Republic of Croatia deliberate on the appeal.

Provisions on Other Special Processes

Article 250

- (1) The court dispossesses the material gain obtained through misdemeanour following its official duty. Unless this Act determines otherwise, the provisions of the Criminal Proceedings Act are appropriately applied in proceedings for the dispossession of material gain and proceedings for the compensation of damages and realization of other rights of unjustly convicted or those arrested without proper basis.
- (2) The rehabilitation of convicted persons according to the conditions of this Act occurs as per fore of the law and no special ruling is reached regarding this. All state entities take care of the occurrence of rehabilitation as per their official duty.

Chapter Thirty-Three (XXXIII)
TRANSITIONAL AND FINAL PROVISIONS

Material Law and Completion of Ongoing Proceedings

Article 251

- (1) Material law provisions of this Act are applied to misdemeanours committed following the enforcement of this Act, except in case of applying the rules on more lenient regulations to the misdemeanour perpetrator, and unless the provisions of this Chapter determine otherwise.
- (2) Misdemeanour proceedings that was initiated prior to the enforcement of this Act shall be continued and be completed in a legally valid manner according to procedural provisions of the Misdemeanour Act (the Official Gazzete no. 88/02, 122/02, 187/03, 105/04 and 127/04), unless the provisions of this Chapter determine otherwise.
- (3) The provisions of the Misdemeanour Act (the Official Gazzete no. 88/02, 122/02, 187/03, 105/04 and 127/04) shall be applied in terms of extraordinary legal remedies in misdemeanour proceedings completed in a legally valid manner according to this Act.

Executing Rulings

Article 252

The rulings reached according to the Misdemeanour Act (the Official Gazzete no. 88/02, 122/02, 187/03, 105/04 and 127/04) shall be executed according to the provisions of this Act.

Negative Misdemeanour Points

Article 253

- (1) Negative points proscribed by a special act are considered, on the day of the enforcement of this Act, the negative misdemeanour points and a legal consequence of conviction according to this Act.
- (2) Negative points that the defendant has collected according to the Misdemeanour Act (the Official Gazzete no. 88/02, 122/02, 187/03, 105/04 and 127/04) shall be considered in the application of the legal conviction of the conviction, in accordance with this Act.

Fines

Article 254

(1) The fine for misdemeanour proscribed by law or other regulations are considered as proscribed financial penalty for this misdemeanour, following the enforcement of this Act, in the same amount.

(2) The fine pronounced for misdemeanour proscribed by law or other regulations before the enforcement of this Act, is considered as a financial penalty, following the enforcement of this Act, in the same amount.

Protective Measures

Article 255

Protective measures pronounced in a legally valid manner according to the provisions of the Misdemeanour Act (the Official Gazzete no. 88/02, 122/02, 187/03, 105/04 and 127/04) shall be applied according to the provisions of this Act, unless in case from Article 253, Paragraph 2, of this Act.

Regulations for Execution

Article 256

Responsible ministers shall reach or adjust to this Act the execution regulations envisioned by this Act within the deadline of one month following the enforcement of this Act at the latest.

Effects of Act Enforcement

Article 257

(1) If other regulation proscribes material law and procedural provisions contrary to this Act on the day of the enforcement of this Act, the provisions of this Act shall be applied.

(2) By enforcing this Act, the Misdemeanour Act (the Official Gazzete no. 88/02, 122/02, 187/03, 105/04 and 127/04) becomes void.

Act Enforcement

Article 258

This Act shall be published in the Official Gazzete and is enforced from 1 January 2008.