

## **5. CRIME OF FOREIGNERS**

Since 2010, the Act No. 40/2009 Sb., Criminal Code is valid and, at the same time, the Act No. 140/1961 Sb. remains valid. Data in tables for convicted persons are summarised since 2010 according to both the old and new Criminal Code.

Tables 5-1. and 5-4. are headcounts, i.e. each person is counted only once in the given overview. Tables 5-2a. and 5-2b. are counted by section, i.e. when a person was convicted of more crimes in the given year, such a person is counted more times. Therefore, it is impossible to compare the sum of convicted persons in total with the sum of convicted persons by section.

The numbers of prosecuted and accused individuals, individuals disposed of in summary pre-trial proceedings, and individuals on whom a motion for punishment was filed are compiled from statistical criminal reports completed by district, regional, and high prosecuting attorney's offices. The statistical criminal report is completed for each known person recorded in the register for supervision in criminal proceedings and supervision in summary pre-trial proceedings. Where the proceedings were discontinued conditionally, the report is not completed, until the final and conclusive decision of the court is delivered in compliance with the Section 308 of the Code of Criminal Procedure. The reports are not made, if proceedings on a matter took place and no perpetrator (suspect) was revealed. The statistical criminal report is completed in accordance with the contents of files, identically for all persons irrespective of the way the matter is settled.

The numbers of convicted persons are also derived from statistical criminal reports completed by district and regional courts of law; they are given separately according to both the old and new Criminal Code. A statistical criminal report is made immediately when the ruling comes into force and for each person concerned. Where the proceedings were discontinued conditionally, the statistical criminal report is not completed, until the final and conclusive decision of the court is delivered in compliance with the Section 308 of the Code of Criminal Procedure. If a convicted person is found guilty of more crimes, only the most serious crime is given in the report.

**The data on persons in prisons and serving custody are taken from records of the General Directorate of the Prison Service of the Czech Republic on the numbers of convicted and accused persons in prisons and remand prisons.**

Persons prosecuted - the number of persons, who were notified of the accusation pursuant to the Section 160 of the Code of Criminal Procedure (delivered, announced) in the reference year.

Persons accused – the number of persons against whom a legal action was brought under the Section 176 of the Code of Criminal Procedure in the reference year.

Shortened preparatory procedure – the number of persons against whom shortened preparatory procedure conducted under the Section 179(a) of the Code of Criminal Procedure was terminated in the reference year.

Motion for sentence - the number of persons on whom a motion for sentence was submitted in court pursuant to the Section 179(c) of the Code of Criminal Procedure.

Convicted person - a person, against whom a court of law issued a judgment of conviction, which already came into force.

Note: Data are drawn from statistical reports delivered to the Ministry of Justice of the CR in the reference year.

### **Judiciary expulsion (expulsion punishment)**

from the territory of the Czech Republic imposed by a court on an offender who is not a citizen of the Czech Republic (Section 80 of the Act No. 40/2009 Sb., the Criminal Code):

as an independent punishment;

or together with another sentence.

Based on a final and conclusive decision of a court on an expulsion sentence imposed, the Alien Police Service Directorate declare a foreigner an undesirable person and they include the foreigner

*in the register of undesirable people (Section 154, paragraph 3 of the Act No. 326/1999 Sb., on the stay of foreigners on the territory of the Czech Republic and on changes to some acts, as amended). The register of undesirable people is part of the alien information system, which is a source for statistical data provided in the Chapter 7, part 7-6 Expulsion from the CR.*