

*251/2016 Coll. version effective from 1 February 2022*

<b>changed</b>	<b>with effect from</b>	<b>Note</b>
Act No. <b>417/2021 Coll.</b>	1.2.2022	
Act No. <b>327/2021 Coll.</b>	1.1.2022	
Act No. <b>178/2018 Coll.</b>	16.8.2018	

**251**

**LAW**

of 15 June 2016

**on certain offences**

Parliament has agreed on this law of the Czech Republic:

### **§ 1**

#### **Subject of modification**

This Act regulates certain offences occurring in various sections of the public administration, including the type and amount of administrative penalties that may be imposed for their commission.

### **§ 2**

#### **Offences against public order occurring in several departments of the public administration**

- (1)** A natural, legal or entrepreneurial natural person commits an offence by illegally making a reproduction of a valued item or by illegally making or putting into circulation an item that could be confused with a valued item, or by illegally having such an item made or using it.
- (2)** A natural person commits an offence by intentionally
  - a)** provides incorrect or incomplete information to the administrative authority or withholds the required information from the administrative authority or provides incorrect or incomplete information in an affidavit to the administrative authority,
  - b)** provides incorrect or incomplete information to the administrative authority or withholds the required information from the administrative authority in order to obtain an undue advantage,

- c) destroys, damages or unlawfully removes or breaks an official seal or official mark,
  - d) destroys, damages or unlawfully removes a public notice or alters its contents,
  - e) gives false or incomplete testimony in an administrative proceeding,
  - f) as a person giving an explanation before the administrative authority about an offence committed by another, he or she makes a false statement about a circumstance which is of material importance for the decision or conceals such a circumstance,
  - g) is acting improperly in an official capacity, or
  - h) fails to comply with the restrictive measures imposed in the infringement proceedings.
- (3) A legal or natural person commits an offence by
- a) provides incorrect or incomplete information to the administrative authority or withholds the required information from the administrative authority or provides incorrect or incomplete information in an affidavit to the administrative authority,
  - b) provides incorrect or incomplete information to the administrative authority or withholds the required information from the administrative authority in order to obtain an undue advantage,
  - c) destroys, damages or unlawfully removes or breaks an official seal or official mark,
  - d) destroys, damages or unlawfully removes a public notice or alters its contents,
  - e) gives false or incomplete testimony in an administrative proceeding, or
  - f) as a person giving an explanation to the administrative authority about an offence committed by another, he or she makes a false statement about a circumstance which is of material importance for the decision or conceals such a circumstance.
- (4) The offence is punishable by a fine of up to
- a) CZK 10 000 if the offence is an offence under paragraph 1, paragraph 2(c) or (d) or paragraph 3(c) or (d),
  - b) CZK 20 000 if the offence is an offence under paragraph 2(a), (e), (f), (g) or (h) or paragraph 3(a), (e) or (f), or
  - c) CZK 50 000 if the offence is an offence under paragraph 2(b) or paragraph 3(b).

### § 3

#### Offences in the field of general internal administration

- (1) A natural person commits an offence by intentionally damaging, misusing or grossly

disrespecting a legally protected symbol other than the state symbol of the Czech Republic.

- (2) A legal or natural person commits an offence by damaging, abusing or grossly disrespecting a legally protected symbol other than the state symbol of the Czech Republic.
- (3) A natural person or an entrepreneurial natural person commits an offence by appropriating and displaying a distinction, honorary title or other similar award conferred by a public authority.
- (4) A fine of up to CZK 3 000 may be imposed for an offence under paragraphs 1 to 3.

#### § 4

##### **Offences against order in state administration and offences against order in local government**

- (1) A natural person, legal entity or natural person engaged in business commits an offence by violating an obligation set out in a municipal or regional ordinance.
- (2) A natural person, legal entity or natural person engaged in business commits an offence by violating an obligation set out in a generally binding municipal or regional ordinance.
- (3) A fine of up to CZK 100 000 may be imposed for an offence under paragraph 1 or 2.
- (4) If a natural person commits an offence under paragraph 1 or 2, restrictive measures may be imposed.

#### § 5

##### **Offences against public order**

- (1) A natural person commits an offence by
  - a) fails to obey a request of an official in the exercise of his or her authority,
  - b) disparages the position of an official in the exercise of his powers,
  - c) obstructs an eviction from the common dwelling carried out pursuant to **the Police of the Czech Republic Act** or a court decision on an interim measure on protection against domestic violence pursuant to the **Special Court Proceedings Act**,
  - d) will disturb the peace of the night,
  - e) will cause public outrage,
  - f) pollutes a public space, a publicly accessible building or a publicly accessible facility or neglects the obligation to clean the public space,

- g)** damages or unlawfully occupies a public space, a publicly accessible object or a public utility facility, if the cases are not punishable under other laws,
  - h)** deliberately destroy, damage, deface or unlawfully remove, confuse, alter, obscure or relocate a tourist sign or other orientation marking,
  - i)** violates the conditions imposed for the protection of public order during sporting, cultural, commemorative and other social events or in places intended for recreation, tourism or burial,
  - j)** on the way to, at the venue of, or on the way back from an organised sports match, has his or her face covered in such a way as to make it difficult or impossible to identify him or her; or
  - k)** brings a pyrotechnic product to an organised sports match or uses a pyrotechnic product at the venue of such a match, on the way to such a match or on the way back from such a match.
- (2)** A legal or natural person commits an offence by
- a)** will disturb the peace of the night,
  - b)** pollutes a public space, a publicly accessible building or a publicly accessible facility or neglects the obligation to clean the public space,
  - c)** damages or unlawfully occupies a public space, a publicly accessible object or a public utility facility, if the cases are not punishable under other laws,
  - d)** destroys, damages, defaces or unlawfully removes, replaces, alters, obscures or relocates a tourist sign or other indicative marking; or
  - e)** violates the conditions imposed for the protection of public order during sporting, cultural, commemorative and other social events or in places intended for recreation, tourism or burial.
- (3)** The offence is punishable by a fine
- a)** up to CZK 5 000 if the offence is an offence under paragraph 1(h) or paragraph 2(d),
  - b)** up to CZK 10 000 if the offence is an offence under paragraph 1(a), (b), (d), (e), (i) or (j) or paragraph 2(a) or (e),
  - c)** up to CZK 20 000 if the offence is an offence under paragraph 1(c) or (f) or paragraph 2(b),
  - d)** up to CZK 50 000 if the offence is an offence under paragraph 1(g) or paragraph 2(c), or

- e) from CZK 10 000 to CZK 50 000 if the offence is an offence under paragraph 1(k).
- (4) If an offence under paragraph 1 or 2, with the exception of offences under paragraph 1(h) and paragraph 2(d), is committed repeatedly after the entry into force of the decision on the offence under the same paragraph, a fine shall be imposed
- a) up to CZK 15 000 if the offence is an offence under paragraph 1(a), (b), (d), (e), (i) or (j) or paragraph 2(a) or (e),
  - b) up to CZK 30 000 if the offence is an offence under paragraph 1(c) or (f) or paragraph 2(b),
  - c) up to CZK 75 000 if the offence is an offence under paragraph 1(g) or paragraph 2(c), or
  - d) from CZK 10 000 to CZK 100 000 if the offence is an offence under paragraph 1(k).
- (5) Restrictive measures may be imposed for an offence under paragraph 1.
- (6) An attempt to commit an offence under paragraph 1(k) shall be punishable.
- (7) Night-time shall be defined as the period from the twenty-second hour to the sixth hour. The municipality may, by general binding decree, provide for exceptional cases, in particular festivities or similar social or family events, during which the hours of night-time rest shall be limited to a shorter period or during which the hours of night-time rest need not be observed.

### § 5a

#### **Offence of breach of confidentiality in connection with criminal proceedings**

- (1) A natural, legal or business person who provides assistance to law enforcement authorities in criminal proceedings commits an offence by breaching the obligation of confidentiality under **Section 8(7)** of the Criminal Procedure Code.
- (2) A fine of up to CZK 500 000 may be imposed for an offence under paragraph 1.

### § 6

#### **Offence of perjury**

- (1) A natural person, as a person giving an explanation to a law enforcement authority about a criminal offence committed by another, commits an offence by deliberately making a false statement about a circumstance which is of material importance for the decision or by concealing such a circumstance.
- (2) A legal person or a natural person engaged in business, as a person giving an explanation to a

law enforcement authority about a criminal offence committed by another, commits an offence by stating an untruth about a circumstance which is of material importance for the decision or by concealing such a circumstance.

- (3)** A fine of up to CZK 50 000 may be imposed for an offence under paragraph 1 or 2.

## **§ 7**

### **Offences against civil coexistence**

- (1)** A natural person commits an offence by
- a)** injures another's honour by ridiculing or otherwise grossly insulting him,
  - b)** harm to another, or
  - c)** intentionally disrupts civil coexistence by
    - 1.** threatens another with bodily harm,
    - 2.** falsely accuses another of a misdemeanor,
    - 3.** commits an act of disapproval against another, or
    - 4.** commits any other abusive act against another.
- (2)** A legal person commits an offence by
- a)** injures another's honour by ridiculing or otherwise grossly insulting him,
  - b)** disrupts civil coexistence by
    - 1.** falsely accuses another of a misdemeanor,
    - 2.** commits an act of disapproval against another, or
    - 3.** commits any other abusive act against another.
- (3)** A natural, legal or business person commits an offence by
- a)** restricts or prevents a member of a national minority from exercising the rights of members of national minorities, or
  - b)** causes harm to another because of his or her membership of a national minority or ethnic origin, his or her race, colour, sex, sexual orientation, language, faith or religion, age, disability, political or other opinion, membership of or activity in political parties or political movements, trade unions or other associations, social origin, property, birth, health or marital status.
- (4)** The offence is punishable by a fine of up to

- a) CZK 10 000 if the offence is an offence under paragraph 1(a) or paragraph 2(a), or
  - b) CZK 20 000 if the offence is an offence under paragraph 1(b) or (c), paragraph 2(b) or paragraph 3.
- (5) If an offence under paragraphs 1 to 3 is committed repeatedly after the entry into force of the decision on the offence under the same paragraph, a fine of up to
  - a) CZK 15 000 if the offence is an offence under paragraph 1(a) or paragraph 2(a), or
  - b) CZK 30 000 if the offence is an offence under paragraph 1(b) or (c), paragraph 2(b) or paragraph 3.
- (6) Restrictive measures may be imposed for an offence under paragraph 1. If a natural person commits an offence under paragraph 3, a restrictive measure may be imposed.
- (7) Proceedings for an offence under paragraph 1(b) or (c) committed between close persons or for an offence under paragraph 1(a) or paragraph 2(a) may be initiated and proceedings already initiated continued only with the consent of the person directly affected by the offence.
- (8) When dealing with an offence under paragraph 1(a) or 2(a), the administrative authority shall attempt to reconcile the accused and the person who has been defamed. If reconciliation is achieved, the administrative authority shall discontinue the proceedings by a decision against which no appeal may be lodged.

## § 8

### Offences against property

- (1) A natural person commits an offence by intentionally
  - a) causes damage to someone else's property
    - 1. theft,
    - 2. by embezzlement,
    - 3. by fraud, or
    - 4. by destroying or damaging an item of such property;attempting to commit this offence is punishable,
  - b) unauthorized use of someone else's property,
  - c) appropriates another's property by discovery or otherwise without the consent of the person entitled, or

- d) hides, uses or transfers to himself or to another a thing which has been obtained by an offence committed by another person, or what has been procured for such a thing.
- (2) A legal or natural person commits an offence by
  - a) causes damage to someone else's property
    - 1. theft,
    - 2. by embezzlement,
    - 3. by fraud, or
    - 4. by destroying or damaging an item of such property;attempting to commit this offence is punishable,
  - b) unauthorized use of someone else's property,
  - c) appropriates another's property by discovery or otherwise without the consent of the person entitled, or
  - d) hides, uses or transfers to himself or to another a thing which has been obtained by an offence committed by another person, or what has been procured in exchange for such a thing.
- (3) An offence under paragraph 1(a) shall also be committed by an organiser, guide or helper.
- (4) A fine of up to CZK 50 000 may be imposed for an offence under paragraphs 1 to 3.
- (5) If an offence under paragraphs 1 to 3 is committed repeatedly after the decision on the offence under the same paragraph has become legally binding, a fine of up to CZK 70 000 shall be imposed.
- (6) Restrictive measures may be imposed for an offence under paragraph 1 or 3.
- (7) Proceedings for an offence under paragraph 1 or 3 committed between close persons may be initiated and proceedings already initiated continued only with the consent of the person directly affected by the offence.

## § 9

### Offences in the field of business

- (1) A natural, legal or entrepreneurial person commits an offence by carrying out a commercial, manufacturing or other gainful activity without a public authorisation, if required.
- (2) A legal or natural person commits an offence by
  - a) fails to fulfil an obligation



1. to indicate on business documents and in information published in a manner allowing remote access the details of its business name and, if it does not have one, its name, registered office, entry in the Commercial Register, including the section and entry, or in another public register, or in another register, if it is a person not entered in the public register, and the personal identification number, if any, assigned to it,
  2. file a petition for registration, amendment or cancellation of an entry in the Commercial Register or in another public register, or in another register, or deposit the instrument in a collection of documents; or
  3. to use its business name, and if it does not have one, its name,
- b) includes information on the commercial document which is likely to create a misleading impression.
- (3) The offence is punishable by a fine of up to
- a) CZK 100 000 if the offence is an offence under paragraph 1 or paragraph 2(a), or
  - b) CZK 50 000 if the offence is an offence under paragraph 2(b).
- (4) An offence under paragraph 2(b) shall be punishable, together with a fine, by a ban of up to one year.

## § 10

### Offences in the field of infringement of rights to a trade name

- (1) A natural, legal or business person commits an offence by using a trade name or any sign interchangeable with the trade name or sign characteristic of another entrepreneur.
- (2) A fine of up to CZK 50 000 may be imposed for an offence under paragraph 1.

## § 11

### Health offence

- (1) A natural person commits an offence by intentionally obstructing, impeding or endangering the provision of a health service.
- (2) A legal or natural person commits an offence by obstructing, hindering or endangering the provision of a health service.

- (3) A fine of up to CZK 100 000 may be imposed for an offence under paragraph 1 or 2.

## § 12

### Records of offences

The register of offences kept by the Criminal Register shall record final decisions on offences under

- a) § Sections 5, 7 and 8, with the exception of decisions on an offence under Sections 5(1)(h) and 5(2)(d),
- b) § 4 (2) consisting in violation of the obligation laid down by a generally binding municipal ordinance for the organisation, conduct and termination of sports and cultural events open to the public, including dance parties and discos, by setting binding conditions to the extent necessary to ensure public order<sup>1</sup>.

## § 13

### Repeated offences

An offence under Sections 5, 7 and 8, with the exception of an offence under Sections 5(1)(h) and 5(2)(d), is committed repeatedly if no more than 12 months have elapsed between the entry into force of the decision on the same offence of which the accused was found guilty and the commission of the offence.

## § 14

### Efficiency

This Act shall enter into force on 1 July 2017.

**Hamáček** v. r.

**Zeman** v. r.

**Sobotka** v. r.

#### Footnotes:

§ 10 128/2000 Coll., on municipalities (**municipal establishment**), as amended by Act No. **313/2002 Coll.**

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313/2002 Coll.