



Preventive confiscation

- announcement of an amendment to the Criminal Code*

*as at the date of preparing this information, a draft act introducing amendments has not been published yet, the information comes from statements made by representatives of the Ministry of Justice.

Possibility of applying confiscation without conviction

Confiscation may be applied in relation to property held by:

- a suspect (which means that this procedure may be used already at the pre-trial stage),
- an accused (i.e. during the trial pending before the court but before the judgment),
- a convicted,
- an acquitted.

Confiscation may be applied in relation to property belonging to persons against whom no criminal proceedings are pending

Confiscation may be applied in relation to property of another person who is not a party to criminal proceedings, if, for example, such person had close relations with a suspect/ accused/convicted person, and acquired property whose value is not adequate to his or her financial capabilities.

A condition for confiscation of such property is that it belonged to the suspect/accused/ convicted person in the period of 5 years before committing a crime (even if it was later transferred onto another person).

Special property confiscation procedure

- a decision on property confiscation will be taken by the court at the prosecutor's request;
- an owner of property at risk of confiscation will have to provide evidence that the property has been legally acquired,
- its applicability will be limited to certain types of crime.