

### Can i resist the decision?

You can appeal against the decision but only **against the amount of damages awarded** by the administrative body.

### What about the cost of the procedure?

If you incurred any cost in relation to the misdemeanour procedure you are entitled to a reimbursement. In order to have your cost reimbursed, you must be able to provide documents proving the existence and amount of the cost.

### Can i file a complaint against incidents that happened some time ago?

The law stipulates a **preclusive period** for misdemeanours. The perpetrator cannot be punished after this period ends. The length of this period depends on the severity of the misdemeanour.

In general, the preclusive period is **1 year** but it may be **3 years** for more serious misdemeanours. A more serious misdemeanour is one where the law allows fines in excess of CZK 100,000.

### Are personal data protected in misdemeanour procedures?

You can submit a **request to the administrative body to exclude certain sensitive information** from viewing the file. Persons who then wish to view the file will not be able to see this information. If you asked for information to be concealed in previous criminal proceedings regarding the same matter the administrative body will automatically conceal the same data.

You can find more information at:



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**Basic information about  
misdemeanour procedures**

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## What is a misdemeanour?

A misdemeanour is a socially harmful, illegal action of a less serious nature than a crime. Specific misdemeanours are listed in a number of Acts, e.g. the Act on Certain Misdemeanours. They include offences against civil coexistence such as **vi-lification**, ridicule and less serious **bodily harm and threats**.

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## What is the difference between a misdemeanour and a crime?

Even legal professionals may sometimes find it difficult to differentiate between these two categories. Nevertheless, the key distinction is the severity of the offence.

For example, a theft of assets in a value up to CZK 10,000 is a misdemeanour. If the value of the stolen property exceeds this threshold, the offence is considered a crime. In cases of bodily harm, the key factor is how long the victim is unable to work or how long he/she is limited in his/her everyday activities. If this period exceeds seven days, the offence is considered a crime.

However, **it is not up to you to qualify the offence!** If you report a misdemeanour to an administrative body (typically the municipal office) and they later conclude that the offence is, in fact, a crime rather than a misdemeanour, the **case**

**will be handed over** to the Police. The same applies vice versa: if you report a crime to the Police and the matter is found to be only a misdemeanour, the Police will pass the case to the relevant administrative body.

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## How can I report a misdemeanour?

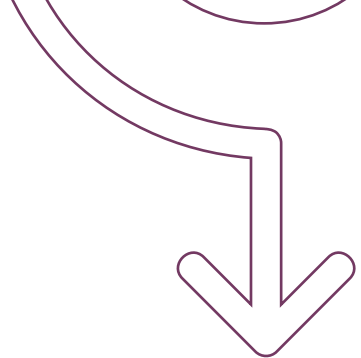
There are practically no limits to who can report misdemeanours. Misdemeanours are to be reported to the relevant **District Section of the Police or to the local municipal office**. Misdemeanours can be reported orally or in writing. A written report should include the following information:

- who is the alleged victim,
  - who is the alleged perpetrator,
  - what happened and how did it happen,
  - when and where did the incident occur,
  - why did the incident happen,
  - what damage was caused and to whom,
  - proposed evidence.
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## What happens during a misdemeanour procedure?

A misdemeanour procedure is opened by the administrative body based on a report or at its own initiative. The administrative body always retains the discretion to decide whether or not to open a misdemeanour procedure.

Some misdemeanours require the **victim's consent** before a procedure can begin. In the absence of this consent, the procedure cannot start. This applies primarily to property offences and offences against civil coexistence such as bodily harm, breach of civil coexistence or defamation. The administrative body usually requires an oral



hearing closed to the public. In some cases, proceedings purely in written form may be possible.

If you are summoned to the proceedings you must attend and testify. You can bring along your attorney. During an oral hearing, the administrative body hears evidence such as witness statements and reading of documents. In defamation cases, the administrative body first tries to reconcile the parties. If that is the case, you must be ready to face the perpetrator in person.

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## What are my rights?

As a victim of a misdemeanour, you have the right to:

- be notified of the start of the procedure,
- information about the procedure,
- propose evidence and submit other proposals,
- state your position,
- view the case file,
- be present at oral hearings and other in-person procedures,
- raise your claim to damages or return of stolen items (based on evidence such as receipts, expert opinions); the administrative body **d-demands that the perpetrator pays damages** or it may refer you to another administrative body or a court.