



## **Amendment of the Criminal Code: Summary of the main changes**

### **Czech Republic**

The Senate of the Parliament of the Czech Republic approved the amendment to the Criminal Code on 3 July 2025. This followed the approval of the proposal by the Chamber of Deputies on 30 May 2025. The amendment was signed by the President and is expected to enter into force on 1 January 2026.

#### **1. Reducing criminal repression for repeated theft**

As part of the amendment to the Criminal Code, a milder version of the amendment to Section 205(2) concerning the punishment of repeat theft was adopted. It will now apply that repeated theft can be punished by up to two years' imprisonment (instead of the current rate of 6 months to 3 years). However, our proposal to abolish this repeat offence altogether did not pass. Even so, this is an important development, as this section was behind the extremely high number of short-term, unconditional prison sentences. Over 2 200 people are sentenced under it each year - almost a third of all those who receive an unconditional sentence. The measure could thus make a significant contribution to reducing the prison population (decrease by approx. 7 %) and thus save public funds. The estimated annual benefit could amount to CZK 800 million.

#### **2. Allowing courts to reduce sentences below the statutory minimum in the event of the accumulation of multiple sentences**

A new paragraph has been added to Section 58 of the Criminal Code, which allows courts to exceptionally reduce a sentence below the lower limit of the statutory rate if the aggregate sentence would otherwise be disproportionate due to the concurrence of sentences not yet served. This step responds to the frequent situation where multiple short sentences are cumulated into one long sentence. The amendment thus gives the courts more scope to individualise the sentence and the proportionality of the sanction. The exact impact of the measure cannot be quantified, but with more than half of the prison population serving more than one sentence, a gradual reduction in the overall prison population can be expected as a result of this legislative change.

#### **3. Mitigation of the conversion of a financial penalty into imprisonment**



Previously, 2 days of imprisonment were imposed for each day's unpaid fine. This conversion is now changed to 1 day of imprisonment for 1 daily rate, bringing the Czech Republic closer to the European standard. This step reduces the risk that persons sentenced to fines end up in prison for a disproportionately long time due to their inability (or unwillingness) to pay the fine.

#### **4. Partial decriminalisation of non-payment of (child) maintenance**

As part of the current reform of the Criminal Code, a significant change in the punishment of non-payers of maintenance has also been approved. Now, the offence of maintenance neglect will only be punishable if the failure to pay maintenance places the beneficiary in danger of distress.

The current practice has led to the relatively frequent imprisonment of defaulters - as of 31 December 2024, 1,062 persons were in prison for this offence, i.e. approximately 6 % of the prison population. Most of them do not pose a risk to society that would justify their isolation. Moreover, imprisonment alone does not usually lead to an improvement in the situation - the defaulter does not start paying maintenance in prison, on the contrary, his debt and social situation often deteriorate further.

According to expert analyses, at least partial decriminalisation of non-payment of maintenance could lead to a reduction in the prison population by around 3 %, i.e. by around 500 people, and bring savings of up to CZK 160 million per year.

#### **5. Partial decriminalisation of cannabis possession and cultivation**

The amendment to the Criminal Code introduces the possibility to legally grow up to three cannabis plants and possess up to 100 g of dried cannabis inside the home and 25 g outside without any penalty; 4-5 plants or 100-200 g of cannabis will be an offence. Exceeding these limits, i.e. more than five plants or over 200 g in the home, will be a criminal offence. The cannabis adjustments are in line with our direction of reducing criminal repression and promoting less punitive approaches where possible.

#### **6. Changes in conditional release/parole**

Last but not least, it is worth mentioning the changes concerning conditional release from prison. Previous legislation allowed courts to decide on conditional release at their discretion. However, the court will now be obliged to release the



convicted person if the statutory conditions are met. The aim of this regulation is to increase legal certainty for convicted persons and to reduce the number of prisoners who have fulfilled the conditions for release but remain in prison due to inconsistent decision-making practice of the courts.

## **7. Introducing the restorative principles as a basic principle of criminal procedure**

Another important ideological shift in criminal law is the inclusion of the restorative principle among the basic principles of criminal procedure. This means that the criminal justice authorities will be obliged to create the conditions for the voluntary and active participation of the victim and the accused in dealing with the consequences of the crime and repairing the relationships affected by the crime.