

THE CROATIAN PARLIAMENT

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Pursuant to Article 89 of the Constitution of the Republic of Croatia, I hereby issue the

DECISION

PROMULGATING THE ACT ON AMENDMENTS TO THE STATE ATTORNEY'S OFFICE ACT

I hereby promulgate the Act on Amendments to the State Attorney's Office Act, passed by the Croatian Parliament at its session on 13 May 2011.

Class: 011-01/11-01/102

Reg. No: 71-05-03/3-11-2

Zagreb, 17 May 2011

President
of the Republic
of Croatia
Ivo Josipović,
m.p.

ACT

ON AMENDMENTS TO THE STATE ATTORNEY'S OFFICE ACT

Article 1

In the State Attorney's Office Act (Official Gazette 76/09, 153/09, 116/10 and 145/10), in Article 138, after paragraph 1, a new subparagraph 2 is added which reads:

“2. A fine amounting to up to one third of the salary earned during the previous month for a maximum of three months;”

Former items 2 and 3 shall become items 3 and 4.

A new item 5 is added after item 4 which reads as follows:

“5. no possibility of appointment to the office of state attorney for up to one year;”.

The former item 4 shall become item 6.

Article 2

In Article 152, after paragraph 1, new paragraphs 2, 3 and 4 are added which read as follows:

“(2) A member of the Council shall be disqualified from performing the duties of a member of the Council in the procedure for the appointment and dismissal of state attorneys, for the appointment and dismissal of county and municipal state attorneys, for the reassignment of state attorneys, from conducting disciplinary proceedings against deputy state attorneys and state attorneys and deciding on their disciplinary responsibility, from deciding on objections to assessments, from participating in the procedure for the enrolment of candidates into the State School for Judicial Officials and in the final exam procedure, from deciding on an objection to a candidate's final grade in the State School for Judicial Officials, from supervision of the accuracy of information entered into declarations of assets of state attorneys and deputy state attorneys if the candidate is a state attorney or deputy state attorney, or if one of the candidates for state attorney or deputy state attorneys is:

1) the spouse or a extra-marital partner or a relative by marriage to the second degree, regardless of whether or not the marital or extramarital relationship has ended;

2) a relative in direct line to any degree, and a collateral relative up to the fourth degree;

3) in a relationship of guardian, ward, adopter, adoptee, caregiver, care receiver, foster care provider or foster care receiver.

(3) When he finds about any of the reasons for disqualification referred to in paragraph 1 of this Article, a member of the Council must immediately interrupt the performance of all activities in the procedures and notify the Council thereof.

(4) If the member of the Council is aware of circumstances, other than those mentioned in paragraph 2 of this Article, which might jeopardise his impartiality in the procedures referred to in paragraph 1 of this Article, he shall be obliged to immediately notify the Council thereof, which shall adopt an appropriate decision.”

Article 3

In Article 156, paragraph 5, after the words: “attorney” the words: “and the consent of the state attorney in the state attorney office to which he requested to be reassigned” are added.

Article 4

In Article 166, paragraph 4 is amended to read as follows:

“(4) If the adoption of a decision on the institution of disciplinary proceedings requires an inquiry, the Council shall designate one or more deputies from the list of deputy county state attorneys or deputies of the State Attorney General of the Republic of Croatia, which is compiled at the beginning of each calendar year, to perform this action.”

After paragraph 4, a new paragraph 5 is added which reads as follows:

“(5) The deputy or deputies designated to perform the inquiry shall be obliged to execute an order or request made by the Council.”

Article 5

In Article 167, paragraph 5 is amended to read as follows:

(5) If, after the hearing, the Council establishes the existence of well-founded suspicion that a disciplinary offence has been committed, it shall adopt a decision on the institution of disciplinary proceedings. In such case, the Council may request the undertaking of certain inquiries by a deputy state attorney referred to in Article 166, paragraph 5 of this Act.”

Article 6

This Act shall enter into force on the eighth day after the day of its publication in the Official Gazette.

Class: 701-01/11-01/02

Zagreb, 13 May 2011

THE CROATIAN PARLIAMENT

President of the
Croatian
Parliament
Luka Bebić, m.p.

PROVISIONAL TRANSLATION