

Customer Information

On submissions related to criminal offences

e-Papír included in information:

Case group: Criminal procedure concerning criminal offences

Identifier	Title of form
100016	Bűncselekményekkel kapcsolatos beadványok (feljelentés, beadvány, bejelentés)
100016	Submissions related to criminal offences (report, submission, announcement)

This information is effective as of 1 January, 2018.

Information

Submissions related to criminal offences (report, submission, announcement)

Means of electronic procedure: e-Papír.

Legislation:

- Act XIX of 1998 on Criminal Proceedings (henceforward: CP)
- Joint Decree No. 23/2003. (VI. 24.) BM-IM of the Ministry of the Interior and the Ministry of Justice ‘On the Detailed Rules of Investigating Authorities under the Authority of the Ministry of the Interior and on the Rules of Recording investigatory actions other than in the form of minutes

Brief description of the case

An incident report is any statement brought to the cognisance of an authority entitled to initiate or conduct a prosecution, which contains facts or data referring to a suspicion of a crime committed by a specific person or by a person unknown, regardless of its form –it can be made in writing or verbally, but in other ways as well (e.g. in an e-mail);

Anyone can make an incident report regarding a crime.

Incident reports made by way of technical equipment have to be registered immediately. If the incident report has been made before an authority other than the relevant investigating authority, that authority is obliged to receive the incident report and forward it to the relevant authority.

If, based on the incident report, no satisfying decision can be made about the initiation of the investigation or the rejection of the incident report, the latter may be completed. In the course of completing the incident report, the authority in charge of the completion may conduct activities to gather further information, may hear the informant and record its observations taken

in the course of completing the incident report in a document.. **The deadline for completing the incident report is 15 days. If there is a justified reason,** this deadline may be extended **by 15 days** by the chief officer of the authority completing the incident report.

The incident report shall be rejected in a decision within 3 days (CP, section 174), if the following can be established from the incident report itself:

- a) the action does not constitute a criminal offence
- b) Grounds for the preclusion of punishability exist
- c) no proceeding may be instituted due to death, statutory limitation or pardon,
- d) there is no private motion or incident report
- e) the action has already been adjudicated by a final decision
- f) the Hungarian authority does not have the jurisdiction to adjudicate the action

The decision on ordering an investigation has to be made within 3 days following receipt of the incident report, unless the latter is rejected or the incident report needs to be completed. The investigating authority shall notify the prosecutor of the investigation ordered or incident report rejected within twenty-four hours. If the incident report was not made by the victim, but the victim's identity is known, the latter shall also be informed of the order for the investigation.