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Juvenile Criminal Justice
Law No. 7576

THE LEGISLATIVE ASSEMBLY OF THE REPUBLIC OF COSTA RICA

DECREES:

JUVENILE CRIMINAL JUSTICE

LAW TITLE ONE

Chapter I

General Provisions

ARTICLE 1.- Scope of application according to the subjects The subjects of this law shall be all persons between the ages of twelve and less than eighteen years old at the time of the commission of an act typified as a crime or contravention in the Penal Code or special laws.

Article sheet

ARTICLE 2.- Application of this law to minors This law shall be applied to all minors who, in the During the course of the process, they reach the age of criminal majority. It shall also apply when minors are accused after they have reached the age of criminal majority, as long as the act occurred within the age range for the application of this law.

Article sheet

ARTICLE 3.- Scope of application in space This law shall apply to those who commit a punishable act in the territory of the Republic or abroad, according to the rules of territoriality and extraterritoriality established in the Penal Code.

Article sheet

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ARTICLE 4.- Age groups

For its application, this law shall differentiate in terms of the process, sanctions and their execution between two groups: from twelve years of age and up to fifteen years of age, and from fifteen years of age and up to eighteen years of age.

[Article sheet](#)

ARTICLE 5.- Presumption of minority

In cases where the age of a person, presumably under eighteen years of age, cannot be ascertained by any means, such person shall be considered as such and shall be subject to the provisions of this law.

[Article sheet](#)

ARTICLE 6.- Under twelve years of age

Acts committed by a minor under twelve years of age, which constitute a crime or contravention, shall not be subject to this law; civil liability shall remain unaffected and shall be exercised before the courts.

competent jurisdictions. However, the juvenile criminal courts shall refer the case to the Patronato Nacional de la Infancia (National Child Welfare Agency), so that

be provided with the necessary attention and follow-up.

If the administrative measures entail the restriction of the

The juvenile's ambulatory liberty must be consulted with the Judge of Juvenile Penal Execution, who will also control them.

[Article sheet](#)

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Article 7- Guiding principles. The guiding principles of this law shall be the integral protection of minors, their best interests, respect for their rights, their integral formation, the insertion, integration and individual and social restoration of the minor in his or her family and society. The State, in association with non-governmental organizations and the communities, will promote both the programs oriented to these ends and the protection of the rights and interests of the victims of the act.

(Thus amended by Article 50 of the Restorative Justice Act, No. 9582 of July 2, 2018).

Article sheet

Article 8- Interpretation and application. This law shall be interpreted and applied in harmony with its guiding principles, restorative principles, general principles of criminal law, criminal procedural law, doctrine and international standards on juvenile matters.

All this in the manner that best guarantees the rights established in the Political Constitution, treaties, conventions and other international instruments signed and ratified by Costa Rica.

(Thus amended by Article 50 of the Restorative Justice Act, No. 9582 of July 2, 2018).

Article sheet

ARTICLE 9.- Supplementary laws

In all matters not expressly regulated in this law, the criminal legislation and the Code of Criminal Procedure shall be applied in a supplementary manner. However, when hearing the specific case, the Juvenile Criminal Judge shall always apply the provisions and principles of the Criminal Code, insofar as they do not contradict any express provision of this law.

Article sheet

Chapter II

Fundamental rights and guarantees

ARTICLE 10.- Basic and special guarantees. From the beginning of the police investigation and during the judicial process, minors will be respected the basic procedural guarantees for the trial of adults; in addition, those that correspond to them due to their special condition. The guarantees enshrined in the Political Constitution, in the international instruments ratified by Costa Rica and in the laws related to the subject matter of this law are considered fundamental.

Article sheet

Article 10 bis- Right to restorative justice. From the beginning of the police investigation, during the judicial process and in the execution phase, juvenile persons have the right to be informed about restorative justice as an alternative to promote personal restoration and the damage caused to the victim and community. Likewise, in cases in which the intervening parties express their approval, the juvenile criminal case should be processed through the application of the restorative juvenile justice procedure, in accordance with the law in force.

(So added by Article 51 of the Restorative Justice Act, No. 9582 of July 2, 2018).

Article sheet

ARTICLE 11.- Right to equality and non-discrimination During the police investigation, the processing of the process and the execution of sanctions, minors shall respect the right to equality before the law and the right not to be discriminated against for any reason.

Article sheet

ARTICLE 12.- Principle of specialized justice

The application of this law, both in prosecution and enforcement, will be carried out by specialized juvenile bodies.

Article sheet

ARTICLE 13.- Principle of legality

No minor may be subjected to a process for an act that the criminal law does not typify as a crime or contravention. Nor may they be subjected to penalties that the law has not previously established.

Article sheet

ARTICLE 14.- Principle of detriment.

No minor may be punished if it is not proven that his or her conduct damages or endangers a protected legal right.

Article sheet

ARTICLE 15.- Presumption of innocence

Minors shall be presumed innocent until proven guilty, by means established in this law or other legal means, of the acts attributed to them.

Article sheet

ARTICLE 16.- Right to due process

Minors must have their right to due process respected.
process, both during the process and when a sanction is imposed on them.

Article sheet

ARTICLE 17.- Right to refrain from testifying

No minor shall be obliged to testify against himself or herself or against his or her spouse, ascendants, descendants or collateral relatives, including up to the third degree of consanguinity or affinity.

Article sheet

ARTICLE 18.- Principle of "Non bis in idem".

No minor may be prosecuted more than once for the same act, even if the legal qualification is modified or new circumstances are alleged.

Article sheet

Principle of application of the law and the most favorable norm.

When two different laws or norms may apply to a minor, the one that is more favorable to his or her fundamental rights shall always be chosen.

Article sheet

ARTICLE 20.- Right to privacy

Minors shall have the right to respect for their privacy and that of their family. Consequently, it is prohibited to disclose the identity of a minor under trial.

Article sheet

ARTICLE 21.- Principle of confidentiality

Data on acts committed by minors subject to this law shall be confidential.

At all times, the identity and image of the minor shall be respected.

Juvenile Criminal Judges shall ensure that the information they provide on judicial statistics does not contravene the principle of

confidentiality and the right to privacy enshrined in this law.

Article sheet

Principle of inviolability of the defense.

Minors shall have the right to be assisted by a

The police will provide defense counsel, from the beginning of the police investigation until they comply with the sanction imposed on them.

Article sheet

ARTICLE 23.- Right of defense

Minors shall have the right to present the evidence and arguments necessary for their defense and to refute anything that is contrary to them. In no case may they be tried in absentia.

Article sheet

ARTICLE 24.- Principle of adversarial proceedings

Minors shall have the right to be heard, to provide evidence and cross-examine witnesses, and to refute the arguments of the

The above is guaranteed by the intervention of a defense attorney and the Public Prosecutor's Office within the process. This is guaranteed by the intervention of a defense attorney and the Public Prosecutor's Office in the process.

Article sheet

Principle of rationality and proportionality.

The sanctions imposed in the process must be rational and proportional

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to the infraction or offense committed.

Article sheet

ARTICLE 26.- Principle of determination of sanctions

Indeterminate sanctions may not be imposed under any circumstances. The foregoing does not exclude the possibility that the minor may be released prematurely.

Article sheet

ARTICLE 27.- Internment in specialized centers In case of

being deprived of liberty, provisionally or temporarily

In the final analysis, minors will have the right to be placed in a center exclusively for minors; not in one for persons subject to adult criminal law. If they are detained by the administrative or judicial police, the latter shall set aside areas exclusively for minors.

minors and must refer them to specialized centers as soon as possible.

Article sheet

TITLE TWO

BODIES AND PARTIES INVOLVED IN THE PROCESS

Chapter I

Bodies **responsible** for the administration

of justice ARTICLE 28.

The juvenile criminal courts will decide, in the first instance, on unlawful acts committed by minors, and the juvenile criminal sentence appeal courts will decide on appeal. In addition, the Third Chamber of the Supreme Court of Justice will be competent to hear the appeal of cassation that by this law corresponds to it and the judge of execution of the juvenile criminal sanction will be competent for the phase of compliance of the sentence.

(As amended by Article 3 of Law No. 9021 of January 3, 2012)

Article sheet

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SECTION 29- Functions of the Juvenile Criminal Court. The following shall be functions of the Juvenile Criminal Court:

- a) To hear, in the first instance, accusations attributed to minors for the commission of or participation in crimes or contraventions.
- b) To resolve, by means of rulings, orders and sentences, the matters within the time limits established by this law.
- c) Decide on any measure that restricts a fundamental right of the accused.
- d) Decide, according to the criteria of culpability, proportionality and rationality, the sanction to be imposed.
- e) Conduct the conciliation hearing and approve it, if the parties reach an agreement.
- f) Approve the suspension of proceedings, provided that the requirements set forth in this law are complied with.
- g) Review and homologate the decision taken by the Public Prosecutor's Office in application of the principle of opportunity.
- h) Decide on the sanctions applicable to minors, considering their integral formation and reintegration into their family or reference group.
- i) Communicate, to the National Child Welfare Agency, the accusations filed against minors.
- j) Submit monthly statistical reports to the appropriate authorities.
- k) Any other functions assigned to it by this or other laws.
- l) Conduct early hearings.
- m) Apply the restorative juvenile justice procedure.

(Thus amended by Article 50 of the Restorative Justice Act, No. 9582 of July 2, 2018).

Article sheet

ARTICLE 30.- **Jurisdiction.** The Juvenile Criminal Sentencing Court of Appeal shall have the following functions:

- a) Resolve the excuses and recusals that may arise from the application of this Law.
- b) To monitor compliance with the deadlines established by this Law.
- c) To hear appeals filed in juvenile criminal proceedings.

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- d) To hear appeals against juvenile criminal sentences and against subsequent sentence determinations.
- e) To resolve conflicts of competence that arise between the juvenile criminal courts.
- f) Any other functions assigned to it by this or other laws.

(Thus amended by Article 6 "Creation of the appeal of the sentence, other reforms to the challenge regime and implementation of new rules of orality in criminal proceedings", Law No. 8837 of May 3, 2010).

Article sheet

Chapter II

Subjects of

Proceedings

ARTICLE 31.- Minors

Minors to whom the commission of or participation in a crime or contravention is attributed shall have the right, from the beginning of the investigation, to be represented and heard in the exercise of their defense, to propose evidence and to file appeals, as well as to have reasons given for the sanction to be applied to them, without prejudice to the other rights recognized in the present law.

Article sheet

ARTICLE 32.- Default

Minors will be declared rebellious if, without serious and serious The accused may not appear at the court summons, abscond from the establishment or place where they are detained, or absent themselves from the place assigned for their residence.

If the absconding or absence is proven, a default shall be declared and a production order shall be issued. If this order is not complied with or cannot be executed, the arrest and detention of the accused

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shall be ordered.

Article sheet

ARTICLE 33.- Parents or representatives of the defendant

The parents, guardians or persons responsible for the minor can intervene in the proceedings, as coadjutants in the defense or as qualified witnesses to complement the psychosocial study of the accused. This does not prevent them from also participating as witnesses of the investigated fact.

Article sheet

ARTICLE 34.- The offended party

In accordance with the provisions of this law, the victim may participate in the process and may file the corresponding appeals when he/she deems it necessary for the defense of his/her interests; he/she may be represented by him/herself or by an attorney.

Article sheet

ARTICLE 35.- Offended parties in private action crimes

If an offended party considers himself harmed by an actionable offence
The offended party may denounce it, directly or through a legal representative, before the Juvenile Criminal Judge, with the powers and functions of the Public Prosecutor's Office, as applicable. All this without prejudice to the right of the offended party to resort to the corresponding civil action, in order to have the damages repaired.

Article sheet

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ARTICLE 36.- Offended in crimes of public action prosecutable at private instance.

In the processing of crimes of public action, prosecutable only at the request and interest of the offended party, the complaint will be required in accordance with the rules established in the criminal and criminal procedure legislation.

Article sheet

ARTICLE 37.- Defenders

From the beginning of the investigation and during the entire process, minors must be assisted by defense counsel and no statement may be taken without their assistance.

The accused or any of his parents, guardians or legal guardians may appoint a private defense counsel. If they do not have financial resources, the State shall provide them with a public defender. For this purpose, the Public Defender's Department shall have a section or group of public defenders specialized in the matter.

Article sheet

ARTICLE 38.- Public Ministry

The Public Prosecutor's Office will be in charge of requesting before the The Public Prosecutor's Office shall be responsible for the application of the present law, by carrying out the necessary acts to promote and exercise, ex officio, the public criminal action; except for the exceptions established in the Code of Criminal Procedure and in this law. For such purpose, the Public Prosecutor's Office shall have prosecutors

specialized in the matter.

Article sheet

Article 39- Functions of the Public Prosecutor's Office. In relation to this law, the following shall be functions of the Public Prosecutor's Office:

- a) To ensure compliance with this law.
- b) Conduct investigations of crimes committed by minors.
- c) Promote the criminal action.
- d) Request evidence, provide it and, where appropriate, participate in its production.
- e) To request, when appropriate, the cessation, modification or substitution of the sanctions decreed and to file legal remedies.
- f) To ensure compliance with the functions of the Juvenile Judicial Police.
- g) Advise the victim, during conciliation, when requested by the victim.
- h) Advise the victim in the restorative juvenile proceeding and, if requested, represent the victim at the early hearing.
- i) Such other functions as may be prescribed by this or other laws.

(Thus amended by Article 50 of the Restorative Justice Act, No. 9582 of July 2, 2018).

Article sheet

ARTICLE 40.- Juvenile Judicial Police

The Juvenile Judicial Police will be a specialized body in charge of assisting the Public Prosecutor's Office and the juvenile criminal courts in the discovery and scientific verification of crimes and their alleged perpetrators. It will operate within the structure of the Judicial Investigation Organism and its members must be specially trained to work with minors.

Article sheet

ARTICLE 41.- Attributions of the Juvenile Judicial Police

The Juvenile Judicial Police may summon or apprehend suspected juvenile offenders for

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responsible for the facts denounced; but, under no circumstances, it will be able to order the incommunicado detention of any minor. In case of arrest in flagrante delicto, it shall immediately refer him/her to the Juvenile Criminal Judge.

Article sheet

ARTICLE 42.- Administrative police

If a minor is apprehended by members of the administrative police, he/she shall immediately be brought before the Juvenile Criminal Judge.

Article sheet

ARTICLE 43.- National Board of Trustees for Childhood

The Patronato Nacional de la Infancia, through its legal representative, may participate, as an interested party, in all stages of the process, in order to control, supervise and ensure the faithful compliance with legal provisions for the benefit of minors, whether victims or perpetrators.

Article sheet

TITLE THREE

PROCEDURES

Chapter I

General Provisions

Article 44- Objective of the process. The juvenile criminal process shall have as its objective to establish the existence of a criminal act, to determine who is the perpetrator or participant and to order the application of

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the corresponding sanctions. Likewise, it shall seek the reinsertion, reintegration and individual and social restoration of the person.

The law provides for the integration of minors into their families and society, according to the guiding principles set forth in this law and the Restorative Justice Law.

(Thus amended by Article 50 of the Restorative Justice Act, No. 9582 of July 2, 2018).

Article sheet

ARTICLE 45.- Legal qualification

The legal qualification of crimes or contraventions committed by minors shall be determined by the descriptions of prohibited conducts established in the Penal Code and special laws.

Article sheet

ARTICLE 46.- Verification of age and identity

The age of the minor will be accredited by means of certification or proof of the registration of his birth in the Civil Registry. In case of In the case of foreigners, information will be requested from the embassy or delegation of the minor's country of origin; in both cases, verification may be obtained by means of any official document.

The minor must provide the data that allow his or her personal identification. If this is not done, or if deemed necessary, a technical office will carry out the physical identification, using personal data, fingerprints and particular signs. Witness identification may also be used, in the manner prescribed for examinations, or other means deemed useful.

Doubt about the data obtained shall not alter the course of the procedure and errors, as long as minors are involved, may be corrected at any time, even during the penal execution.

juvenile. All these measures may be applied even against the defendant's will.

Article sheet

ARTICLE 47.- Incompetence and remission

If, in the course of the procedure, it is established that the person to who is charged with the crime was of legal age at the time of committing it, the Juvenile Criminal Judge will declare himself incompetent and will refer the case to the adult criminal jurisdiction. In the case of a minor under twelve years of age, the proceedings shall cease and the case shall be referred to the National Child Welfare Agency for appropriate assistance.

Article sheet

ARTICLE 48.- Validity of proceedings

The proceedings referred for reasons of incompetence, both in the juvenile criminal jurisdiction and in the adult jurisdiction, shall be valid for use in each of the proceedings, provided that they do not contravene the purposes of this law or the fundamental rights of minors.

Article sheet

ARTICLE 49.- Participation of minors with adults

When the same crime involves one or more minors with one or more adults, the cases will be separated and the files of the adults will be referred to the adult criminal jurisdiction. In order to keep in

In such cases, the different courts shall be obliged to send each other copies of the relevant evidence and proceedings, signed by the clerk, as far as possible.

Article sheet

ARTICLE 50.- Absent minors

If the investigated act is attributed to an absent minor, evidence will be gathered and, if appropriate, the action will be brought.

Once the investigation stage has been initiated, the Public Prosecutor's Office may continue with the rest of the proceedings until this stage is concluded and order the location of the minor, in order to continue with the prosecution.

If it is possible to conclude the investigation, it will request the opening of the process and ask the judge to order the location of the minor. The proceedings shall remain suspended until the minor appears in person before the Juvenile Criminal Judge.

Article sheet

ARTICLE 51.- Minutes

When one or more acts must be documented, the official who performs them, assisted by his secretary, shall draw up a record in the form prescribed by the Code of Criminal Procedure.

In the case of successive acts, carried out in different places or on different dates, as many minutes shall be drawn up as necessary.

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ARTICLE 52.- Deadlines

The procedural time limits established in this law shall be counted in days, working days. In the case of minors deprived of their liberty, the terms shall be non-extendable and upon their expiration the respective power shall expire. If the minor is at liberty, the terms shall be extendable as established by this law.

Article sheet

ARTICLE 53.- Judicial fixation of the time limits

When the law does not establish the time limit or its extension, the judicial authority in charge of carrying out the act shall be empowered to fix it, rationally, according to the nature of the procedure and the importance of the activity to be carried out.

Article sheet

ARTICLE 54.- Means of proof

All means of evidence regulated in the Code of Criminal Procedure shall be admissible in these proceedings, to the extent that they do not affect the purposes and rights enshrined in this law. The evidence shall be evaluated in accordance with the rules of sound criticism.

Article sheet

ARTICLE 55.- Civil liability

The civil action for the payment of damages caused by

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the facts attributed to the minor, must be brought before the competent Judge, based on the rules of the civil process, regardless of the provisions of the resolution of the Juvenile Criminal Judge.

Article sheet

ARTICLE 56.- Regulated opportunity criterion

The officers of the Public Prosecutor's Office shall have the obligation to exercise the public criminal action in the cases in which it is appropriate, in accordance with the provisions of this law.

However, they may request the judge to dispense, in whole or in part, with criminal prosecution; limit it to one or more of the following violations or to any of the persons who have participated in the act, when:

- a) It is an act that, due to its insignificance, the smallness of the participant's contribution or its minimal culpability, does not affect the public interest.
- b) The minor collaborates effectively with the investigation, provides essential information to prevent the consummation or perpetration of other acts, helps to clarify the investigated act or other related acts, or provides useful information to prove the participation of other persons.
- c) The minor has suffered, as a consequence of the act, serious physical or moral damage.
- d) The penalty to be expected for the act or offense for which prosecution is waived is irrelevant in view of the penalty already imposed or the penalty to be expected for the remaining acts or offenses.

violations.

If the Judge, ex officio, considers it convenient to apply the above criteria, he/she shall request the opinion of the Prosecutor who shall

The Judge may not apply an opportunity criterion without the agreement of the Prosecutor. The Judge may not apply an opportunity criterion without the agreement of the Prosecutor.

Article sheet

ARTICLE 57.- Dismissal of the accusation

In the cases referred to in the preceding article, if the action has already been

The Juvenile Criminal Judge, at the request of the Public Prosecutor's Office, may order the dismissal at any stage of the proceedings.

Article sheet

ARTICLE 58.- Provisional detention

The Juvenile Criminal Judge may decree, from the moment the indictment is received, provisional detention as a precautionary measure, when the following circumstances are present:

- a) There is a reasonable risk that the minor will evade justice.
- b) There is a danger of destruction or obstruction of evidence.
- c) There is danger to the victim, complainant or witness.

Detention will be carried out in internment centers.

These minors must necessarily be separated from those already sentenced.

Article sheet

ARTICLE 59.- Exceptional nature of provisional detention

Provisional detention shall be exceptional, especially for those over twelve and under fifteen years of age, and shall only be applied when it is not possible to apply another less burdensome measure.

Provisional detention may not exceed three months. When the judge deems that it should be extended, he shall so agree, establishing the extension term and the reasons for it. In no case shall the new term exceed three months.

The Juvenile Criminal Court of Appeal and the Cassation Chamber, exceptionally and by means of a well-founded resolution, may authorize an extension of the pre-trial detention beyond the above terms and for up to three more months, when they order a new trial.

(As amended by Article 3 of Law No. 9021 of January 3, 2012)

Article sheet

ARTICLE 60.- Highest priority

In order to keep pretrial detention as short as possible, Juvenile Criminal Courts and investigative bodies should consider the effective handling of cases where pretrial detention of a juvenile is resorted to as a top priority.

Article sheet

Chapter II

Conciliation

Article 61- Necessary parties. Conciliation is a voluntary jurisdictional act between the offended party or his representative and the minor, who shall be the necessary parties to it.

Conciliation may be agreed upon through the application of the procedure established in the Restorative Justice Law.

(Thus amended by Article 50 of the Restorative Justice Act, No. 9582 of July 2, 2018).

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ARTICLE 62.- Summons

Within ten days after the indictment has been filed and when possible due to the existence of the offended person, the Juvenile Criminal Judge shall summon the parties to a conciliation hearing.

The Juvenile Criminal Judge, in his capacity as conciliator, will invite the parties, previously counseled, to an agreement. If the offended party does not have counsel and wants to participate in the conciliation hearing, the Public Prosecutor's Office will assign a counselor.

A conciliation agreement may be reached at any other stage of the process, as long as the final decision has not been decreed in the first instance.

Article sheet

ARTICLE 63.- Other participants

The hearing may be attended by parents, guardians or caregivers of the child.

The representative of the National Child Welfare Agency (Patronato Nacional de la Infancia) and the representative of the National Child Welfare Agency (Patronato Nacional de la Infancia).

Article sheet

ARTICLE 64.- Proceedings

Conciliation shall proceed in all cases in which it is admissible for adult criminal justice.

Article sheet

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ARTICLE 65.- Agreements and minutes of conciliation

When the parties and other interested parties are present, the purpose of the proceedings shall be explained to them. The judge shall urge the parties to conciliate and seek a settlement of the conflict. Then the proposals of the minor and the offended party will be heard.

If an agreement is reached and the Judge approves it, the parties will sign the conciliation minutes. But if there is no agreement, it will be recorded and the process will continue.

The conciliation act will determine the agreed obligations, the term for their fulfillment and the duty to inform the Judge about the fulfillment of what has been agreed.

The conciliatory settlement shall suspend the proceeding and interrupt the statute of limitations of the action, as long as its fulfillment is subject to a time limit.

Article sheet

ARTICLE 66.- Noncompliance with the conciliation

agreement When the minor fails to comply, without justification, with the

obligations agreed upon in the conciliation act, the proceeding shall continue as if there had been no conciliation.

Article sheet

ARTICLE 67.- Compliance with the conciliation agreement

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When the minor complies with the obligations agreed upon in the

conciliation hearing, the Judge will issue a resolution terminating the proceeding and ordering it to be filed.

Article sheet

Chapter III

Juvenile criminal proceedings

ARTICLE 68.- Juvenile criminal action

Juvenile criminal action shall correspond to the Public Prosecutor's Office, without prejudice to the participation that this law and the Code of Criminal Procedure grant to the offended party, in the case of crimes of private action and public action at private request.

Article sheet

ARTICLE 69.- Extinction of the action

The criminal action shall be extinguished for the following reasons:

- a) Final judgment.
- b) Definitive dismissal.
- c) Death of the minor.
- d) Prescription.
- e) Waiver or abandonment of the case, in the case of private action crimes.
- f) Conciliation, when the agreements or procedures established therein are complied with.

Article sheet

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ARTICLE 70.- Initiation

The investigation shall be initiated ex officio or by complaint to be filed with the Public Prosecutor's Office, in crimes of public action, and those of public action at private instance; by lawsuit filed by the interested party, in crimes of private action.

[Article sheet](#)

ARTICLE 71.- Faculty to denounce

Anyone who has knowledge of a crime or contravention committed by a minor may report it to the Public Prosecutor's Office, unless it is a crime of private action.

[Article sheet](#)

ARTICLE 72.- Investigation phase

Once the complaint has been established, by whatever means, it shall
The purpose of the investigation is to determine the existence of the act, as well as to establish the perpetrators, accomplices or instigators.
The damage caused by the crime will also be verified.

[Article sheet](#)

ARTICLE 73.- Investigating body

The Public Prosecutor's Office will be the body in charge of conducting the investigation and formulating the accusation, when there is merit to do so. In addition, it shall provide the evidence that proves the

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responsibility

of the minor.

The Juvenile Criminal Judge will be in charge of controlling and supervising the prosecutor's functions.

Article sheet

ARTICLE 74.- End of the investigation

Once the investigation is completed, the Public Prosecutor of the Public Ministry may request:

- a) The opening of the process, formulating the accusation if it considers that the investigation provides sufficient grounds.
- b) The dismissal of the process, when it considers that there is no basis for promoting the accusation, that a criterion of opportunity should be applied or due to any objective or subjective condition of the facts.
- c) Provisional or definitive dismissal.

Article sheet

ARTICLE 75.- Accusation

The indictment must meet the following requirements:

- a) The personal conditions of the accused minor or, if unknown, the contact details or data by which he/she can be identified.
- b) The age and address of the minor if such information is available.
- c) The list of facts, indicating, if possible, the time and manner of execution.
- d) The indication and submission of all the evidence obtained in the course of the

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the investigation stage.

e) The provisional qualification of the alleged crime committed.

f) Any other data or information that the Public Prosecutor's Office considers indispensable to maintain the accusation.

Article sheet

ARTICLE 76.- Provisional dismissal

If a definitive dismissal is not appropriate and the evidence is insufficient to conduct the trial, a provisional dismissal will be ordered, by means of a well-founded order that specifically mentions the specific evidence that is expected to be incorporated. In such cases, any precautionary measure imposed on the minor shall be terminated.

If new evidence allows the proceedings to continue, the Judge, at the request of any of the parties, shall allow the investigation to continue.

If within one year of the provisional dismissal the reopening is not requested, the extinction of the criminal action will be declared ex officio.

Article sheet

ARTICLE 77.- Definitive dismissal

The definitive dismissal will proceed when:

a) It is evident that a necessary condition for imposing the sanction is missing.

b) Despite the lack of certainty, there is no reasonable possibility of incorporating new evidence and it is impossible to reasonably request the opening of the trial.

Article sheet

ARTICLE 78.- Disconformity

When the Prosecutor moves for dismissal or dismissal of the case and the Judge does not agree, he will send the proceedings back to him for him to modify his request, within a maximum period of five days.

If the Prosecutor ratifies his request and the Judge maintains his position, the proceedings shall be sent to the Prosecutor General or to the Senior Prosecutor that he

The Prosecutor shall be entitled to request again or ratify what has been stated by the Prosecutor.

When the Public Prosecutor's Office insists on its request, the Judge shall rule in accordance with the request, without prejudice to the victim challenging the decision.

Article sheet

ARTICLE 79.- Facts in flagrancy

When the acts are committed in flagrante delicto, the minor will be placed at the order of the Juvenile Criminal Judge and, if applicable, the Public Prosecutor's Office must file the accusation, at the latest within the following five days. The Judge will summon the parties to the conciliation hearing; then, if applicable, the normal procedure of the

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process will continue.

Article sheet

ARTICLE 80.- Conciliation

Within ten days after the indictment has been filed, the Juvenile Criminal Judge shall hold a conciliation hearing, after summoning the parties and interested parties.

Article sheet

ARTICLE 81.- Declaration of a minor

Once the minor has been brought before the Juvenile Criminal Judge, the latter shall proceed to take his statement within the following twenty-four hours.

When the minor's liberty is not restricted, the statement shall be taken after the conciliation hearing. In cases where this does not proceed, it shall be held within five days of receipt of the accusation.

Minors may abstain from testifying. In no case shall they be required to promise or swear to tell the truth, nor shall any coercion or threat be exercised against them; nor shall any means be used to force them to testify against their will, nor shall any charges be brought against them to obtain their confession. Non-observance of this provision shall render the act null and void.

Article sheet

ARTICLE 82.- Indagatory declaration of the minor older than twelve years old, but younger than fifteen years old.

The statement of a person over twelve years of age but under fifteen years of age shall be made in the presence of his defense counsel and, if possible, of his parents or guardians, guardians or representatives; in addition, the Prosecutor of the Public Prosecutor's Office may attend.

The purpose of this procedure shall be

To find out the motives of the act attributed to the twelve year old and under fifteen year old, to study his participation and to investigate the family and social conditions in which he lives.

The statement of this type will not have the formalities of the indagatory statement of the criminal process for adults, insofar as it

The best interests of the person over twelve years of age but under fifteen years of age shall prevail at all times.

Article sheet

ARTICLE 83.- Indagatory declaration of the minor older than fifteen years of age, but younger than eighteen years of age.

The declaration of a person over fifteen years of age, but under eighteen years of age

The hearing shall be conducted in the presence of his or her defense counsel, and his or her parents or guardians, custodians or

representatives may attend only when the minor so requests. The representative of the minor may also attend.

Public Prosecutor's Office.

The statement of a person over fifteen years of age but under eighteen years of age shall have the characteristics of the indagatory statement of

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an adult criminal proceeding, provided that the principles and guarantees set forth in this law are not violated.

Article sheet

ARTICLE 84.- Resolution on the proceeding of the accusation

Immediately after receiving the indagatory statement, the Judge shall dictate a resolution on the proceeding of the accusation. If considers the accusation to be admissible, it will continue with it and will summon the parties to trial.

If it considers it inadmissible due to formal defects, it shall refer it to the Public Prosecutor's Office for correction; but if it considers it inadmissible for reasons of substance or opportunity, it shall rule in favor of the minor the dismissal of the case or the suspension of the trial on probation.

Article sheet

Vices of form in the accusation.

The Public Prosecutor's Office shall be obliged to correct, within a period of not

The Judge may, within a period of twenty-four hours, indicate the defects of form that the Judge may indicate.

If, in the Judge's opinion, the correction of these defects modifies the facts or the legal qualification, the indagatory statement of the minor will be ordered again.

Article sheet

ARTICLE 86.- Definitive proceeding of the accusation

Once the Judge has received the indictment, with the formal defects corrected

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and after the statement has been made on the grounds indicated in the

In the case of the above-mentioned article, the Judge shall admit the proceeding of the accusation within a term not exceeding three days and continue with the processing of the proceeding.

Article sheet

ARTICLE 87.- Restriction of fundamental rights

In the same resolution where the accusation is admitted as admissible or subsequently, the Judge may order the provisional detention of the minor or the provisional imposition of any guidance and supervision order provided for in this law. The orders of interim guidance and supervision shall not exceed six weeks.

Article sheet

ARTICLE 88.- Dismissal before trial

The dismissal will proceed when any of the objective, subjective or extinctive circumstances indicated in the Code of Criminal Procedure arise. Likewise, when the probation period indicated in the following article is fulfilled.

Article sheet

Article 89- Suspension of the trial on probation. When the judge, or at the request of a party, may order the suspension of the trial on probation, in all cases in which the conditional execution of the sanction for the minor is applicable.

Together with the suspension of the probation process, the judge may decree any of the guidance and supervision orders established in this law. This suspension shall interrupt the statute of limitations.

Suspension of the trial on probation may be granted through the application of the procedure established in the Restorative Justice Act.

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(Thus amended by Article 50 of the Restorative Justice Act, No. 9582 of July 2, 2018).

Article sheet

ARTICLE 90.- Resolution that orders to suspend the process The resolution that orders to suspend the process on probation shall

contain:

- a) The reasons, in fact and in law, for which the Judge orders this suspension.
- b) The general data of the minor, the facts attributed to him/her, their legal qualification and the possible sanction.
- c) The duration of the probationary period, which may not exceed three years.
- d) The warning that the commission of any contravention or offense, during the probationary period, will lead to the resumption of the proceedings.
- e) The prevention that any change of residence, domicile or place of work must be immediately communicated to the corresponding authority.
- f) The guidance and supervision order decreed, as well as the reasons for it.

(The Constitutional Chamber, by resolution No. 6857 of September 24, 1998, declared that this article is not unconstitutional "provided that it is interpreted as an essential requirement for the suspension of the probationary process, the free manifestation of will of the offender, prior detailed information of the scope and consequences of the measure").

Article sheet

ARTICLE 91.- Non-fulfillment of conditions set to suspend the trial on probation

Ex officio or at the request of a party, the Judge shall revoke the suspension of the probationary proceeding and shall order the continuation of the proceedings when he finds unjustified non-compliance with any of the conditions for which the suspension was ordered.

(The Constitutional Chamber, by resolution No. 6857 of September 24, 1998, declared that this article is not unconstitutional "provided that it is interpreted as an essential requirement of the suspension of the probationary process, the free manifestation of will of the offender, after detailed information of the scope and consequences of the measure").

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Article sheet

ARTICLE 92.- Fulfillment of the conditions set for the suspension of the trial on probation

When the minor complies with the obligations imposed in the resolution ordering the suspension of the proceeding, the Judge shall issue a resolution approving them, terminating the proceeding and ordering it to be filed.

(The Constitutional Chamber, by resolution No. 6857 of September 24, 1998, declared that this article is not unconstitutional "provided that it is interpreted as an essential requirement for the suspension of the probationary process, the free manifestation of will of the offender, prior detailed information of the scope and consequences of the measure").

Article sheet

ARTICLE 93.- Psychosocial study

Once the accusation is admitted, in those cases in which "prima facie" it is considered possible to apply a custodial sanction, the Juvenile Criminal Judge must order the psychosocial study of the minor. For this purpose, the Judiciary shall have units of professionals in psychology and social work.

The parties may offer the expertise of private professionals at their own expense.

This study is indispensable for issuing the final decision, in the cases indicated in the first paragraph of this article.

Article sheet

ARTICLE 94.- Clinical study

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In order to determine and choose the sanction, the judge may refer the juvenile to

The child was sent to the Forensic Medicine Department of the Judicial Investigation Organism for psychiatric, physical and psychological examinations.

chemical substances; in particular, to detect their addiction to psychotropic substances.

Article sheet

ARTICLE 95.- Summons to trial

Once the judge has ruled in favor of the indictment and the opening of the proceeding, the judge shall summon the prosecutor, the parties and the defense counsel to appear at the trial within five working days to examine the proceedings, the documents and the seized items, offer evidence and lodge the challenges they deem pertinent.

Article sheet

ARTICLE 96.- Offering of proof

In the written offer of proof, the Public Prosecutor's Office and the minor, his or her defense counsel or his or her parents or representatives, and the Patronato

National Children's Bureau may present all the evidence they deem convenient to be evacuated.

Article sheet

ARTICLE 97.- Admission and rejection of evidence

Once the term to offer evidence has expired, the Judge shall pronounce, by

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means of a well-founded resolution, on the admission or rejection of such evidence. The Judge may reject the evidence manifestly impertinent and order, if necessary, the admission or rejection of the evidence.

the one it deems necessary.

Article sheet

ARTICLE 98.- Call for debate

In the same resolution in which the evidence is admitted, the Judge shall shall set the date and time for the debate, which shall be held within a period not exceeding fifteen days.

Article sheet

ARTICLE 99.- Orality and privacy

The hearing shall be oral and private, under penalty of nullity. See The trial will be held in the presence of the minor, his defense counsel, the offended party and the Prosecutor. In addition, the parents or representatives of the minor may be present, if possible; witnesses, experts, interpreters and other persons that the Judge considers convenient.

Article sheet

ARTICLE 100.- Opening of the oral hearing

The hearing will be held on the day and at the time indicated. Once the presence of the minor, the Prosecutor, the defense counsel, witnesses, experts and interpreters has been verified, the Judge will declare the hearing open and will inform the minor about the importance and significance of the act and will proceed to order the reading of the

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charges attributed to him/her. The Judge will
should ask him/her if he/she understands the accusation against him/her.

If he/she answers affirmatively, the debate will continue; if, on the contrary, he/she states that he/she does not understand or comprehend the accusation, he/she will explain again the content of the facts attributed to him/her.

Article sheet

ARTICLE 101.- Declaration by the minor

Once the Judge has ascertained that the minor understands the content of the accusation and verified the identity of the minor, he will indicate that he may testify or abstain from doing so, without his silence implying a presumption of guilt.

If the minor agrees to testify, after doing so, he may be questioned by the prosecutor and his defense counsel. He/she may also be questioned by the offended party or his/her legal representative. The questions must be clear and direct and it must be verified that the minor understands them.

During the course of the hearing, the minor will be able to render
The parties may ask him questions in order to clarify his statements.

Article sheet

ARTICLE 102.- Extension of the indictment

If the investigation or the trial phase results in a fact that integrates the continuous crime or a circumstance of aggravation, it is not possible to establish a continuous crime.

mentioned in the indictment, the Prosecutor shall have the possibility to

expand the indictment. If the inclusion of that fact does not essentially
modify the charges that

The case is not attributed to the minor, nor does it cause defenselessness, it will be dealt with at the same hearing.

If, on the other hand, the charges are changed, you will again have to

The minor shall be heard in deposition and the parties shall be informed that they have the right to request the suspension of the hearing to offer new evidence or to prepare the defense. The Judge shall immediately rule on the suspension and shall set a new date for the continuation of the hearing within a term not exceeding ten days.

Article sheet

ARTICLE 103.- Reception of evidence

After the declaration of the minor, the Judge will receive the evidence in the order established in the Code of Criminal Procedure for the debate phase, unless it deems it appropriate to alter it.

If necessary, the Judge may summon the professionals in charge of preparing the social and clinical reports, for the purpose of clarifying or expanding them.

Article sheet

ARTICLE 104.- Proof to better provide

The Juvenile Criminal Judge may order, even ex officio, the taking of any evidence, if in the course of the debate it proves indispensable or manifestly useful to clarify the truth or benefits the minor. He may also summon experts if their opinions are obscure or insufficient. Where possible, the necessary expert operations

will be carried out continuously, at the same hearing.

Article sheet

ARTICLE 105.- Conclusions

Once the evidence has been received, the Judge will give the floor to the Public Prosecutor's Office and the defense counsel so that, in that order, they may issue their conclusions regarding the guilt or responsibility of the minor and refer to the type of applicable sanction and its duration. In addition, the judge will invite the accused and the offended party to comment on what happened during the hearing.

The parties shall have the right of reply, which shall be limited to the refutation of the adverse arguments presented in the conclusions.

Article sheet

ARTICLE 106.- Resolution on the guilt of the minor The Judge shall issue a sentence immediately after the conclusion of the hearing, based on the proven facts, the existence of the act or its atypical nature, the authorship or participation of the minor, the existence or non-existence of grounds for excluding responsibility, the circumstances or seriousness of the act and the degree of responsibility.

The Judge may defer the pronouncement of the sentence for up to three days after end of the hearing.

Article sheet

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ARTICLE 107.- Written requirements of the sentence

The following are requirements of the sentence:

- a) The name and location of the Juvenile Criminal Court issuing the decision and the date it was issued.
- b) The minor's personal data and any other relevant identification data.
- c) The Judge's reasoning and decision on each of the issues raised during the final hearing, with an express statement of the factual and legal grounds on which it is based.
- d) The precise determination of the fact that the Judge considers proven or not proven.
- e) Applicable legal measures.
- f) The clear, precise and substantiated determination of the sanction imposed. The type of sanction, its duration and the place where it is to be executed must be determined.
- g) The signature of the Judge and that of any of the parties, if their consent is required.

Article sheet

ARTICLE 108.- Notification

The decision on guilt and penalty will be notified personally to the parties at the same hearings. The final sentence will be notified in writing at the place indicated.

Article sheet

Chapter IV

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Prescription

ARTICLE 109.- Prescription of the action

The criminal action will prescribe after five years in the case of crimes against life, sexual crimes and crimes against physical integrity; in three years, in the case of any other type of crime of public action. In crimes of private action and contraventions, the statute of limitations is six months.

The terms indicated for the statute of limitations of the action will be counted as follows from the day on which the crime or contravention was committed or from the day on which the suspension of the proceedings was decreed.

Article sheet

ARTICLE 110.- Prescription of penalties

Sanctions ordered in final form will expire in one year. term equal to the term ordered to comply with them. This term will begin to run from the date on which the respective resolution becomes final, or from the date on which it is proven that the non-compliance began.

Article sheet

Chapter V

Resources

ARTICLE 111.-Types **of appeals**. The parties may appeal the decisions of the Juvenile Criminal Court by means of the appeals of revocation, appeal and appeal of sentence.

(Thus amended by Article 6 "Creation of the appeal of the sentence, other reforms to the challenge regime and implementation of new rules of orality in criminal proceedings", Law No. 8837 of May 3, 2010).

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Article sheet

ARTICLE 112.- Recourse of appeal The

following resolutions shall be appealable:

- a) The one that resolves the conflict of competence.
- b) That which orders a provisional restriction to a fundamental right.
- c) That which orders or revokes the suspension of the trial on probation.
- d) The one that terminates the process, in the case of contraventions.
- e) That which modifies or substitutes any type of sanction at the enforcement stage, in the case of contraventions.
- f) Others that cause irreparable damage.

Article sheet

ARTICLE 113.- Power to appeal on appeal

The appeal may only be lodged by the means and in the cases expressly established. Only those who have a direct interest in the matter may appeal. In this sense, they are considered interested parties:

the Public Prosecutor's Office, the offended party, the minor, his attorney, his parents and the Patronato Nacional de la Infancia. The attorney and the parents of minors between the ages of twelve and fifteen years old may appeal in an autonomous manner. In the case of minors between the ages of fifteen and eighteen, these persons may only appeal in the alternative.

Article sheet

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ARTICLE 114.- Proceedings of the recourse of appeal

The appeal must be filed in writing, within three days, before the Juvenile Criminal Judge hearing the case. In the written document, the grounds on which the applicable legal provisions are based must be stated; in addition, the pertinent evidence must be offered, when appropriate.

Once the appeal has been admitted, the Court shall summon the parties to appear at an oral hearing and substantiate the appeal within three to five days from the date of notification. The term shall be ten days when there are reasons of remoteness.

Article sheet

ARTICLE 115.- **Decision of the appeal.**

Immediately after the oral hearing, the Juvenile Criminal Court of Appeal shall decide on the appeal, except in complex cases, at the discretion of the Court, which may decide, within a maximum period of three days, on the appeal filed.

(As amended by Article 3 of Law No. 9021 of January 3, 2012)

Article sheet

Article 115 bis.-Appeals in juvenile criminal sentences.

The appeal of a juvenile criminal sentence will allow for the integral review of the judgment in the trial of the crimes, when the interested party alleges disagreement with the determination of the facts, the incorporation and evaluation of the evidence, the legal grounds or the fixing of the penalty.

The appellate court will rule on the points that are expressly questioned, but will declare, even ex officio, the absolute defects and violations of due process that are found in the sentence.

(As amended by Article 3 of Law No. 9021 of January 3, 2012)

(Thus added by Article 6 "Creation of the appeal of the sentence, other reforms to the challenge regime and implementation of new rules of orality in criminal proceedings", Law No. 8837 of May 3, 2010).

Article sheet

ARTICLE 116.- Appeal in cassation

An appeal in cassation may be filed against rulings issued by the Juvenile Criminal Sentencing Court of Appeal in the trial of offenses, in accordance with the provisions of the Code of Criminal Procedure.

(As amended by Article 3 of Law No. 9021 of January 3, 2012)

(Sinalevi's note: Previously this paragraph had been amended by Article 6 "Creation of the appeal of the sentence, other reforms to the regime of challenges and implementation of new rules of orality in criminal proceedings", Law No. 8837 of May 3, 2010).

Article sheet

Article 116 bis.- Grounds for cassation. The appeal in cassation may be based on any of the following grounds:

- a) When the existence of contradictory precedents issued by the appellate courts, or of these with precedents of the Criminal Cassation Chamber, is alleged.
- b) When the sentence does not observe or erroneously applies a substantive or procedural legal precept.

(Thus added by Article 6 "Creation of the appeal of the sentence, other reforms to the challenge regime and implementation of new rules of orality in criminal proceedings", Law No. 8837 of May 3, 2010).

Article sheet

ARTICLE 117.- Faculty to appeal in criminal cassation

Only the Public Prosecutor's Office, the minor, his defense counsel and the offended party, with legal counsel, may file an appeal in cassation.

Article sheet

ARTICLE 118.- **Processing of the appeal in cassation.** The appeal in cassation shall be processed in accordance with the formalities and time limits established for adult criminal proceedings in the Code of Criminal Procedure.

(Thus amended by Article 6 "Creation of the appeal of the sentence, other reforms to the challenge regime and implementation

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of new rules of orality in criminal proceedings", Law No. 8837 of May 3, 2010).

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Article sheet

ARTICLE 119.-**Appeal for review.** The appeal for review, in juvenile criminal matters, shall be processed in accordance with the rules set forth in the Code of Criminal Procedure.

(Thus amended by Article 6 "Creation of the appeal of the sentence, other reforms to the challenge regime and implementation of new rules of orality in criminal proceedings", Law No. 8837 of May 3, 2010).

Article sheet

ARTICLE 120.- Faculty to appeal in review The review

may be promoted:

- a) The sentenced minor or his/her defense counsel.
- b) The spouse, ascendants, descendants or siblings of the minor, if the minor is deceased.
- c) The Public Prosecutor's Office.

Article sheet

TITLE IV

SANCTIONS

Chapter I General

Provisions

-Article 121-Types of sanctions. Verified the commission or participation of the minor in a criminal act, the juvenile criminal judge may apply the following types of sanctions:

- a) Socio-educational sanctions. The following are set:
 - 1) Reprimand and warning.
 - 2) Assisted liberty.
 - 3) Provision of services to the community.
 - 4) Reparation of damages to the victim.

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b) Guidance and supervision orders. The juvenile criminal judge may impose the following guidance and supervision orders:

- 1) Settling in or moving from a particular place of residence.
- 2) Abandon dealing with certain people.
- 3) Eliminate visits to bars and discotheques or certain entertainment centers.
- 4) Enroll in a formal education center or other center whose objective is to teach you a profession or trade.
- 5) Acquire work.
- 6) Refrain from consuming alcoholic beverages, hallucinogenic substances, narcotics, narcotics or intoxicants that produce addiction or habit.
- 7) Order the internment of the minor or outpatient treatment in a health center, public or private, to detoxify him or her or eliminate his or her addiction to the aforementioned drugs.
- 8) Drug treatment under restorative juvenile court supervision.

c) Penalties involving deprivation of liberty. The following are fixed:

- 1) Home confinement.
- 2) Internment during free time.
- 3) Internment in specialized centers.

(Thus amended by Article 50 of the Restorative Justice Act, No. 9582 of July 2, 2018).

Article sheet

ARTICLE 122.- Determination of the applicable penalty In order to determine the applicable penalty, the following must be taken into account:

- a) The life of the minor before the punishable conduct.
- b) Verification of the criminal act.
- c) Verification that the minor has participated in the criminal act.
- d) The capacity to comply with the sanction; also, the proportionality, rationality and suitability of the

sanction.

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e) The age of the minor and his or her personal, family and social circumstances.

f) The minor's efforts to repair the damage.

Article sheet

Article 123- Forms of application. The indicated sanctions shall have a primarily educational purpose, shall seek the insertion, integration and individual and social restoration of the minor person in his family and society and shall be applied, as the case may be, with the intervention of the family and the support of such specialists as may be determined. The application of sanctions may be ordered either provisionally or definitively. The sanctions may be suspended, revoked or replaced by other more beneficial ones. The judge may order the application of the sanctions provided for in this law simultaneously, successively or alternatively.

Likewise, restorative justice shall be applied to cases in which the minor person has been sentenced and shall proceed in accordance with the provisions of Law No. 9582, Restorative Justice Law, of July 2, 2018, and the protocols of action or regulations created within the framework of said law.

(As amended by Article 3 of Law No. 9636 of January 22, 2019)

(Thus amended by Article 50 of the Restorative Justice Act, No. 9582 of July 2, 2018).

Article sheet

Chapter II

Definition of penalties

ARTICLE 124.- Reprimand and warning

The reprimand is the warning that the judge gives to a person or entity orally to the minor exhorting him/her to abide by the rules of family treatment and social coexistence in the future. Where appropriate, the parents, guardians or persons in charge should be warned about the conduct followed and will indicate them that they must collaborate in the respect of the rules.

legal and social.

The reprimand and warning must be clear and direct, in a clear and direct manner, of

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the minor and those responsible for his or her conduct understand that the

the unlawfulness of the acts committed.

Article sheet

ARTICLE 125.- Assisted liberty

This measure, which has a maximum duration of five years, consists of releasing the minor, who is obliged to comply with educational programs and receive guidance and follow-up from the Court, with the assistance of specialists from the Program for Minors of the General Directorate for Social Adaptation.

(As amended by Article 111 of Law No. 8460 of October 20, 2005)

Article sheet

ARTICLE 126.- Provision of services to the community

The provision of services to the community consists of performing free tasks, of general interest, in public or private assistance entities, such as hospitals, schools, national parks and other similar establishments.

Tasks should be assigned according to the skills of the children under the age of 18.

The employees shall work for a maximum of eight hours per week, on Saturdays, Sundays and holidays or on working days, but without prejudice to school attendance or the normal working day.

Community service must be provided for a maximum period of six months.

The measure shall be maintained for the time necessary for the service fixed to be effectively performed or replaced.

Article sheet

ARTICLE 127.- Repair of damages

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The reparation of damages to the victim of the crime consists of the direct provision of work, by the minor in favor of the victim, in order to compensate or restore the damage caused by the crime.

To repair it, the consent of the victim and the minor will be required; in addition, the approval of the Judge will be required.

With the agreement of the victim and the minor, the penalty may be replaced by a sum of money to be fixed by the judge, which may not exceed the amount of damages caused by the act.

The sanction will be considered fulfilled when the Judge determines that the damage has been repaired in the best possible way.

Article sheet

ARTICLE 128.- Guidance and supervision orders

Guidance and supervision orders consist of injunctions or prohibitions imposed by the Juvenile Criminal Judge to regulate the way of life of minors, as well as to promote and ensure their training.

The orders or prohibitions will last for a maximum period of two years and

The compliance must begin no later than one month after they are ordered.

If any of these obligations is breached, the Judge may, ex officio or at the request of a party, modify the order or prohibition imposed.

Article sheet

ARTICLE 129.- Domiciliary internment

The domiciliary internment is the arrest of the minor in his or her home, with his or her family. If it cannot be carried out in the minor's home, for reasons of inconvenience or impossibility, it will be carried out in the home of any family member. When there is no family member available, it may be ordered the internment in a

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The minor must be cared for by a private home or entity, of proven responsibility and moral solvency, which will take care of the minor. In the latter case, the minor's consent must be obtained.

Home confinement must not affect the fulfillment of work or attendance at an educational center. A social worker from the Department of Minors of the Directorate of Social Adaptation will supervise compliance with this sanction, the duration of which will not exceed three years.

(Thus amended by Article 111 of Law No. 8460 of October 20, 2005)

Article sheet

ARTICLE 130.- Internment in free time

This measure is the deprivation of liberty to be served in a specialized center, during the free time available to the minor during the course of the week. The duration of this internment may not exceed three years.

(Thus amended by Article 111 of Law No. 8460 of October 20, 2005)

Time off is considered to be that during which the minor does not have to comply with his or her work schedule or attend an educational center.

Article sheet

ARTICLE 131.- Internment in a specialized center

The sanction of internment is an exceptional deprivation of liberty. It may be applied only in the following cases:

a) In the case of intentional crimes punishable under the Penal Code or special laws, for adults sentenced to imprisonment for more than six years.

b) When he/she has unjustifiably failed to comply with the socio-educational sanctions or the guidance and supervision orders imposed.

The measure of internment will last for a maximum period of fifteen years.

for minors between fifteen and eighteen years of age, and ten years for

minors between twelve and fifteen years of age. The Judge shall

consider substituting this sanction for a less drastic one when appropriate.

The measure of deprivation of liberty may never be applied as a sanction when it is not appropriate for an adult, according to the type of crime.

When applying a measure of deprivation of liberty, the judge must consider the period of provisional detention to which the minor was subjected.

Article sheet

ARTICLE 132.- Conditional execution of the imprisonment sanction

The judge may order the conditional execution of the custodial sanctions, for a period equal to double the sanction imposed, taking into account the following assumptions:

- a) The efforts of the minor to repair the damage caused.
- b) The lack of seriousness of the acts committed.
- c) The convenience for the educational or occupational development of the minor.
- d) The family and social situation in which he/she lives.
- e) The fact that the minor has been able to create, independently, an alternative life project.

If, while serving the conditional execution, the minor commits a new crime, the conditional execution will be revoked and he/she will serve the sanction imposed.

Article sheet

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Chapter III

Enforcement and control of penalties

ARTICLE 133.

The execution of sanctions must establish and promote the necessary social actions that allow the minor, subjected to some type of sanction, his permanent personal development and reintegration into his family and society, as well as the development of his capabilities.

Article sheet

ARTICLE 134.- Execution plan

The enforcement of sanctions will be carried out by means of a plan individual execution plan for each sentenced person. This plan will include all of the individual juvenile's factors to achieve the goals of the execution. The execution plan must be ready no later than one month after the sentenced person enters the detention center.

Article sheet

ARTICLE 135.- Jurisdiction

The Court for the Execution of Juvenile Criminal Sanctions will be in charge of controlling the execution of the sanctions imposed on the minor. It will be competent to resolve questions or incidents that arise during the execution and to control the fulfillment of the objectives set by this law.

Article sheet

Article 136- Functions of the judge for the execution of sanctions. The judge for the execution of sanctions shall have the following attributions:

- a) Control that the execution of any sanction does not restrict fundamental rights that are not established in the conviction.
- b) Monitor that the individual plan for the execution of sanctions is in accordance with the objectives set forth in this law and restorative principles.
- c) Ensure that the rights of the minor are not violated while serving the sanctions, especially in the case of internment.
- d) To ensure that sanctions are complied with in accordance with the provisions of the resolution ordering them; to this end, the restorative approach of the juvenile offender may be promoted.
- e) To review the sanctions at least once every six months, in order to modify them or replace them with other less burdensome ones, when they do not meet the objectives for which they were imposed or because they are contrary to the process of insertion, integration and individual restoration of the minor person in his family and society.
- f) Control the granting or denial of any benefit related to the measures imposed in the sentence.
- g) Decree the cessation of the sanction. For this purpose, the restorative approach of the sentenced minor may be promoted.
- h) The other attributions that this, the Restorative Justice Law or other laws assign to promote the insertion, integration and individual restoration of the minor person in his or her family and society.
- i) Facilitate restorative meetings in the execution phase of juvenile criminal sanctions.

(Thus amended by Article 50 of the Restorative Justice Act, No. 9582 of July 2, 2018).

Article sheet

ARTICLE 137.- Officials of the centers for minors The officials of the centers for minors will be selected on the basis of their aptitudes and abilities suitable for work with minors. For work in women's centers, preference shall be given, all other things being equal, to women.

At the center, the carrying and use of firearms by

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The use of the same by officials should be regulated and restricted only to exceptional cases and cases of necessity.

Article sheet

ARTICLE 138.- Rights of the minor during the execution During the execution of the sanctions, the minor shall have, as a minimum, the following rights:

- a) Right to life, dignity and physical and moral integrity.
- b) Right to equality before the law and not to be discriminated against.
- c) The right to remain, preferably, in his or her family environment, if This meets the appropriate requirements for the development of the minor.
- d) The right to receive health, educational and social services.

appropriate to their age and conditions and to be provided by persons with the required professional training.

- e) Right to receive information, from the beginning of the execution of the sanction, about:

1.- The internal regulations on behavior and life in the center, in particular those related to sanctions

disciplinary measures that may be applied.

2.- Your rights in relation to the penitentiary officials

in charge of the detention center. 3.- The content of

the individual execution plan to reintegrate him/her into society.

4.- The form and means of communication with the outside world, exit permits and the visiting regime.

- f) The right to submit petitions to any authority and to be guaranteed a response.
- g) The right to be kept, in any case, separate from offenders convicted under ordinary criminal law.
- h) The right to be placed in a location suitable for the fulfillment of the individual execution plan and not to be arbitrarily transferred.
- i) The right not to be incommunicado in any case, nor to be subjected to solitary confinement or to the imposition of corporal punishment. When solitary confinement or isolation must be applied to avoid acts of violence against the minor or third parties, this measure shall be communicated to the Execution Judge and the Ombudsman, so that, if necessary, it may be reviewed and supervised.
- j) The other rights, especially penitentiary rights, established for adults and applicable to minors.

Article sheet

ARTICLE 139.- Specialized internment centers

The sanction of internment shall be executed in special centers for minors, which shall be different from those intended for offenders subject to common criminal legislation.

There should be at least two specialized centers in the country. One will serve women and the other will serve men.

Minors shall not be admitted to the centers without prior written order from the competent authority. There shall be within these centers the

necessary separations according to age. Minors will be placed with ages

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The children between fifteen and eighteen years of age will be kept in a different place from the one for minors between twelve and fifteen years of age; likewise, those in provisional internment and those in definitive internment will be separated.

Article sheet

ARTICLE 140.- Continuation of internment of adults

If the juvenile deprived of liberty reaches eighteen years of age during his detention, he may be transferred, as appropriate, to an adult penal center; but he shall be physically and materially separated from them.

(As amended by Article 111 of Law No. 8460 of October 20, 2005)

Article sheet

ARTICLE 141.- Report of the director of the center

The director of the establishment where the minor is placed, from the moment he/she is admitted, shall send a quarterly report to the Judge for the Execution of Sanctions, on the situation of the sentenced person and the development of the individual implementation plan with recommendations for the fulfillment of the objectives of this law.

Non-compliance with the obligation to send the previous report, will be communicated by the Judge to the corresponding administrative hierarchy so that the director may be sanctioned.

Article sheet

Article 142 - Release of the minor. When the minor is about to leave the center, he/she shall be prepared

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for the exit, with the assistance of specialists in social work, psychology and psychiatry of the center; for this purpose, restorative approaches may be used involving the juvenile offender, the

support persons, the victim when possible, in order to prepare his or her insertion, integration and individual and social restoration in the family and society, as well as the development of his or her capabilities and sense of responsibility.

(Thus amended by Article 50 of the Restorative Justice Act, No. 9582 of July 2, 2018).

Article sheet

ARTICLE 143.- Repeals

The Organic Law of the Juvenile Guardianship Jurisdiction, No. 3260, of December 21, 1963, and its subsequent amendments made by means of Law No. 7383, of March 16, 1994, are hereby repealed.

Article sheet

ARTICLE 144.- Validity

This law is effective as of its publication, except for the procedural part, which will be effective as of May 1, 1996.

Article sheet

TRANSITORY I.- Until the Court for the Execution of Sanctions is created, the Juvenile Criminal Judge will be in charge of controlling the execution of the sanctions and other competencies that correspond to this Court.

Article sheet

TRANSITORY II.- The specialized public institutions in charge of the treatment for the detoxification of minors with drug addiction problems, referred to in this law, shall be created within a term no longer than six months after the enactment of this law.

To this end, the Ministry of Finance shall make the necessary provisions at the time of preparing the National Budget Law.

Article sheet

TRANSITORY III.- The Supreme Court of Justice may transfer the resources that, until the entry into force of this law, make up the Juvenile Guardianship Jurisdiction, in order to constitute the Courts established in this law.

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Article sheet

TRANSITORY IV.- Within fifteen days after the publication of this law, the Executive Branch shall submit to the Legislative Assembly an extraordinary budget with the items that give economic content to the Branches of the State to execute this law.

Article sheet

TRANSITORY V.- Upon the entry into force of this law, the procedure provided for therein shall apply to all pending proceedings, except those ready for judgment, which shall continue to be processed in accordance with the previous legislation.

Legislative Assembly - San José, on the sixth day of the month of February, nineteen hundred and ninety-six.

Given at the Presidency of the Republic, San José, on the eighth day of March, nineteen hundred and ninety-six.

Article sheet

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