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Law for the protection of victims, witnesses and other parties involved in criminal proceedings, amendments and additions to the Code of Criminal Procedure and the Criminal Code.

NO. 8720

THE LEGISLATIVE ASSEMBLY OF THE
REPUBLIC OF COSTA RICA
DECREES:

**PROTECTION FOR VICTIMS, WITNESSES AND OTHER
PARTIES INVOLVED IN THE CRIMINAL PROCESS,
REFORMS
AND ADDITION TO THE CODE OF
CRIMINAL PROCEDURE AND TO THE
PENAL CODE**

TITLE I

**PROTECTION OF VICTIMS, WITNESSES AND OTHER
PARTIES INVOLVED IN THE CRIMINAL PROCESS**

ARTICLE 1.- Purpose

The purpose of this title is to protect the rights of victims, witnesses and other parties involved in criminal proceedings, as well as to regulate extra-procedural protection measures and their procedure.

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Article 2- Principles. For the application of this title, the following principles shall be taken into account:

- a) Principle of protection: considers the protection of the life, physical integrity, liberty and security of the persons referred to in this law to be paramount.
- b) Principle of proportionality and necessity: the protection measures shall respond to the level of risk or danger in which the targeted person is and may only be applied insofar as they are necessary to ensure his or her safety or reduce existing risks.
- c) Principle of confidentiality: all information and administrative or jurisdictional activity related to the scope of protection of persons referred to in this law must be reserved for the purposes of the

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respective investigation or proceeding.

d) Principle of restorative justice: the protection of victims in criminal, juvenile criminal and misdemeanor proceedings should consider restoration, integration, rehabilitation, recovery and their peaceful and safe coexistence in the family and society; for which all intervention of victims should have a comprehensive and holistic approach with the support of restorative programs.

(Thus amended by Article 54 of the Restorative Justice Act, No. 9582 of July 2, 2018).

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ARTICLE 3.- Definitions

For the purposes of this title, the following terms are defined:

- a) **Persons under protection:** victims, witnesses, judges, prosecutors, defenders or other persons who are at risk as a result of their direct or indirect involvement in the investigation of a crime or in the process, or because of their relationship with the person involved in the process.
- b) **Protection program:** set of operations carried out by the Judicial Branch through the Office of Attention to Victims of Crime of the Public Prosecutor's Office, in order to guarantee the life, physical integrity, liberty and security of the person under protection.
- c) **Protective measures:** these are the actions or mechanisms aimed at safeguarding the life, personal integrity, freedom and other rights of the protected person; they may be ordinary actions, actions aimed at preserving the identity and location of the protected persons or extraordinary actions to provide comprehensive security to the protected persons, temporarily or permanently in the face of conditions of extreme danger or risk.
- d) **Risk situation:** reasonable existence of a threat or harm to the life, physical integrity, liberty and/or security of persons with expectations of accessing the protection program, as well as the vulnerability of the threatened person, the probability of the danger occurring and the impact it may have.
- e) **Security study:** technical assessment to identify security strengths and weaknesses in a person's environment, the results of which, once analyzed, are used to recommend improvements and implement protective measures.

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ARTICLE 4.- Scope of application

This Law may be applied at any time during the process and will depend on the concurrence of the following cases:

- a) That it is a person under protection.

- b) A well-founded presumption that there is a certain risk to the life or physical integrity of the person, as a consequence of his/her intervention and/or link with the person involved in the investigation of a presumed criminal act; for this purpose, the importance and entity of the risk, the seriousness of the act under investigation and the relevance of the testimony for the discovery of the truth in the investigated act will be taken into account.

Protection may be granted even if the complaint has not been filed. However, once protection has been granted, the complaint must be filed within a reasonable period of time.

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ARTICLE 5.- Protected parties

The measures provided for in this title shall apply to the person under protection.

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ARTICLE 6. Administration of the Program for the protection of victims, witnesses and other parties involved in the criminal proceeding

The Office of Attention to Crime Victims of the Public Prosecutor's Office, within its functions of attention and assistance to all crime victims, is responsible for administering the Program for the Protection of Victims, Witnesses and other parties involved in criminal proceedings.

The Protection Unit is created as part of the Office of Attention to Victims of Crime of the Public Prosecutor's Office; it will be formed by the necessary technical evaluation teams, which will be composed of at least one person with a degree in Criminology, a professional in Law, a professional in Psychology and a professional in Social Work or Sociology, and a protection team composed of security agents, belonging to the Judicial Investigation Agency (OIJ).

The Office of Attention to Victims of Crime of the Public Prosecutor's Office shall have the following attributions:

- a) To prepare the Program for the protection of victims, witnesses and other parties involved in criminal proceedings, hereinafter referred to as the Program.
- b) To hear requests for protection measures formulated by the victim, the jurisdictional bodies, the Attorney General's Office, the Public Defense, the plaintiff, the OIJ and the Ministry of Public Security.
- c) Identify, authorize, implement, modify and eliminate protection measures for persons who qualify to receive the Program's benefits, following the opinion of the technical evaluation teams.

d) Coordinate with the Ministry of Security and other governmental or non-governmental agencies, the establishment or use of protection centers necessary to provide the measures referred to in this Law.

e) To entrust, when appropriate, the material execution of the protection measures to the corresponding unit or department of the Ministry of Public Security and, in the case of witnesses deprived of their liberty, to the Ministry of Justice.

f) To request, when the case so warrants, other public institutions to provide services for the fulfillment of its attributions; said institutions shall attend to them in due time and form, keeping the confidentiality required by the case, under penalty of incurring liability.

g) Inform the authorities and the persons requesting protection of the modification or removal of all or some of the authorized measures.

h) Request the creation of technical assessment teams and protective equipment necessary for service reasons.

With regard to the performance of psychosocial assessments for victims of sexual crimes and other manifestations of violence, regardless of their age and sex; for victims of domestic violence, in criminal proceedings, and of violence in intimate partner relationships, according to the Law on the Criminalization of Violence against Women, it must be coordinated with the existing interdisciplinary teams in the Department of Social Work and Psychology of the Judiciary.

i) Propose the celebration of agreements and maintain relations, at the national and international level, with public or private organizations and institutions, to facilitate compliance with this Law. The Office of Attention to the Victims of Crime of the Public Prosecutor's Office will coordinate with the Ministry of Foreign Affairs and Worship, through the corresponding official channel.

j) Conduct, at the national level, permanent campaigns on the dissemination of the rights of victims of witnesses.

k) Coordinate with the Department of Social Work and Psychology of the Judicial Branch, regarding the care of minors who are victims of sexual crimes and other forms of violence, so that they may be included in the program that exists in said Department for the care of these persons.

l) Any other powers provided for in this Law and its Regulations.

The Regulations shall regulate and define the type of protection measures.

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Article 6 bis - Restorative Justice Unit of the Office of Attention to Victims of the Public Prosecutor's Office

Within the framework of the competencies of the Office of Attention to Victims of Crime of the Public Prosecutor's Office, for the attention and assistance to all victims of crimes, a Unit of Attention to Victims Users of Restorative Justice should be formed for the attention, assistance and interdisciplinary approach of

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victims who become users of this procedure. In addition, budgetary provisions must be created for the Special Fund for the Protection of Victims and Witnesses to allocate resources for its sustainability.

In addition, it shall:

- a) Form and follow up on the Support Network for Victim Users of Restorative Justice, in coordination with the restorative venues.
- b) Participate in the restorative procedures developed in the stage of execution of the penalty in criminal or juvenile criminal matters.
- c) Create and offer self-help programs, services for care, restoration, rehabilitation, recovery and their peaceful and safe coexistence in the family and society.
- d) Create and offer specialized empowerment programs for victims of patrimonial violence crimes of Law No. 8589, Criminalization of Violence against Women, of April 25, 2007, processed when proceeding with the restorative justice procedure, in accordance with Article 14 of Law No. 9582, Restorative Justice Law of July 2, 2018.
- e) Promote inter-institutional and local coordination for compliance with this law.

The foregoing is without prejudice to other functions of an administrative nature that may be defined by guidelines of the Office of the Attorney General of the Republic, the provisions of this law and its respective regulations.

(So added by Article 55 of the Law on Restorative Justice, No. 9582 of July 2, 2018) (So amended by Article 2° of Law No. 9636 of January 22, 2019).

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ARTICLE 7. Technical evaluation teams

The technical evaluation teams will be responsible for:

- a) To issue the opinion for the granting, modification or suppression of the protection measures requested; this opinion will include the risk assessment and the security study.
- b) Recommend the protection measures that it considers technically convenient for each case.
- c) To request, from public or private institutions, the information necessary for its opinion.
- d) Manage the necessary assistance for persons subject to protection.
- e) Follow up on the cases of persons under protection.
- f) Review, every six months, the protection measures in execution and submit a report, when the agreed measure exceeds that term, or in any other case in which the Office of Attention to the Victims of Crime of the Public Prosecutor's Office so provides.

- g) To perform other functions entrusted to it by the Crime Victims Assistance Office of the Public Prosecutor's Office.

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ARTICLE 8. Protective equipment

It will correspond to the protection equipment:

- a) Execute the material measures of protection, in cases where accompaniment or surveillance of the protected person is required.
- b) Inform the technical assessment teams about the development of the protection.
- c) To carry out other activities entrusted to it by the Crime Victims Assistance Office of the Public Prosecutor's Office.

Likewise, the Office of Attention to Victims of Crime of the Public Prosecutor's Office may coordinate the execution of the necessary measures regulated by this Law with the corresponding unit or department of the Ministry of Public Security and, in the case of witnesses deprived of liberty, with the Ministry of Justice, as well as with any other public institution, when necessary.

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ARTICLE 9. Rights of persons under protection

In addition to the rights established in criminal and international procedural law, every person under protection shall have the following rights:

- a) To receive, free of charge, psychological, psychiatric, legal, social or medical assistance, when necessary.
- b) To be provided with a stable job or a reasonable economic consideration, when the protection measure granted implies the separation of their previous work activity.
- c) To have risk insurance, during the process, in case of injury or death, at the expense of the Victim and Witness Protection Program, when this Program has available resources.
- d) To have at their disposal, in the court where the judicial process against the person responsible for the crime is being heard, an area that is separate from the accused.
- e) To be facilitated to leave the country and reside abroad, when necessary to protect his or her life or physical integrity, as a protected person.

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- f) Not to have images of him or her or his or her family members captured and/or transmitted, which would allow his or her identification as a victim, witness or subject intervening in the case for which he or she is being protected.
- g) To have your address and telephone number information kept confidential, when you feel it is necessary for your personal safety and the safety of your family members, as well as the privilege of communication with your legal counsel, psychologist or physician.
- h) To be heard prior to the granting, modification or termination of the protection measure granted.
- i) To request the cessation of the measures or to reject their application.

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ARTICLE 10. Duties

Without prejudice to the provisions of the preceding article and the Code of Criminal Procedure, persons subject to protective measures shall have the following obligations:

- a) Comply with the instructions and orders that have been issued, to protect their integrity and that of their family members.
- b) Maintain absolute and strict confidentiality regarding their protection status and the measures granted to them.
- c) Not to disclose information about the places of care or protection of yourself or others who are in the same condition, even if you are no longer subject to the Program.
- d) Not to disclose or use information related to the case or the Program to obtain advantages for themselves or third parties.
- e) Undergo psychological tests and socio-economic studies to assess the type of measure to be granted and their ability to adapt to it.
- f) To comply with the recommendations made to it in security matters.
- g) Refrain from going to places that pose a risk to the protected person.
- h) Refrain from frequenting people who may put your own safety or that of your family at risk, as well as refrain from communicating with them.
- i) Respect the limits imposed in the protection measures and the instructions given for this purpose.
- j) Respect the authorities and all personnel in charge of their protection and treat them decently and with dignity.

- k) To provide the judicial authorities with the information required on the fact under investigation, without prejudice to the provisions of Article 36 of the Political Constitution.

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ARTICLE 11.-Classes of protection measures

Protection measures may be procedural or extra-procedural. Procedural measures shall be regulated in the Code of Criminal Procedure and extra-procedural measures in this Law. It shall be understood that it is provided:

a) **Procedural protection:** when their knowledge represents a risk to their life, their physical integrity or that of their family members, due to their denunciation or intervention in the process, the victim or witness will have the right to have their identification data reserved, such as name, identity card and address, telephone numbers or place of work, and to not have such data included in the documentation of the process; In addition, in the exceptional cases indicated in article 204 bis of the Code of Criminal Procedure, he shall have the right to keep his individualizing physical characteristics confidential, when, due to the nature of the act, these are not known by the accused or by the other parties, without prejudice to the right of defense. In order to ensure the testimony of the person and protect his life, the available technological means may be used, such as videoconference or any other similar means that make the agreed protection effective, both in the trial and when the jurisdictional advance of evidence is used.

b) **Extra-procedural protection:** the victim, witnesses and other subjects intervening in the criminal proceeding, shall have the right to request and obtain special protection, in case of serious risks or threats against their life or physical integrity, that of their relatives or other persons related to the person intervening in the proceeding, due to their complaint or their intervention in the proceeding. The Public Prosecutor's Office, the police, the judge or the trial court hearing the case, shall adopt the necessary measures to ensure that this protection is provided, under the terms and according to the procedure established in this Law and its Regulations. The victim shall be heard in all proceedings in which it is intended to provide protection. The Office of Attention to the Victims of Crime of the Public Prosecutor's Office will coordinate with all the prosecutor's offices of the country for the protection of the victims and, upon request of the prosecutor, will channel, through them, the necessary information to support the protection measures or requests for precautionary measures, according to article 239 of the Code of Criminal Procedure.

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ARTICLE 12. Application and procedure for extraprocedural protection measures.

a) **Request:** the application of protection measures will begin upon request to the Crime Victim Attention Office of the Public Prosecutor's Office, made by the person, the prosecutor, the judge, the public defense, the complainant, the OIJ or the Ministry of Public Security. When the request is not received directly by the Office of Attention to the Victims of Crime of the Public Prosecutor's Office, the public official who receives it must channel it, within a peremptory term of twenty-four (24) days

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at the most, through the Office of Attention to the Victims of Crime of the Public Prosecutor's Office.

(24) hours, to the Crime Victims Assistance Office of the Public Prosecutor's Office, under penalty of incurring liability.

The request will contain the general data of the person, a succinct account of the facts, a brief statement of the dangerous situation that motivates the request, as well as any other element that may guide the decision. In urgent cases, the request may be verbal, with the information necessary to identify the person and the situation of risk, without prejudice to the subsequent formalization of the request in writing.

When the protected person is a minor, the request may be submitted by his or her legal representative or the person who has him or her under his or her care or custody. If this requirement cannot be fulfilled because the interest of the minor is opposed to that of those exercising parental authority, the National Child Welfare Agency (PANI) shall represent the interests of the minor. However, in all cases, in the case of minor victims protected by the present Law, it shall proceed in accordance with the Code of Childhood and Adolescence and the Convention on the Rights of the Child.

b) Duration and review of the measures: the protection measures applied will be maintained for as long as the situation that motivates them persists and will be reviewed at least every six (6) months. However, at any time and when deemed appropriate, the Office of Attention to the Victims of Crime of the Public Prosecutor's Office will order the technical teams to review the protection measures.

c) Termination of the protection measures: the protection measures will be terminated by a well-founded resolution of the Office of Attention to the Victims of Crime of the Public Prosecutor's Office, when the risk ceases or when any of the grounds for exclusion from the Program provided for in this Law occurs. The decision to exclude the protected person from the Program shall take into account the opinion of the affected person.

The measures will also be terminated by the express resignation of the protected person, presented orally or in writing. However, prior to the termination of the measures for this reason, the person must attend a psychological appointment at the Office of Attention to Victims of Crime of the Public Prosecutor's Office, to rule out any external factor affecting the decision. In any case, the reasons for the request shall be recorded.

When the Office of Attention to Victims of Crime of the Public Prosecutor's Office decides to terminate the protection measures, it will issue the pertinent orders to those concerned to terminate them.

d) Grounds for exclusion from the program: protected persons may be excluded from the Program, after the technical evaluation teams have issued an opinion, for the following reasons:

- 1) Failure to comply with any of the obligations established in this Law.
- 2) In the face of unjustified refusal to cooperate with the administration of justice.
- 3) Conduct that contravenes the decisions issued by the Crime Victims Assistance Office of the Public Prosecutor's Office, in order to guarantee the effectiveness of the agreed measures.
- 4) Deliberately providing false information to officials or employees of the Crime Victims Assistance Office of the Public Prosecutor's Office in order to be included in the Program, without prejudice to the corresponding criminal liability.

- 5) The disappearance of risk.
- 6) When the protected person voluntarily resigns from the Program.
- 7) Any other reasonable circumstance that makes it unnecessary to maintain the measure.

The measure will be maintained until the exclusion resolution becomes final.

e) **Filing of proceedings:** when the Office of Attention to the Victims of Crime of the Public Prosecutor's Office denies the protection measures and no appeal has been filed, it will order the filing of the proceedings.

The file will also be ordered when the measures are terminated or the protected person is excluded from the Program.

f) **Confidentiality:** the proceedings for the application of the Program are confidential and only persons authorized by the Office for the Attention of Victims of Crime of the Public Prosecutor's Office and the judge hearing the case will have access to them.

Therefore, it is forbidden to disseminate or provide information that affects the application and execution of the protection measures, under penalty of incurring liability.

g) **Resources**

1) **Revocation:** the appeal for revocation will proceed against the resolution that grants, modifies, denies, suppresses or terminates the protection measures, as well as against the decision that excludes the protected person from the Program.

The appeal must be filed by the person or body that has requested the protection, in writing addressed to the Office of Attention to the Victims of Crime of the Public Prosecutor's Office, within three (3) days from the day following the day of the respective notification.

The Office of Attention to the Victims of Crime of the Public Prosecutor's Office shall resolve within five (5) days following the filing of the appeal.

2) **Appeal:** against the decision of the Office of Attention to the Victims of Crime of the Public Prosecutor's Office, only an appeal may be filed before the Attorney General, which must be filed within three (3) days from the day following the day of the notification of the denial.

The appeal must be resolved within five (5) days. All deadlines are preemptory and understood in working days.

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Article 13- Budget for the Program for the protection of victims, witnesses and other parties involved in the criminal process

In accordance with Law No. 8131, Financial Administration of the Republic and Public Budgets, of September 18, 2001, the Judicial Branch shall prepare and incorporate, in its annual budget, the corresponding items for the purpose of financing the Victim and Witness Protection Program created in this law. In addition, budgetary provisions must be created for the Special Fund for the Protection of Victims and Witnesses to allocate resources for the sustainability of the Program for the integral attention of victims who are users of restorative justice.

The Ministry of Finance shall endow the above-mentioned Victim and Witness Protection Program with the resources generated by the amendment to paragraph 4 of numeral 1, subparagraph 1, paragraph 4, of paragraph 1 of subsection

c) of Article 23 of Law No. 7092, Income Tax Law, of April 21, 1988, which is made in the present law. When the resources generated by this amendment are insufficient for the proper functioning of the Victim and Witness Protection Program, said Ministry shall be obliged to transfer the additional resources necessary for the proper functioning of said Program.

In addition, public institutions are authorized to assist with economic resources in kind, through inter-institutional agreements between them and the Judiciary, to complement the actions for the protection of victims and witnesses. The above in order to make possible actions such as psychological, psychiatric, special medical, social work or any other type of evaluations that may be considered convenient by virtue of the present law.

(Thus amended by Article 54 of the Restorative Justice Act, No. 9582 of July 2, 2018).

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ARTICLE 14. Duty of collaboration of the authorities

The victim of the crime will have priority in the attention of his or her health care needs or when dealing with procedures or formalities in any State agency related to his or her condition.

The public authorities are also obliged to collaborate with the Office of Attention to the Victims of Crime of the Public Prosecutor's Office, giving priority to their requests related to protection measures or care for the person under protection, as well as to take measures to ensure confidentiality with respect to information related to the fulfillment of the functions of this Law.

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ARTICLE 15. Specific rules for the protection of victims of the crime of trafficking in persons.

Victims of human trafficking shall have the following rights:

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- a) Receive information about their rights, in a language they understand and in a form accessible to their age and maturity.
- b) To remain in the country, in accordance with the immigration legislation in force, and to receive the documentation that accredits such circumstance.
- c) Not to have your name included in any special registry.

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ARTICLE 16. Amendments to the Code of Criminal Procedure

Revise articles 7, 22, 25, 30, 30, 33, 36, 70, 71, 98, 204, 212, 221, 238, 248, 282 and 285; subparagraphs (f) and (g), and (h) and (i).
h) of Article 286; Articles 293, 298, 300, 304, 304, 318, 319, 324, 330, 331, 334, 340, 351, 413 and 426 of the Code of Criminal Procedure, Law No. 7594. The texts shall read:

"Conflict resolution and restoration of the victim's rights.

The courts shall resolve the conflict arising as a result of the act, in accordance with the principles contained in the laws, in an attempt to contribute to the restoration of social harmony between the parties and, in particular, the restoration of the rights of the victim.

For such purposes, they shall always take into account the opinion of the victim, in the manner and under the conditions regulated by this Code."

"Article 22. Principles of legality and timeliness

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

However, with the prior authorization of the hierarchical superior, the representative of the Public Prosecutor's Office may request that the criminal prosecution be dispensed with, in whole or in part, and that it be limited to one or more offenses or to some of the persons who participated in the act, when:

- a) It is an insignificant act, with minimal culpability of the perpetrator or participant or with little contribution of the latter, unless there is violence against persons or force against things, the public interest is affected or the act has been committed by a public official in the exercise of his office or on the occasion thereof.
- b) In cases of organized crime, violent crime, serious or complex crimes and the accused collaborates effectively with the investigation, provides essential information to prevent the continuation of the crime or the perpetration of others, helps to clarify the investigated act or other related acts or provides useful information to prove the participation of other accused, provided that the conduct of the collaborator is less reprehensible than the punishable acts whose prosecution he facilitates or whose continuation he avoids.

Notwithstanding the provisions of Article 300, in the cases provided for in this subsection, the victim shall not be informed of the request to apply the opportunity criterion and, if he/she has not been informed, he/she shall be informed of the request.

The defendant shall not have the right to do so at a later date, unless the court orders the resumption of the proceedings in accordance with the following article.

c) The accused has suffered, as a consequence of the act, serious physical or moral damages that make the application of a penalty disproportionate, or when the conditions under which the court is authorized to dispense with the penalty are met.

d) The penalty or security measure that may be imposed, for the act or offense whose prosecution is waived, is irrelevant, in consideration of the penalty or security measure imposed, which must await for the remaining acts or offenses that were imposed or that would be imposed in a proceeding processed abroad. In the latter cases, active extradition may be dispensed with and passive extradition may be granted.

The request must be formulated in writing, before the court that will decide the corresponding, according to the procedure established for the conclusion of the preparatory proceedings."

"Article 25. Proceedings

When the conditional suspension of the sentence is applicable or in cases of crimes punished exclusively with non-custodial sentences, the accused may request the suspension of the probationary procedure provided that, during the previous five years, he/she has not benefited from this measure or from the extinction of the criminal action for the reparation of the damage or conciliation. For such purposes, the Judicial Registry will keep a file of the beneficiaries.

The measure will not proceed in intentional crimes, when the act has been committed by means of force in things or violence on persons. The request must contain a plan of reparation of the damage caused by the crime, to the satisfaction of the victim of known domicile, and a detail of the conditions that the accused is willing to comply with, according to the following article. The plan may consist of conciliation with the victim, the natural reparation of the damage caused or a symbolic reparation, immediate or to be fulfilled in installments. If, after the request has been made, there is still no indictment, the Public Prosecutor's Office shall describe the act with which he is charged.

In order for the benefit to be granted, it is essential that the accused admits the act attributed to him and that the victim agrees to the suspension of the trial on probation.

At an oral hearing, the court shall hear the prosecutor, the victim of known domicile, as well as the accused on the request, and shall rule immediately, unless it defers such discussion to the preliminary hearing. The resolution shall establish the conditions under which the proceedings are suspended or the request is rejected, and shall approve or modify the reparation plan proposed by the accused, according to reasonableness criteria.

The suspension of the proceedings may be requested at any time, even before the opening of the trial, and shall not prevent the exercise of the civil action before the respective courts.

If the defendant's request is not admitted or the proceedings are subsequently resumed, the admission of the facts by the defendant may not be considered as a confession."

"Article 30. Causes of extinction of the criminal action

The criminal action shall be extinguished for the following causes:

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- a) Death of the accused.
 - b) Dismissal of the complaint, in private action crimes.
 - c) The payment of the maximum foreseen for the penalty of fine, made before the oral trial, in the case of crimes punishable only with that kind of penalty, in which case the court will make the corresponding fixing, at the request of the interested party, provided that the victim expresses his conformity.
 - d) The application of a criterion of opportunity, in the cases and forms provided for in this Code.
 - e) Prescription.
 - f) The expiration of the probationary suspension period, without its revocation.
 - g) Pardon or amnesty.
 - h) The revocation of the private instance, in crimes of public action whose prosecution depends on it.
 - i) The death of the offended party, in cases of crimes of private action, unless the action already initiated by the victim is continued by his heirs, in accordance with the provisions of this Code.
 - j) The integral reparation to the full satisfaction of the victim, of the particular or social damage caused, carried out before the oral trial, in crimes of patrimonial content without force in things or violence on persons and in culpable crimes, provided that the victim or the Public Prosecutor's Office admits it, as the case may be.
- This ground is applicable provided that, during the previous five years, the accused has not benefited from this measure or from the suspension of probation or conciliation. For such purposes, the Judicial Registry shall keep a file of the beneficiaries.
- k) Conciliation, provided that during the previous five years, the accused has not benefited from this measure, from the suspension of the trial on probation or from the full reparation of the damage.
 - l) Failure to comply with the maximum terms of the preparatory investigation, in the terms established by this Code.
 - m) When the investigation has not been reopened, within a period of one year, after the provisional dismissal has been issued."

"Article 33.-Interruption of the statute of limitations.

Once the proceeding has been initiated, the time periods established in the preceding article shall be reduced by half in order to compute them, for the purpose of suspending or interrupting the statute of limitations. The statute of limitations periods shall be interrupted by the following:

- a) Appearance to render an indagatory statement, in crimes of public action.

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- b) The filing of the complaint, in crimes of private action.

- c) The resolution convening the preliminary hearing for the first time.
- d) The appointment of the date for the debate.
- e) When the conduct of the debate is suspended for causes attributable to the defense, with the purpose of hindering the normal development of the debate, according to the declaration made by the court in a well-founded resolution.
- f) The issuance of the sentence, even if it is not final.

The interruption of the statute of limitations operates even in the event that the resolutions referred to in the preceding paragraphs are subsequently declared ineffective or null and void.

The judicial authority may not use as grounds for interruption of the statute of limitations other than those set forth in the preceding paragraphs."

"Article 36. Conciliation

In misdemeanors or contraventions, in crimes of private action, of public action at private request, those that admit the conditional suspension of the sentence, conciliation between the victim and the accused will proceed at any time until the opening of the trial is agreed upon. It will also proceed in cases of crimes punished exclusively with non-custodial sentences, provided that the other requirements of this Law are met. It is a requirement for the application of conciliation, in the case of a crime of public action and its application is appropriate, that during the previous five years, the accused has not benefited from this measure, the suspension of the trial on probation or the integral reparation of the damage.

In such cases, if the parties have not previously proposed it, at the appropriate procedural moment, the court shall endeavor to have them state the conditions under which they agree to conciliate.

In order to facilitate the agreement of the parties, the court may request the advice and assistance of specialized persons or entities to seek agreements between the parties in conflict, or urge the interested parties to appoint an amiable compositeur. The conciliators shall keep secret what they learn in the deliberations and discussions of the parties.

When the conciliation takes place, the court will homologate the agreements and declare the criminal action extinguished. However, the extinction of the criminal action will take effect from the moment in which the accused complies with all the obligations contracted. For such purpose, a maximum term of one year may be set, during which the statute of limitations of the criminal action is suspended.

If the defendant does not comply, without just cause, with the obligations agreed upon in the conciliation, the proceeding shall continue as if it had not been conciliated.

In the event of non-compliance for just cause, the parties may extend the term for up to six more months. If the victim does not agree to extend the time limit, or if the time limit expires without the defendant complying with the obligation, even for just cause, the process will continue, without the rules on conciliation being applicable again.

The court will not approve the conciliation when it has reasonable grounds to consider that any

of the parties involved is not in equal conditions to negotiate or has acted under coercion or threat, nor in crimes committed to the detriment of minors.

In crimes of a sexual nature, in domestic assaults and in crimes punishable under the Law on the Criminalization of Violence against Women, the court must not seek conciliation between the parties nor must it convene a hearing for that purpose, except when expressly requested by the victim or his or her legal representatives.

The five-year term indicated in the first paragraph of Article 25, in paragraphs j) and k) of Article 30 and in this Article, shall be computed as from the finality of the resolution declaring the extinction of the criminal action.

The jurisdictional bodies that approve the application of the suspension of the probationary procedure, the integral reparation of the damage or the conciliation, once the resolution is firm, shall inform the Judicial Registry, for its respective registration. The Judicial Registry shall keep a file of the beneficiaries with these measures."

"Article 70. Victims

They will be considered victims:

- a) The person directly offended by the crime.
- b) The spouse, the cohabitant with more than two years of life in common, the son or daughter, the adoptive mother and father, the relatives within the third degree of consanguinity or the second degree of affinity and the judicially declared heir, in crimes whose result is the death of the offended party.
- c) The partners, associates or members, with respect to crimes affecting a legal person, committed by those who direct, administer or control it.
- d) Associations, foundations and other entities that have a registry character, in crimes that affect collective or diffuse interests, as long as the object of the grouping is directly related to such interests.

Article 71.- Rights and duties of the victim

Even if the victim has not become a plaintiff, he/she will have the following rights within the process:

- 1) **Rights to information and treatment:**
 - a) To be treated with dignity, respecting their fundamental rights and seeking to reduce or avoid re-victimization as a result of the process.
 - b) To have their special needs considered, such as physical, sensory or mental limitations, as well as social, cultural or ethnic differences.
 - c) To be informed, in the first contact she has with the judicial authorities, of all rights and powers, as well as her duties, on the occasion of her intervention in the process, in addition, to have access to the judicial file.
 - d) To indicate an address, place or means where the decisions adopted can be communicated to them and where they can be located, as well as to have this

information channelled to them.

information, through a reserved channel at the discretion of the Office of Attention to the Victim of the Crime of the Public Prosecutor's Office, in case it is subject to protection.

e) To be informed of all final resolutions adopted, as well as of changes or modifications in the precautionary measures that have been adopted due to the existence of a risk to his safety, life or physical integrity, provided that he has indicated an address, place or means where he can be informed.

f) To be informed of her right to request and obtain special protection in case of serious risks or threats to herself or her family, due to her complaint or intervention in the process.

g) To be informed of the need to participate in certain examinations or expert opinions, to have their scope explained to her, and to have a person of her trust present to accompany her during these examinations or expert opinions, provided that this does not jeopardize her safety or put the investigation at risk.

h) To be informed by the prosecutor in charge of the case, of his decision not to appeal the acquittal or the termination or modification of the precautionary measures adopted due to the existence of a risk to his life or physical integrity, within the formal deadline for appealing each of these resolutions and with an indication of the reasons for not doing so, provided that he has indicated an address, place or means to be informed.

2) **Protection and assistance rights:**

a) **Extraprocedural protection:**

The victim shall have the right to request and obtain special protection in the event of serious risks or threats to his or her life or physical integrity or that of his or her family members, due to his or her denunciation or intervention in the process. The Public Prosecutor's Office, the police, the judge or the trial court hearing the case shall take the necessary measures to ensure that this protection is provided. The victim shall be heard in all proceedings in which it is intended to provide protection. The Office of Attention to the Victims of Crime of the Public Prosecutor's Office shall coordinate with all the prosecutors' offices in the country for the protection of victims and shall channel, through them, the necessary information to support the protection measures or requests for precautionary measures, as regulated in the final paragraph of Article 239 of this Code.

b) **Procedural protection:**

When their knowledge represents a risk to their life or physical integrity or that of their family members, due to their denunciation or intervention in the process, the victim will have the right to reserve their identification data, such as name, identity card and address, telephone numbers or place of work, and that they are not included in the documentation of the process; In addition, in the exceptional cases indicated in article 204 bis of this Code, the victim shall have the right to keep his or her individualizing physical characteristics confidential, when, due to the nature of the act, these are not known by the accused or other persons related to him or her, without prejudice to the right of defense. In order to ensure his testimony and protect his life, the available technological means may be used, such as videoconference or any other similar means, which make the agreed protection effective, both when using the jurisdictional advance

of evidence as well as in the case of the accused.

in trial, under the terms and according to the procedure regulated in articles 204 and 204 bis of this Code.

c) Underage victims, female victims of sexual abuse or violence and victims of human trafficking and violent acts shall be entitled to assistance and support measures by the personnel designated for such purpose, both in the Judiciary as well as in the Ministry of Security and other institutions, in order to reduce revictimization due to their intervention in the process and facilitate their participation in the different judicial proceedings, such as expert opinions or hearings.

d) Underage victims shall have the right to have their best interests considered when any diligence or expertise is carried out and, especially, when their testimony is received; to this end, the Public Prosecutor's Office, the judge or the trial court hearing the case, shall adopt the necessary measures to reduce the formalities and receive their testimony, under the special conditions that may be required. An opinion may be requested, if necessary, from the Department of Social Work and Psychiatry and Forensic Psychology or from some other expert or expert, duly appointed, always safeguarding the right of defense, as regulated by Articles 212, 221 and 351 of this Code.

e) The victim shall be entitled to paid leave of absence from his employer, public or private, when he has to attend judicial proceedings, expert opinions or appear before a court summons and for the time necessary to do so. In order to prove attendance to such acts, the office hearing the case or before whom the proceeding is carried out, shall issue the respective voucher, indicating the nature of the act and the effective duration of the proceeding. The Public Prosecutor's Office, the judge or the trial court hearing the case shall adopt the necessary measures to prevent the victim from being subjected to multiple summons or appearances; in addition, whenever possible, the hearings shall be scheduled so that the testimony is given as soon as possible and the leave granted is not abused.

3) Procedural rights:

a) The victim has the right to denounce by himself, by a third party whom he has authorized or by proxy, the acts committed to his detriment.

b) The victim directly offended by the act has the right to be heard at trial, even if the Public Prosecutor's Office does not offer him/her as a witness. In all the steps that this Code authorizes the victim to take, the victim's right to be heard shall prevail. The absence of formalities of interposition may not be alleged as a cause for not resolving her petitions, and she shall have the right to be notified of the correction of the defects under the terms of Article 15 of this Code.

c) To appeal the final dismissal, in the preparatory, intermediate and trial stages, as well as the dismissal.

d) When the Public Prosecutor's Office informs him of its decision not to challenge the acquittal, the cessation or modification of the precautionary measures adopted due to the existence of a risk to his life or physical integrity and the victim does not agree, he shall have the right to appeal such decisions, under the terms set forth in Article 426 of this Code.

e) To be summoned to the preliminary hearing, in all cases, as long as she has indicated an address, place or means where she can be located and to have her criteria considered, when the application of the abbreviated procedure, the suspension of the trial on probation, conciliation or the application of a criterion of opportunity, in the terms and scope defined in this Code, is being considered. In any case in which he is present, he shall be given the floor.

f) To exercise the civil action for compensation, in the terms and scope defined by this Code, to file a complaint in crimes of private action, to revoke the instance in crimes of public action dependent on private instance, to request the conversion of the public action into private action, as well as to desist from their complaints or actions, all in the terms and scope defined by this Code.

g) To be informed by the Public Prosecutor's Office of its decision to file charges, request dismissal or the application of an opportunity criterion, so that, under the terms regulated in this Code, it may decide whether to file a complaint and become a plaintiff, or whether to file a civil action for restitution.

h) When preventive detention is requested due to the existence of risks or threats to the life or physical integrity of the victim or his relatives, he will have the right to be heard by the judge, when deciding on the request made by the Public Prosecutor's Office, as long as he has indicated a domicile, place or means to be located. She may make her statement in writing to be presented by the prosecutor together with the request for imprisonment, without prejudice to the judge's decision to hear her. For such purposes, the prosecutor in charge of the case may request information from the Office of Attention to the Victim of the crime of the Public Prosecutor's Office, in order to support his request, in the terms regulated in the final paragraph of article 239 of this Code.

i) To go before the judge of the preparatory stage, to point out the errors, omissions or delays that he deems have occurred in the investigation of the facts to his detriment, in the terms established in the last paragraph of article 298 of this Code. Likewise, he/she may object to the prosecutor's decision to close the case under the terms set forth in the aforementioned numeral 298.

j) To have returned to him as soon as possible, even as a provisional deposit, all goods or securities of his property that have been seized or recovered by the authorities, for the purpose of being used as evidence."

"Article 98.-Police powers.

During the first six hours after his apprehension or detention, and in the presence of his trusted defense counsel and/or public defender assigned to him, the OIJ agents, in compliance with their functions, and respecting the constitutional guarantees and procedural rights of the detainees, may verify his identity and interrogate him for investigative purposes.

If at a later time, as indicated in the first paragraph of this article, the detainee expresses his desire to declare or expand his statements, this fact must be communicated to the Public Prosecutor's Office so that these may also be received with the formalities provided for by law."

"Article 204. Duty to testify

Unless otherwise provided, every person shall have the obligation to attend the court summons and to declare the truth of what he knows and is asked; likewise, he shall not conceal facts, circumstances or elements, without prejudice to the judge's power to assess the testimony, in accordance with the rules of sound criticism. The witness shall not be under the obligation to testify about facts that may lead to criminal liability. For the purposes of complying with this obligation, the witness shall be entitled to paid leave of absence from his employer, public or private, when he has to attend judicial proceedings, expert opinions or appear before a court summons and for the time necessary for such purpose. In order to prove the attendance to such acts, the office that hears the case or before whom the diligence is carried out, shall issue the respective voucher indicating the nature of the act and the effective duration of the proceeding. The Public Prosecutor's Office, the judge or the trial court hearing the case shall adopt the necessary measures to prevent the witness from being subjected to multiple summons or appearances; furthermore, whenever possible, the hearings shall be scheduled so that the testimony is given as soon as possible and the leave granted is not abused.

Extraprocedural protection:

If, by reason of the knowledge of the facts under investigation and his obligation to testify, the life or physical integrity of the witness is at risk, he shall have the right to request and obtain special protection. The Public Prosecutor's Office, the police, the judge or the court hearing the case shall adopt the necessary measures to provide the protection required. The Office of Attention to the Victims of Crime of the Public Prosecutor's Office will be in charge of processing the requests and providing the required protection.

Procedural protection:

When, due to the characteristics of the act, the identification data of the witness, such as name, identity card, address, work or telephone numbers, are not known by the accused or by the parties, and their effective knowledge represents a risk to the life or physical integrity of the declarant, the Public Prosecutor's Office, the defense or the plaintiff, may request the judge, during the investigation phase, to order the confidentiality of this data.

The judge will authorize such reservation in a duly motivated resolution. Once agreed, this information will be contained in a special and private file, which will be handled by the judge of the preparatory and intermediate stage, according to the phase in which the reservation is appropriate and has been agreed upon, and in which the correct data for its identification and location will be contained. In order to identify the protected witness within the process, pseudonyms or fictitious names may be used. Any relevant data that may affect the scope of his testimony, such as physical limitations or health problems, shall be recorded in said file and shall be made known to the parties, provided that this does not endanger the declarant.

When the risk to the life or physical integrity of the witness cannot be avoided or reduced with the sole reservation of the identification data and the investigation of serious crimes or organized crime is involved, the judge or court hearing the case may order, by means of a duly grounded resolution, the reservation of their individualizing physical characteristics, so that, during the investigation stage, these cannot be known by the parties. When so declared, the judge, in the same resolution, shall order the execution of the jurisdictional advance of evidence, in accordance with the provisions of article 293 of this Code.

The participation of the protected witness in the procedural acts shall be carried out adopting the necessary measures to keep his identity and physical characteristics confidential, when so agreed.

The confidentiality of the identity of the protected witness applies only to the preliminary and intermediate phases."

"Article 212. Special testimonies

When the testimony of minor victims or witnesses must be received, their best interests must be considered at the time of its reception; for this purpose the Public Prosecutor's Office, the judge or trial court hearing the case and according to the procedural stage in which it is, shall adopt the necessary measures so that the formalities are reduced and the testimony is received under the special conditions required, arranging its reception in private or through the use of special cameras to avoid the contact of the minor with the parties, and allowing the assistance of family members or specialized experts. An opinion may be required from the Department of Social Work and Psychiatry and Forensic Psychology or from some other duly appointed expert or expert witness, in accordance with Title IV of this Law, on the conditions under which the statement must be received. The right of defense shall always be safeguarded. The same rules shall apply, when the testimony of victims of sexual abuse, trafficking in persons or domestic violence is to be received."

"Article 221.-Special expert opinions

When different expert tests, such as psychological and medico-legal tests, must be carried out on minor victims or persons who have been sexually assaulted or victims of aggression or domestic violence, within a maximum period of eight days, an interdisciplinary team must be formed, in order to concentrate, in the same session, the interviews that the victim requires, when this does not affect the performance of the expertise. In the case of minors, the best interest of the victim should be taken into account and, in any case, the victim should always try to reduce or avoid re-victimization. Before the interview, the team of professionals should draw up an interview protocol and designate, when deemed appropriate, one of its members to be in charge of asking the questions.

Unless there is an insurmountable impediment, a physical examination of the victim should be performed at the same session.

The Public Prosecutor's Office, the defense of the accused and the complainant may participate in the psychological and psychiatric interview, as long as the safety, life or physical integrity of the victim is not put at risk or the result of the evidence is not affected. For such purposes, special cameras may be used to avoid contact between the minor or the victim and the parties. In no case shall this intervention allow the parties to interrupt the course of the expertise. The parties may intervene only when instructed to do so and shall channel their observations through the respective expert, who shall decide how to deal with them. In any case, he shall leave a record of the requests made to him and shall note them in his conclusions when rendering the expert opinion. For his intervention, the parties may be assisted by a technical consultant, duly authorized to participate, in accordance with Article 126 of this Code."

"Article 238.-Application of pretrial detention.

Pretrial detention may only be granted in accordance with the provisions of this Code, by means of a well-founded judicial resolution, within the limits indispensable to ensure the discovery of the truth and the enforcement of the Law. When the Public Prosecutor's Office considers that preventive detention is appropriate, it shall request the corresponding judge to convene an oral hearing, in which the appropriateness or not of such measure shall be discussed. If the person is in custody, the request

for a hearing will be made by the judge.

must be requested within twenty-four hours from the time the accused is brought before the judge; the hearing must be held within forty-eight hours and the decision must be rendered within that period.

It is up to the Public Prosecutor's Office and the defense of the accused to provide the evidence on which their petitions are based.

At the end of the hearing, the judge shall rule on the request. If there are recording media, the support of them will be sufficient to prove the existence of the hearing and of what has been resolved.

It shall be carried out in a manner that is least detrimental to those affected.

Deprivation of liberty, during the proceedings, shall be proportionate to the penalty that may be imposed in the case."

"Article 248.- Abandonment of domicile

The abandonment of the domicile as a precautionary measure shall be established for a minimum term of one month, but may not exceed six months; it may be extended for equal periods, if so requested by the offended party and if the reasons that justified it are maintained.

The measure may be interrupted when there is reconciliation between the offended party and the accused, provided that such circumstance is manifested by the offended party before the jurisdictional authority.

In order to lift the precautionary measure, the accused must provide a sworn guarantee that he/she will not reoffend. Before lifting the measure, the victim's opinion will be heard, if he/she can be located. In the case of a victim who is being protected, the prosecutor in charge of the case must inform the victim of the hearing; to this end, he/she may coordinate with the Office for the Attention of Victims of Crime.

In the case of minor offended persons, the cessation of this precautionary measure shall only proceed when it is established that there is no risk for the victim and the representative of the Patronato Nacional de la Infancia (PANI) so recommends".

"Article 282. Dismissal

When the reported fact does not constitute a crime or it is impossible to proceed, the Public Prosecutor's Office shall request the court of the preparatory proceedings, by means of a well-founded request, to dismiss the complaint, the lawsuit or the police proceedings.

The dismissal shall not prevent the reopening of the proceeding, when new circumstances so require, nor shall it exempt the Public Prosecutor's Office from the duty to carry out the acts of investigation that do not admit of delay.

The decision admitting the dismissal shall be communicated to the victim of known domicile and may be appealed by the victim, the plaintiff, the civil plaintiff and the Public Prosecutor's Office.

If it is a victim who is under protection, the prosecutor in charge of the case must inform the victim immediately."

"Article 285. Function

The judicial police, on its own initiative, by complaint or order of the competent authority, will proceed to investigate the crimes of public action, to prevent the committed facts from being carried to further consequences; it will also proceed to identify and apprehend, preventively, the presumed guilty parties and to gather, secure and scientifically order the evidence and other background necessary to base the accusation or determine the dismissal of the case.

Likewise, when on the occasion of the investigations, it determines the existence of a risk to the life or safety of the victim or a witness, it will adopt the necessary urgent measures to guarantee their protection and the confidentiality of their identity while it informs the Public Prosecutor's Office or the competent judge of the fact. In addition, it shall communicate the fact to the Office of Attention to the Victim of the Crime of the Public Prosecutor's Office, so that it may initiate the provisions of this Law for the extraprocedural protection of the person, if applicable.

If the crime is of private action, he shall only proceed when he receives an order from the court; but if it is of private instance, he shall act upon the complaint of the person authorized to initiate.

Article 286. Attributions

The judicial police has the following attributions:

[.]

f) Interview witnesses presumably useful to discover the truth. When, on the occasion of the investigations, it determines the existence of a risk to the life or safety of the victim or a witness, it shall adopt the urgent measures necessary to guarantee their protection and the confidentiality of their identity while it informs the Public Prosecutor's Office or the competent judge of the fact, within a maximum period of twenty-four hours. In these cases, he may not include in the report the data that would allow the identification and location of the victim or witness, without prejudice to the decision of the competent judge.

h) Identify the accused and interrogate him in the presence of his defense counsel, during the first six hours of his apprehension or detention, for investigative purposes, respecting the fundamental rights and guarantees established in the Political Constitution and the laws.

[...]"

"Article 293.-Jurisdictional advance of evidence

When it is necessary to perform a definitive and irreproducible act, which affects fundamental rights, or when a statement must be received that, due to some obstacle difficult to overcome, it is presumed that it cannot be received during the trial, or when, due to the complexity of the matter, there is a probability that the witness will forget essential circumstances about what he/she knows or when it concerns persons who must leave the country, the Public Ministry or any of the parties may request the judge to perform or receive it. In the case of a witness or victim whose safety, life or physical integrity are at risk due to his participation in the process and it is reasonably presumed that his testimony at trial will not be possible, since the risk will not be reduced or could increase, the Public Prosecutor's Office, the complainant or the defense will request the judge to order the anticipated reception of his testimony. In all cases in which it has been agreed that the characteristics of the witness shall be kept

confidential, the judge shall order that the witness's testimony be received in advance.

If there is a risk to the life or physical integrity of the declarant, the testimony will be received in advance.

The judge shall perform the act, if he deems it admissible, summoning all the parties, who shall have the right to attend, with all the powers and obligations provided for by this Code.

For the reception of the jurisdictional advance of evidence, the technological means available may be used, such as videoconference, recordings, closed circuit television, filming or any other means, in order to guarantee the purity of the act and the validity of the principles of immediacy and orality of the trial, as well as the right of defense. When the identity of the witness or the victim is protected, the advance will be received, keeping their identification data confidential and with the help of the available technological means or special cameras that allow keeping their physical characteristics hidden or disguised, according to the scope of the protection granted by the judge.

The resolution that accepts or rejects the advance payment may be appealed by the defense, the Public Prosecutor's Office and the plaintiff.

The rejection of a request for jurisdictional anticipation of evidence shall not prevent its reconsideration, if new circumstances or evidence so indicate".

"Article 298.-Tax records

If it has not been possible to identify the accused, the Public Prosecutor's Office may, on its own, order, with good grounds, that the proceedings be closed. The decision shall be communicated to the victim of known domicile, who may object to the closure before the court of the preparatory proceedings and shall indicate the evidence that allows the individualization of the accused. If the judge admits the objection, he shall order the investigation to continue.

The prosecutor's decision to close the case does not prevent the investigation from being reopened if, at a later date, information is found that allows the accused to be identified.

The victim may also object before the court of the preparatory proceeding, the errors, omissions or delays that he considers have occurred in the investigation of the facts to his detriment. The judge will give a hearing to both the Public Prosecutor's Office and the defense, for a period of five days, and will rule accordingly. If the protest is related to the non-evacuation of evidence, the judge shall rule accordingly, according to the procedure regulated in article 292 of this Code. The victim may appeal the decision."

"Article 300.-Intervention of the victim.

When the Public Prosecutor's Office decides to request the application of an opportunity criterion or the dismissal of the case, it must inform the victim of known domicile so that he/she may state whether he/she intends to become a plaintiff. In this case, the victim must indicate it in writing within the following three days. The complaint must be filed with the Public Prosecutor's Office within ten days after the expiration of the above term. Once the complaint has been received, the Public Prosecutor's Office shall transfer it to the court of the intermediate proceeding, if the accused has already had the opportunity to give his statement; otherwise, it shall give him that opportunity beforehand. It shall also transfer the proceedings and attach its request."

"Article 304.-Offering of evidence for trial.

When the evidence is offered, the list of witnesses and experts shall be submitted, indicating their names, profession and domicile. The documents shall also be presented or the place where they are found shall be indicated, so that the court may require them. The means of proof shall be offered with an indication of the facts or circumstances they are intended to prove, under penalty of inadmissibility.

On the same occasion, the Public Prosecutor's Office or the plaintiff will request the judge to adopt the necessary measures for the procedural protection of the witness or the victim, as the case may be, or to continue with the protection already granted, until a final judgment is issued. In the case of the first request for protection, the report mentioned in article 204 bis of this Code shall be accompanied and, in the preliminary hearing, the parties shall be heard on the subject. The decision shall be adopted and kept in a separate file.

The prosecutor in charge of the case will be in charge of summoning the witness or victim subject to procedural protection; for this purpose, he/she may coordinate the pertinent with the Office of Attention to the Victim of the Crime of the Public Prosecutor's Office. "

"Article 318. **Conduct of the hearing**

The hearing must be attended by the prosecutor and the defense counsel; however, if the latter does not appear, he shall be replaced by a public defender. If applicable, the plaintiff and the civil plaintiff must also attend, but their non-attendance does not suspend the proceedings. The accused and the civil defendants may also intervene.

The victim of known address must be summoned to participate in the hearing; however, his or her failure to appear will not suspend the proceedings. In the case of a victim who is under protection, the summons to the hearing must be communicated to the Office of Attention to the Victim of the Crime of the Public Prosecutor's Office. The court will try to conciliate the parties, when this solution is appropriate. If this does not occur or does not proceed, the preliminary hearing will continue.

The floor shall be given, in order, to the plaintiff, the representative of the Public Prosecutor's Office, the civil plaintiff, the defense counsel and the representative of the civil defendant. The prosecutor and the complainant shall summarize the factual and legal grounds supporting their petitions; the civil plaintiff, the defense and the other parties shall state what they deem pertinent in defense of their interests. In the course of the hearing, the accused may give his statement, in accordance with the provisions of this Code. When the victim is present, he shall be given the floor.

When the court considers it strictly necessary for its decision, it shall order the production of evidence, unless such evidence is to be received at the oral trial.

The court will avoid discussing at the hearing issues that are proper to the oral trial.

Article 319. **Resolution**

At the conclusion of the hearing, the court shall immediately resolve the issues raised, unless, due to the lateness of the hour or the complexity of the issues to be resolved, it defers the resolution for up to forty-eight hours.

The court will analyze the merits of the accusation or complaint, in order to determine whether there is a basis for the trial or, if applicable, whether the case should be totally or partially dismissed or the accused should be acquitted.

The court may also examine, in accordance with the established procedure, whether it is appropriate to apply a criterion of opportunity, the abbreviated procedure, suspend the probationary procedure or authorize the application of the rules for complex cases.

In addition, the court will resolve the exceptions raised, will order the corresponding advances of evidence and will rule on the separation or joinder of trials.

He shall decide on the admissibility of the evidence offered for the trial. If the parties have reached an agreement on the civil action, he shall order what is necessary to execute what has been agreed upon.

On the same occasion, the court shall examine the appropriateness, ratification, revocation or substitution of the precautionary measures. At the same time, it shall rule on requests for the protection of victims or witnesses, or on the maintenance, modification or termination of measures already agreed upon."

"Article 324.-Preparation of the trial.

Within forty-eight hours after the receipt of the proceedings, the date and time of the trial shall be fixed, which shall not be held before five days nor after one month.

When a two-phase hearing has been ordered, the court shall set the date for the first phase. When pronouncing on guilt, it shall fix, if necessary, the date for the second hearing, which shall be held within the following five days.

The court shall be composed in accordance with the legal provisions regulating the jurisdiction and competence of the criminal courts, with one or three judges, as appropriate.

The clerk of the court shall summon the witnesses and experts; shall request the objects and documents and shall arrange the necessary measures to organize and develop the public trial. It shall be the obligation of the parties and the Public Prosecutor's Office to assist in the location and appearance of the witnesses proposed for the trial; the clerk's office of the court shall provide them with the necessary assistance by issuing the summons, without prejudice to the use of the Public Force, if necessary.

When witnesses who are procedurally protected have been admitted for trial, the court shall adopt the necessary measures to guarantee the reception of their testimony in the manner agreed upon when the protection was ordered; For this purpose, it may order that the hearing be held privately, or that the necessary technological means be used, all without prejudice to what may be resolved on the subject in the course of the debate, without prejudice to dispensing with its reception and incorporating the jurisdictional advance of evidence, when the risk to the life or physical integrity of the declarant has not diminished or is increased by reason of the trial, under the terms of subsection a) of Article 334 of this Code.

"Article 330. Advertising

The trial shall be public. However, the court may decide, by a well-founded order and even ex officio, that it shall be held, in whole or in part, in private, when:

- a) The modesty, private life or physical integrity of any of the participants is directly affected.

- b) Seriously affects the security of the State or the interests of justice.

- c) Endangers an official, private, commercial or industrial secret, the improper disclosure of which is punishable.
- d) Is provided for in a specific standard.
- e) A statement is received from a minor and the court deems it inconvenient to make it public, in view of the minor's best interests.
- f) The testimony of victims and witnesses of human trafficking is received.
- g) The testimony of victims or witnesses under procedural protection is received.

Once the case has been disposed of, the public shall be admitted again and the person presiding over the hearing shall briefly relate what has happened, if the court so decides. The court may impose on the parties intervening in the proceedings the duty to keep secret the facts they witnessed or learned. What happened shall be recorded in the minutes of the hearing.

Article 331. Participation of the media

In order to inform the public of what happens in the courtroom, the radio, television or press companies may install, in the courtroom, recording, photographic, radio, filming or other apparatus. The court shall indicate, in each case, the conditions under which these powers shall be exercised. However, by a well-founded resolution, it may prohibit such installation when it prejudices the development of the debate or affects any of the interests indicated in the preceding article of this Code.

These devices may not be installed nor may any filming or recording be carried out in the case of acts committed to the detriment of minors. In the same manner, they may not be used in the hearing when it is a matter of receiving the testimony of witnesses or victims who are being protected due to the existence of risks to their life or physical integrity or that of their family members. In such cases, the hearing for the reception of such testimony shall be declared private.

If the accused, the victim or any person who is to testify expressly requests that the companies do not record his or her voice or image, the court shall enforce his or her rights."

"Article 334.-Exceptions to orality.

They can only be incorporated into the trial by reading them:

- a) The evidence received in accordance with the rules of jurisdictional anticipation of evidence, without prejudice to the parties or the court requiring the reproduction, when possible. The advance that has been made due to the existence of a risk to the life or physical integrity of the victim or witness shall be incorporated, if such risk has not diminished or if it has increased on the occasion of the holding of the trial and there are no conditions to guarantee the reception of the testimony in the debate.
- b) The complaint, documentary evidence and expert reports, reports, certifications and records of recognition, search, inspection, seizure, requisition, carried out in accordance with the provisions of this Code.
- c) Statements made by co-defendants who are rebels or acquitted.

d) The minutes of the evidence ordered to be received during the trial, outside the courtroom.

Any other element of evidence that is incorporated into the trial by reading, shall have no value whatsoever, unless the parties and the court expressly express their consent."

"Article 340.-Dismissal at the trial stage.

If there is a cause for extinction of the criminal action and in order to prove it it is not necessary to hold a debate, the court may issue a definitive dismissal.

The Public Prosecutor's Office, the victim, the plaintiff and the civil plaintiff may file an appeal in cassation against the decision."

"Article 351. Witnesses

The presiding judge shall then call the witnesses, beginning with those offered by the Public Prosecutor's Office, continuing with those proposed by the complainant and the civil parties, and concluding with those of the accused. Before testifying, the witnesses shall not communicate with each other, nor shall they see, hear or be informed of what is happening in the courtroom. After testifying, the presiding judge may order them to remain incommunicado in the anteroom, to witness the hearing, or to leave.

However, failure to comply with the incommunicado detention shall not prevent the witness from testifying; but the court shall appreciate this circumstance when assessing the evidence.

For the reception of the testimony of minors, the court shall take the necessary measures in attention to their best interests and in order to avoid or reduce re-victimization. It may be assisted by experts or experts on the subject, who accompany the minor in his or her account or assist him or her if necessary. In order to guarantee the rights of the minor, the court may order that his or her testimony be received in a special room, or with the use of special cameras or available technological means, which facilitate the minor's account, without contact with the parties, when this is recommended.

Likewise, for the reception of the testimony of a victim or a protected witness, the court shall provide that it be made under the conditions and by the technological means that guarantee the agreed protection, especially when it is necessary to maintain the confidentiality of the individualizing physical characteristics of the declarant, such as his face or voice, always guaranteeing the interrogation of the parties".

"Article 413.-Initial hearing.

Once the review has been admitted, the court shall give a ten-day hearing to the Public Prosecutor's Office and to those who have intervened in the main proceedings. The victim who can be located shall be informed of the existence of the proceeding. It shall warn them that they must indicate the place or manner for notifications and to offer the evidence they deem pertinent."

"Article 426.-Instance to the Public Prosecutor's Office.

The victim or any injured party, when they are not constituted as parties, may submit a reasoned request to the Public Prosecutor's Office to file the pertinent appeals. The Public Prosecutor's Office shall communicate to the victim or any injured party who can be located, according to the information in the file, within the time limit for appeal, its decision not to challenge the acquittal, the termination or the modification of the precautionary measure adopted due to the danger of obstruction. He shall explain, in writing and in a reasoned manner, the reason for his action.

If the victim or any injured party does not agree, he/she may file the corresponding appeal, within a term equal to that of the other parties, which shall begin to run as of the communication from the Public Prosecutor's Office".

Article sheet

ARTICLE 17.-Addition to the Code of Criminal Procedure

Articles 204 bis and 239 bis are added to the Code of Criminal Procedure, Law No. 7594. The texts shall read:

"Article 204 bis.-Protective measures.

1) Procedure:

To achieve the protection referred to in Article 204 of this Code, the Public Prosecutor's Office, the complainant or the defense shall request the measures of identity confidentiality or protection of the individualizing physical characteristics of the witness, to the judge of the preparatory or intermediate stage, depending on the phase in which the risk arises. The request shall be accompanied by the evidence supporting the existence of the risk and its importance, as well as the need for protection. To this effect, they may require a brief report from the Office of Attention to the Victims of Crime of the Public Prosecutor's Office, in which the type of risk and the need for protection are documented.

The judge will summon the Public Prosecutor's Office, the complainant and the defense, to an oral hearing, in which the petition and objections will be presented; once said hearing is concluded, the judge must immediately decide, being able to defer the resolution for up to forty-eight hours, in order to request the reports and data he deems necessary to decide. Neither the identity nor the personal data of the person whose protection is requested may be revealed while this procedure is being carried out.

In urgent cases, the confidentiality of the witness's data may be ordered on a provisional basis and for a period that may not exceed seventy-two hours, within which time the hearing shall be convened and the pertinent decision shall be made. In order to assess the protection, the importance and entity of the risk shall be taken into account, as well as the relevance of the testimony for the discovery of the truth in the investigated fact.

2) Contents of the resolution:

The resolution granting procedural protection to the witness shall be duly grounded and shall contain the nature and importance of the risk, the type of protection, as well as its scope, the grounds for the decision and the duration of the measure.

In the cases in which the confidentiality of identity is agreed, the judge shall record a brief summary of the knowledge of the facts that the witness has, in order to allow the right of defense of the parties. The entire procedure shall be carried out in a separate file, the custody of which shall correspond to the judge or court hearing the case. If, in addition, the reservation of the individualizing physical characteristics is granted, in the same resolution the jurisdictional advance of this testimony will be ordered and the parties will be summoned for its realization, in the terms indicated in article 293 of this Code.

The agreed protection measures may be prolonged for the time necessary according to the type of risk, with the exception of the trial stage. In no case shall the protection of the witness impede his interrogation, which may be carried out through the use of the technological means indicated and which allow the physical characteristics of the declarant to be concealed or disguised, when this has been provided for when the protection was agreed upon.

3) Resources:

The decision granting or denying protection may be appealed by the Public Prosecutor's Office, the complainant, the victim and the defense. The appeal shall not suspend the agreed measures. Once the decision is final, the parties will be obliged to respect the reservation, without prejudice to reiterate their claim in the trial venue. If the appellate court rejects the protection or reduces it, the judge shall inform the defense of the data whose protection has not been authorized.

If the protection of the individualizing physical characteristics is denied and the identity of the witness is kept confidential, the witness shall appear until the debate, unless his presence is deemed indispensable in some procedural proceeding or act of the investigation stage, in which case the necessary measures shall be taken to respect the confidentiality granted.

4) Measurement lifting:

When a party considers it absolutely necessary for the proper exercise of the right of defense to know the identity of the witness or the victim, it shall request the judge or the court hearing the case to lift the agreed measures. The parties shall be given a twenty-four hour hearing on the request. An appeal may be filed against the decision.

The judge or court may order, ex officio or at the request of a party, the lifting of the measures, after hearing the parties for twenty-four hours, if new evidence shows that the procedural protection is not necessary, by demonstrating that the parties know the identity of the witness, without prejudice to the extra-procedural protection that may be given."

"Article 239 bis.-Other grounds for pretrial detention.

After a well-founded assessment and decision, the court may also order the accused to be remanded in custody when any of the following grounds are present, the crime is punishable by imprisonment and the conditions set forth in Article 37 of the Constitution are met:

- a) When there is flagrante delicto in crimes against life, sexual crimes and crimes against property involving violence against persons or force against things, and in crimes related to narcotics, psychotropic substances, drugs of unauthorized use, money laundering and related activities.
- b) The punishable act is presumably committed by a person who has been subjected on at least two occasions to criminal proceedings involving violence against persons or force against things, in which an indictment and request for trial have been filed by the Public Prosecutor's Office, even if such proceedings have not been concluded.
- c) In the case of repeat offenders in the commission of criminal acts involving violence against persons or force against things.
- d) Organized crime is involved."

Article sheet

TITLE II

ADDITION TO THE CODE OF CRIMINAL PROCEDURE OF AN

EXPEDITED PROCEDURE FOR IN FLAGRANTE DELICTO OFFENSES

ARTICLE 18. Addition to the Code of Criminal Procedure of an expedited procedure for in flagrante delicto offenses.

Add to the Code of Criminal Procedure, in its second part, Procedures, Book II, Special Procedures, Title VIII, Expedited Procedure for Crimes in Flagrancy; consequently, the numbering of the following articles is corrected. The text is as follows:

"TITLE VIII

EXPEDITED PROCEDURE FOR IN FLAGRANTE DELICTO OFFENSES

Article 422. Proceedings

This special procedure, of an expeditious nature, shall be applied in cases involving crimes in flagrante delicto and shall begin as soon as the commission of such a criminal act is reported. In exceptional cases, even in the case of a flagrante delicto, the ordinary procedure shall be applied when the investigation of the fact prevents the application of such procedure. This special procedure shall omit the intermediate stage of the ordinary criminal proceeding and shall be entirely oral.

Article 423. Initial procedure

The suspect arrested in flagrante delicto shall be immediately transferred by the acting police authorities to the Public Prosecutor's Office, together with all available evidence. No

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The written presentation of the police report or police report will be necessary, the oral statement of the acting authority will suffice.

Article 424.-Action by the Public Prosecutor's Office

The prosecutor will immediately initiate criminal proceedings to establish whether there is merit to initiate the investigation. For this purpose, the prosecutor will rely on the initial version provided by the police authority that first intervened, as well as any accompanying evidence.

Appointment of the technical defense counsel.

From the first moment the suspect's status is obtained, the prosecutor will proceed to indicate him/her that he/she may appoint a defender of his/her confidence. In case of refusal of the suspect or if his private defense counsel does not appear within twenty-four hours, a public defender shall be appointed ex officio to assist him in the proceedings. Once the defense counsel of the accused person has been appointed, the prosecutor will give him/her a term of twenty-four hours to prepare his/her defense for such purpose. The Public Prosecutor's Office shall immediately render a brief oral report on the accusation and the existing evidence.

Article 426. Request for hearing before the trial judge

When the prosecutor considers it pertinent that the matter should go to trial and the technical defense is constituted, he will proceed to orally request the trial court to hold a hearing to hear his request; the court will immediately decide, orally, whether the requirements to apply the procedure in flagrante delicto are met.

Article 427.-Constitution of the trial court and jurisdiction.

The trial court, in any type of crime to be tried through this procedure, will be constituted according to its competence, as provided in the Organic Law of the Judiciary, which will have jurisdiction to rule on grounds of incompetence, impediments, recusals and nullities. It will also be competent to apply any of the alternative measures to the process, as well as the abbreviated procedure. When none of the above measures are applicable, the court shall immediately conduct the debate.

Conduct of the hearing by the court Article 428.

Upon receipt of the request by the prosecutor, the court shall immediately hold the hearing, which shall be oral and public. A digital video and audio record will be made of the hearing; the parties will have access to it by means of a copy. In the first part of this hearing, the prosecutor will orally present the accusation against the accused, describing the facts and determining their legal qualification, as well as the offer of evidence. The defense may refer to the accusation and make its considerations on it, in addition to offering evidence for the process.

The judge shall verify that the accusation is clear, precise and circumstantial and that the act attributed is typical. If this is not the case, the prosecutor must correct it orally on the spot.

Immediately, the application of alternative measures and the abbreviated procedure will be heard. In the event that the application of the measures does not proceed, is not proposed by the defense or is not accepted by the Public Prosecutor's Office or the victim, depending on the measure, or the court considers them inappropriate, the latter will proceed to conduct the trial immediately and in the same hearing. In this case, the court shall qualify the origin and relevance of the evidence offered by the parties.

Article 429.-Performance of the trial

In the second part of the initial hearing, the trial will take place, where the statement of the accused will be received. Immediately after, the testimonial evidence will be received in the following manner: initially the statement of the offended party and then the other evidence; subsequently, the documentary evidence will be incorporated and the parties may dispense with its reading. Finally, the conclusions will be made by the prosecutor and then the defense. The court will immediately pronounce sentence orally; if it deems it necessary, it will retire to deliberate and after a reasonably short period of time, which may not exceed four hours, unless there is an exceptional cause that justifies it and it is orally communicated to the parties, without the extension of the period exceeding twenty-four hours after the end of the debate hearing. Subsequently, the court shall be constituted in the courtroom, where it shall orally pronounce sentence in full. The oral decision will be valid as notification for all the parties, even if they do not appear.

Article 430. **Pretrial detention**

When the prosecutor considers the convenience of the imposition of preventive detention or any other precautionary measure, he may so request to the trial court, from the beginning of the proceedings. If the court, in accordance with the parameters established in this Code, considers the prosecutor's request proportional and reasonable, it shall establish the precautionary measure of preventive detention against the accused, which may not exceed fifteen working days.

When it must be requested for a longer period of time, as well as in cases where the prosecutor or the trial court considers that it is not appropriate to apply the expedited procedure, because the facts committed in flagrante delicto or because the investigation of the facts is incompatible, preventive detention will proceed, if there is merit for it, according to the rules established in this Code. The criminal judge will be in charge of deciding on the request made by the prosecutor.

In the case of an oral sentence of conviction, if the court deems it appropriate, the accused shall be remanded in custody for a maximum period of six months. When the defendant is acquitted in the sentence, any precautionary or restrictive measure imposed against him shall be lifted.

For everything that is not expressly indicated in this article, the rules of preventive detention regulated in these procedural regulations shall apply.

Article 431. **Resources**

Appeals against a judgment rendered orally shall be heard in accordance with the rules set forth in this Code.

Article 432.-On the civil action and the complaint.

In the first phase of the hearing, the civil plaintiff and the plaintiff may also be constituted as parties, in which case the court will order their oral explanation and will give the floor to the defense to express its position; it will then decide on their admission and the process will continue. When appropriate, the person entitled to bring the civil action for restitution may delegate it to the Public Prosecutor's Office to represent him in the proceeding.

When the civil action for damages is declared admissible, the ruling shall be made in the abstract and the corresponding items shall be settled through the civil enforcement of the judgment.

The plaintiff and the civil plaintiff will assume the process in the state in which it is, so that no suspension of the debate motivated by the attention of other professional or personal commitments is appropriate. If the evidence offered by the civil plaintiff or the plaintiff is incompatible with the objectives of expeditiousness of the expedited procedure, the court shall orally inform the proposing party, who shall state whether it dispenses with it or requests the application of the ordinary procedure, in which case the court shall order the procedures to be adjusted.

The civil action shall not proceed in the expedited procedure when there are third parties who are civil defendants and are not present or duly represented by counsel at the time of the opening of the debate, without prejudice to the rights conferred by the civil jurisdiction.

Article 433. **Guarantees**

For all purposes, especially labor, it shall be understood that the victim and witnesses shall be entitled to paid leave from their employer, public or private, when they have to attend court proceedings or appear before the court summons and for the time necessary for this purpose. For the purpose of verifying attendance at such acts, the court hearing the case shall issue the respective voucher indicating the nature of the act and the effective duration of the proceedings.

Article 434.-Location and schedules

The location and schedules of the judges of the cases in flagrante delicto established by this Law shall be defined by regulation.

The fixing of the days and hours of service to the public of these judges shall be established at night, on weekends or holidays, for the best rendering of the service of administration of justice, in such a way that the terms established in this Law may be effectively complied with.

Article 435.-Duration of the process

When the expedited procedure is applicable, in no case should a period of more than fifteen working days elapse between the initiation of the procedure and the holding of the hearing by the court. Failure to comply with this time limit shall be grounds for disciplinary liability for the official responsible for the delay.

Article 436.-Supplementary rules

For matters not provided for in this title, the regulations of this Code shall be applied in a supplementary manner, insofar as they are compatible with the expeditious nature of the expedited procedure."

Article sheet

TITLE III AMENDMENTS TO THE PENAL CODE

ARTICLE 19.

Articles 172, 208, 209, 209, 225, 227, 228, 229, 305, 307, 322, 323, 324, 325 and 387 of the Penal Code, Law No. 4573, as amended, are hereby amended. The texts shall read:

"Article 172. **Crime of trafficking in persons**

Anyone who promotes, facilitates or favors the entry into or exit from the country, or the movement within the national territory, of persons of any sex to perform one or more acts of prostitution or to subject them to exploitation, sexual or labor servitude, slavery or practices similar to slavery, forced labor or services, servile marriage, mendicancy, illicit extraction of organs or irregular adoption, shall be punished with imprisonment for a term of six to ten years.

The penalty of imprisonment shall be from eight to sixteen years, if any of the following circumstances apply:

- a) The victim is under eighteen years of age or is in a situation of vulnerability or disability.
- b) Deception, violence or any means of intimidation or coercion.
- c) The perpetrator is the spouse, cohabitant or relative of the victim up to the third degree of consanguinity or affinity.
- d) The perpetrator takes advantage of a relationship of authority or trust with the victim or the victim's family, whether or not there is a family relationship.
- e) The perpetrator takes advantage of the exercise of his profession or the function he performs.
- f) The victim suffers serious damage to his or her health.
- g) The punishable act was committed by a criminal group composed of two or more members".

"Article 208. **Theft**

Whoever illegitimately takes possession of a movable thing, totally or partially belonging to another, shall be punished with imprisonment from one month to three years.

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Aggravated theft

A prison term of one year to three years shall be applied, if the value of the stolen property does not exceed five times the base salary, and from one to ten years, if it exceeds that amount, in the following cases:

- 1) When the theft involves heads of livestock, poultry, products or elements that are in use for agricultural and livestock exploitation.
- 2) If it is committed by taking advantage of the facilities resulting from a disaster, a public commotion or a particular misfortune of the injured party.
- 3) If use is made of a lock pick, false key or other similar instrument, or of the real key that has been stolen, found or retained.
- 4) If it is passenger luggage, in any kind of vehicles or in the parking lots or terminals of transportation companies.
- 5) If it is of vehicles left on public roads or in places of public access.
- 6) If it is of things of scientific, artistic, cultural, security or religious value, when, due to the place where they are located, they are destined to the service, utility or reverence of an undetermined number of people, or are released to the public trust.
- 7) If committed by two or more persons."

"Article 225. Usurpation

Imprisonment of six months to four years shall be imposed:

- 1) Whoever by violence, threats, deceit, abuse of trust or clandestinity dispossesses another, totally or partially, of the possession or tenancy of real property or of the exercise of a real right constituted thereon, whether the dispossession takes place by invading the property, remaining therein or expelling the occupants.
- 2) Whoever, in order to take possession of all or part of a property, alters the terms or limits.
- 3) To whoever, with violence or threats, disturbs the possession or tenancy of real property."

"Article 227. Public domain

It shall be punished with imprisonment from six months to four years or with a fine of fifteen to one hundred days:

- 1) Whoever, without title of acquisition or without the right to possess, holds land or space

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corresponding to streets, roads, gardens, parks, promenades or other places of public domain, or vacant land or any other real property of the State or of the municipalities.

- 2) Whoever, without legal authorization, exploits a national forest.
- 3) Whoever, without title, exploits veins, deposits, mantos and other mineral deposits.
- 4) Whoever, making use of free concessions granted by law for the benefit of agriculture, has entered into possession of a vacant lot, by virtue of a claim, and after exploiting the respective forest, abandons said claim.

If the usurpations provided for in this article have been perpetrated in the name or on the instructions of a corporation or company, the criminal liability shall be attributed to its manager or administrator, without prejudice to the civil indemnity also falling on the corporation or company.

Article 228. **Damages**

Whoever destroys, renders useless, makes disappear or damages in any way a thing, totally or partially belonging to another person, shall be punished with imprisonment from fifteen days to one year, or with ten to one hundred days fine.

Article 229. **Aggravated damage**

Imprisonment of six months to four years shall be imposed:

- 1) If the damage is done to things of scientific, artistic, cultural or religious value, when, due to the place where they are located, they are in the public trust, or destined to the service, utility or reverence of an undetermined number of persons.
- 2) When the damage falls on means or means of communication or transit, on bridges or canals, on water, electricity or energy production plants or conduits.
- 3) When the act was executed with violence to persons or threats.
- 4) When the act was executed by three or more persons.
- 5) When the damage was against police equipment".

"Article 305. **Resistance**

A prison term of one month to three years shall be imposed on anyone who uses intimidation or violence against a public official or against a person who assists him at his request or by virtue of a legal duty, to prevent or obstruct the performance of an act proper to the legitimate exercise of his functions. The same penalty shall be imposed on anyone who uses force against police equipment used by the police authority to carry out its work."

"Article 307. **Disobedience**

Imprisonment from six months to three years shall be imposed on anyone who fails to comply or enforce, in all its extremes, the order issued by a jurisdictional body or by a public official in the exercise of his duties, provided that it has been personally communicated, except in the case of the arrest itself."

"Article 322.-Personal favoring.

It shall be punished with imprisonment from six months to four years the one who, without a promise prior to the crime, helps someone to evade the investigations of the authority or to evade the action of the authority or omits to report the fact when he is obliged to do so.

Article 323. **Reception**

Whoever acquires, receives and conceals money, things or goods coming from a crime in which he did not participate, or intervenes in its acquisition, reception or concealment, shall be punished with imprisonment from six months to five years and with twenty to sixty days fine. The respective security measure shall be applied when the perpetrator makes receiving a practice that implies professionalism.

Article 324.-Reception of things of suspicious origin

It shall be punished with imprisonment from six months to four years to the one who, without previous promise to the crime, receives things or goods that, according to the circumstances, should be presumed to come from a crime. If the perpetrator makes it a habitual traffic, the respective security measure shall be imposed.

Article 325.-Actual favor

A prison term of three months to four years shall be imposed on anyone who, without a promise prior to the crime, but after its commission, procures or assists someone to achieve the disappearance, concealment or alteration of the traces, evidence or instruments of the crime or to secure the proceeds or benefits thereof. This provision does not apply to anyone who, in any way, has participated in the crime; nor does it apply to anyone who commits the act of culpable evasion."

"Article 387.

A fine of ten to sixty days shall be imposed:

Drawing on walls

- 1) Whoever writes, exhibits or traces drawings or emblems or affixes papers or posters on

the outside of a building, a public or private building, a dwelling house, a house of habitation, a

The offender shall be sentenced to five to twenty days' imprisonment if the offence is committed again. In the event of recidivism, the penalty shall be five to twenty days' imprisonment.

False weights or measurements

2) To whoever, when exercising commerce, uses false weights or measures or exact measures not contrasted or different from those authorized by law."

Article sheet

ARTICLE 20.-Reformation of the name of Section III of Title XIV

The name of Section III of Title XIV of the Penal Code is hereby amended to read as follows:

"SECTION III

Concealment and disclosure of confidential information".

Article sheet

ARTICLE 21. Addition of article 325 bis

Add Article 325 bis to the Penal Code. The text shall read:

"Article 325 bis.-Disclosure of confidential information.

A term of imprisonment of two to eight years shall be imposed on anyone who, by himself or by any means, disseminates confidential information related to persons subject to protection measures in the victims and witnesses program.

The penalty shall be six to twelve years imprisonment, if any of the following circumstances apply:

- a) The author receives a financial or other benefit.
- b) The victim suffers serious damage to his or her health or death.
- c) The protection measures were requested based on the investigation of an organized crime offense.
- d) The perpetrator's actions cause irreparable harm to the investigation, prosecution or

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punishment of the crime that originated the protective measures."

Article sheet

ARTICLE 22.-Reform of the Income Tax Law

The fourth paragraph of numeral 1, paragraph c) of article 23 of the Income Tax Law, No. 7092, of April 21, 1988, is hereby amended. The text shall read as follows:

"Article 23.

Withholding tax

[.]

c)

1.-

[.]

The income derived from the securities issued in national currency by the Banco Popular y de Desarrollo Comunal and by the Sistema Financiero Nacional para la Vivienda, under Law No. 7052 of November 13, 1986, shall not be subject to income tax or to the tax established in this subsection. Investments derived from the non-profit trust created by Article 6 of the Law for the creation of the School of Agriculture of the Humid Tropical Region, No. 7044, of September 29, 1986, shall not be subject to income tax or to the tax established in this subsection.

[.]”

Article sheet

SOLE TRANSITORY.-

The amendment to Article 23 of the Income Tax Law, No. 7092 of April 21, 1988, as amended, set forth in Article 22 of this Law, shall not affect securities in foreign currency issued by the State or by State banks, which have been duly issued prior to the entry into force of this Law, which shall be exempt from the tax in question until the date of their maturity. A security shall be considered issued at the moment it is purchased by an investor, public or private, through a stock exchange or by means of a direct transaction.

Effective as of its publication.

Given at the Presidency of the Republic. San José, on the fourth day of March, two thousand nine.

Article sheet

Date of generation: 07/09/2022 12:49:28 p.m.