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Reform of the Law for the Creation of the Specialized Jurisdiction for Organized Crime in Costa Rica,
Organic Law of the Judiciary, Law against Organized Crime.

N° 9769

THE LEGISLATIVE ASSEMBLY OF THE REPUBLIC OF COSTA RICA
DECREES:

**STRENGTHENING OF THE SPECIALIZED
JURISDICTION FOR ORGANIZED CRIME**

ARTICLE 1- Articles 2, 8, 18 and 19 of Law No. 9481, Creation of the Specialized Jurisdiction on Organized Crime in Costa Rica, of September 13, 2017, are amended. The texts are as follows:

Article 2- Jurisdiction

The Specialized Court for Organized Crime, the Specialized Criminal Court for Organized Crime and the Specialized Court of Appeals for Organized Crime will be competent to hear cases that qualify as organized crime.

The offices to be established shall have jurisdiction throughout the national territory, shall hear only criminal acts that comply with the parameters set forth in the present law and related crimes, and their seat shall be in San José, as well as in those places and in the manner determined by the Supreme Court of Justice.

The ordinary courts or tribunals of the country will hear organized crime proceedings in those cases where the Public Prosecutor's Office has not requested that they be processed in the specialized jurisdiction, in accordance with articles 8 and 9 of this law.

The appeal of sentence will be heard by the Court of Appeal of Sentence Specialized in Organized Crime.

The appeal in cassation and the special review procedure shall be within the jurisdiction of the Third Chamber of the Supreme Court of Justice.

Article 8- Serious offense

The Attorney General's Office may request the competent authority of the Specialized Jurisdiction on Organized Crime to assume the knowledge and investigation of these crimes, as well as related crimes, regardless of the criminality of the latter, according to the rules of connection established in Law No. 7594, Criminal Procedure Code, of April 10, 1996, when, having met the requirements established in Article 9 of this law for the declaration of organized crime, and it is, in addition, a matter of

complex, or for security reasons or any other procedural reason that justifies its necessity, in accordance with the purposes of the process.

For the entire criminal justice system, a felony is defined as a crime for which the maximum term of imprisonment is four years or more.

Article 18- Additions

Articles 93 ter, 96 ter, 101 bis and 107 bis are added to Law No. 7333, Organic Law of the Judiciary of May 5, 1993. The texts are as follows:

Article 93 ter- It is incumbent upon the Court of Appeal of Sentence Specialized in Organized Crime to hear:

- 1-) Appeals against sentences handed down by courts specializing in organized crime.
- 2-) Appeals against resolutions issued by the Specialized Court on Organized Crime, when the law provides that the appeal is admissible.
- 3-) Impediments, excuses and recusals of its proprietary and alternate members.

The sentencing courts of appeal specialized in organized crime shall be composed of independent sections, each composed of three judges, according to the needs of the service, and shall distribute their work as provided for in this law.

Article 96 ter-

The courts specialized in organized crime will be formed by independent sections of at least four judges and will be integrated, in each case, with three of them, to hear the following cases:

- 1-) The trial phase.
- 2-) On the impediments, excuses and recusals of the regular and alternate judges.
- 3-) Interlocutory appeals filed during the preparatory and intermediate stages.

Article 101 bis-

To be a judge of the Court Specialized in Organized Crime and a judge of the Criminal Court and the Court of Appeals for Sentencing Specialized in Organized Crime, titular or substitute, the following are required:

- 1-) To be Costa Rican in exercise of their citizenship rights.

2-) Be at least thirty-five years of age.

3-) Possess a law degree, legally recognized in the country.

4-) Have practiced as a legal professional in the auxiliary or jurisdictional areas of justice, in criminal matters, for a minimum of five years and be eligible in the corresponding scale.

5-) Hold a professional appointment in property, after completing the probationary period, in the Judiciary.

6-) Possess specialized training in organized crime provided by the Judicial Academy or in coordination with it.

These judges will earn a salary incentive compared to the other judges of the Criminal Court.

To be a judge of the Criminal Court and of the Court of Appeal of Sentence of the Specialized Jurisdiction on Organized Crime, titular or alternate, it is required:

1-) Be a Costa Rican citizen in exercise of his or her rights as

a citizen. 2-) Be at least thirty-five years of age.

3-) Possess a law degree legally recognized in the country.

4-) Have practiced as a legal professional in the auxiliary or jurisdictional areas of justice, in criminal matters, for a minimum of six years and be eligible in the corresponding scale.

5-) Hold a professional appointment in property, after completing the probationary period, in the Judiciary.

6-) Possess specialized training in organized crime provided by the Judicial Academy or in coordination with it.

These judges shall earn a salary incentive with respect to the other judges of the Criminal Court or the Court of Appeals for Sentencing, as the case may be.

The Superior Council of the Judiciary appoints the judges of the Criminal Court and the judges of the Court of Appeals, and the Supreme Court of Justice appoints the judges of the Criminal Court and the Court of Appeals for Sentencing, of that jurisdiction, for a period of eight years; upon expiration of this term, they shall return to their posts. Their appointment may be extended for the term necessary to finalize procedural acts in progress, in their charge, duly justified or until the person to assume the new term is appointed.

Appointments made because of a vacancy shall be for a full term.

Prior to joining the Specialized Jurisdiction on Organized Crime, it will be necessary to pass a rigorous recruitment and selection program, in accordance with the principle of proven suitability, which will be approved by the Court.

All persons working in the Specialized Jurisdiction on Organized Crime must be evaluated every two years by the Human Resources Department, in order to verify that they maintain their suitability for the position, as established in the Judicial Service Statute and when exceptionally requested by higher instances. The unfavorable results will be forwarded to the Plenary Court and the Superior Council respectively, who, among other options, may revoke or suspend their appointment in this jurisdiction and return them to their position of ownership.

Those who work exclusively in the Specialized Jurisdiction on Organized Crime will receive a salary incentive and will keep their position during the term of their appointment.

Those who work in this jurisdiction will have special protection, only when risk factors arise due to the exercise of their functions that make it necessary, according to the respective technical studies.

Those who work in the Specialized Jurisdiction for Organized Crime will also perform work within the ordinary jurisdiction, when the institutional requirements so determine.

Article 107 bis- The Specialized Court on Organized Crime shall be responsible for the jurisdictional acts of the preparatory and intermediate proceedings. It shall be ensured that a judge does not assume both stages in a single proceeding.

Article 19- Repeal of several articles of Law No. 8754, Law against Organized Crime, of July 22, 2009

Articles 2, 3, 7 and 9 of Law No. 8754, Law against Organized Crime, of July 22, 2009, are hereby repealed.

Article sheet

ARTICLE 2- An Article 94 ter is hereby added to Law No. 8, Organic Law of the Judiciary, of November 29, 1937. The text is as follows:

Article 94 ter- To be a member of the collegiate tribunals it is required: 1-)

To be a Costa Rican citizen in exercise of citizen rights.

2-) Be at least thirty years of age.

3-) Hold a law degree, legally recognized in Costa Rica, and have practiced this profession for six years, except in the case of judicial officers, with at least three years of judicial practice.

Article sheet

ARTICLE 3- Article 6 of Law No. 8754, Law against Organized Crime, of July 22, 2009, is hereby amended. The text is as follows:

Article 6- Suspension of the statute of limitations The computation of

the statute of limitations shall be suspended for the following:

a) For the duration of extradition proceedings, police assistance, judicial assistance, letters rogatory or requests for information through central authorities abroad.

b) On the grounds set forth in Law **No.** 7594, Code of Criminal Procedure, of April 10, 1996.

Once the cause for suspension has ended, the statute of limitations shall continue to run its course.

Article sheet

ARTICLE 4- The entry into force of Law **No.** 9481, Creation of the Specialized Jurisdiction on Organized Crime in Costa Rica, of September 13, 2017, is amended. The text is as follows:

It will come into effect eighteen months after the budget necessary for its implementation has been granted, according to the technical studies of the Judicial Branch.

Article sheet

ARTICLE 5- A transitory II is added to Law No. 9481, Creation of the Specialized Jurisdiction on Organized Crime in Costa Rica, of September 13, 2017. The text is as follows:

Transitory II- At least fifteen months prior to the entry into force of this law, a competency-based training process for the operators of this specialized jurisdiction must be initiated, through or in coordination with the Judicial School and the training units.

Likewise, the Judicial Branch must carry out the process for the definition of the profiles of these positions and proceed with the selection of the officials of this jurisdiction.

Effective as of its publication.

Given at the Presidency of the Republic, San José, on the eighteenth day of October of the year two thousand nineteen.

Article sheet

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