

This file corresponds to book 1, title 5 (extinction of criminal liability) of the Portuguese penal code.

## Chapter 1 - prescription of criminal proceedings

### Article 118 - in relation to limitation periods:

1 - criminal proceedings are terminated, due to prescription, as soon as the following deadlines have elapsed since the commission of the crime:

a) 15 years, in the case of:

a1) crimes punishable by a prison sentence with a maximum limit of more than 10 years;

a2) crimes provided for in articles 335, 372, 373, 374, 374, 375, 377, 379, 382,

383 and 384 of the penal code. The articles are found in title 5 of book 2;

a3) crimes provided for in articles 11, 16 to 20, 23, 26 and 27 of law no. 34/87, of 16 July;

a4) crimes provided for in articles 7, 8 and 9 of law no. 20/2008, of April 21;

a5) crimes provided for in articles 8, 9, 10, 11 and 12 of law no. 50/2007, of 31 August;

a6) crime provided for in article 36 of decree-law no. 28/84, of January 20;

a7) crimes provided for in articles 36 and 37 of the military justice code;

a8) crime provided for in article 299 of the penal code, located in title 4 of book 2, provided that the purpose or activity of the group, organization or association is directed at the practice of one or more of the crimes provided for in subparagraphs a1, a2, a3, a4, a6 and a7;

b) 10 years, in the case of crimes punishable by a prison sentence whose maximum limit is equal to or greater than 5 years, but which does not exceed 10 years;

c) 5 years, in the case of crimes punishable by a prison sentence whose maximum limit is equal to or greater than 1 year, but less than 5 years;

d) 2 years, in the remaining cases.

2 - for the purposes of the provisions of the previous paragraph, when determining the maximum penalty applicable to each crime, the elements that belong to the type of crime are taken into account, but not the aggravating or mitigating circumstances.

3 - if the criminal procedure concerns a legal person or similar entity, the deadlines set out in paragraph 1 are determined taking into account the prison sentence, before proceeding with the conversion provided for in paragraphs 1 and 2 of article 90, located in title 3 of book 1.

4 - when the law establishes an alternative prison sentence or fine for any crime, only the first is considered for the purposes of the provisions of this article.

5 - in crimes against the freedom and sexual self-determination of minors, as well as in the crime of female genital mutilation where the victim is a minor, the criminal procedure does not end, due to the statute of limitations, before the offended party turns 25 years old.

### Article 119 - in relation to the beginning of the term:

1 - the statute of limitations for criminal proceedings runs from the day the act is consummated.

2 - the limitation period only runs:

a) in permanent crimes, from the day the consummation ceases;

b) in continuing crimes and habitual crimes, since the day on which the last act was committed;

c) in un consummated crimes, from the day of the last act of execution.

3 - in the case of complicity, for the purposes of this article, the fact of the author is always taken into account.

4 - when it is relevant to verify a result not included in the type of crime, the limitation period only runs from the day on which that result occurs.

5 - in crimes against the sexual freedom and self-determination of minors, the statute of limitations only runs from the day the offended party reaches the age of majority and, if he dies before reaching the age of majority, from the date of his death.

### Article 120 - in relation to the suspension of prescription:

1 - prescription of the criminal procedure is suspended, in addition to the cases specifically provided for by law, during the time in which:

a) criminal proceedings cannot legally be initiated or continued due to lack of legal authorization or sentence to be handed down by a non-criminal court, or due to the return of a prejudicial matter to a non-criminal court;

b) the criminal proceedings are pending as of the notification of the accusation or, if it has not been filed, as of the notification of the investigative decision pronouncing the defendant or the request for the application of a sanction in a summary process;

- c) the declaration of default is in force; or
- d) the sentence cannot be notified to the defendant tried in his absence;
- e) the conviction, after notification to the defendant, does not become final;
- f) the offender is serving a prison sentence or security measure abroad.

2 - in the case provided for in paragraph b) of the previous paragraph, the suspension cannot exceed 3 years.

3 - in the case provided for in paragraph c) of paragraph 1, the suspension cannot exceed the normal limitation period.

4 - in the case provided for in paragraph e) of paragraph 1, the suspension cannot exceed 5 years, increasing to 10 years if the exceptional complexity of the process has been declared.

5 - the deadlines referred to in the previous paragraph are doubled if an appeal has been made to the constitutional court.

6 - the prescription will run again from the day the reason for the suspension ends.

Article 121 - in relation to the interruption of the prescription:

1 - the prescription of criminal proceedings is interrupted:

- a) with the constitution of a defendant;
- b) with the notification of the accusation or, if it has not been filed, with the notification of the investigative decision that will pronounce the accused or with the notification of the request for the application of the sanction in a summary process;
- c) with the declaration of default.
- d) with notification of the order designating a date for the hearing in the absence of the accused.

2 - after each interruption, a new limitation period begins to run.

3 - without prejudice to the provisions of no. 5 of article 118, the prescription of criminal proceedings always takes place when, since its beginning and except for the period of suspension, the normal limitation period plus half has elapsed. When, due to a special provision, the prescription period is less than two years, the maximum limit of the prescription corresponds to twice that period.

Chapter 2 - prescription of penalties and security measures:

Article 122 - in relation to the limitation periods for sentences:

1 - penalties expire within the following deadlines:

- a) 20 years, if more than 10 years in prison;
- b) 15 years, if equal to or greater than 5 years in prison;
- c) 10 years, if equal to or greater than 2 years in prison;
- d) 4 years, in the remaining cases.

2 - the limitation period begins to run on the day on which the decision that imposed the penalty becomes final.

3 - the provisions of paragraph 3 of article 118 of chapter 1 are correspondingly applicable

Article 123 - in relation to the effects of the prescription of the main penalty: the prescription of the main penalty involves the prescription of the additional penalty that has not been executed as well as the effects of the penalty that have not yet been verified.

Article 124 - in relation to the limitation periods for security measures:

1 - security measures expire within a period of 15 or 10 years, depending on whether they are custodial or non-custodial security measures.

2 - the security measure of revoking the co licensenduction prescribes within 5 years.

Article 125 - in relation to the suspension of prescription:

1 - the prescription of the penalty and security measure is suspended, in addition to the cases specifically provided for by law, during the time in which:

- a) by force of law, the execution cannot begin or continue to take place;
- b) the declaration of default is in force;
- c) the convicted person is serving another sentence or security measure that deprives his liberty; or
- d) the delay in payment of the fine continues.

2 - the prescription will run again from the day the reason for the suspension ends.

Article 126 - in relation to the interruption of the prescription:

1 - the prescription of the penalty and security measure is interrupted:

- a) with its execution; or
- b) with the declaration of default.

2 - after each interruption, a new limitation period begins to run.

3 - the prescription of the sentence and security measure always takes place when, since its beginning and except for the period of suspension, the normal period of prescription plus half has elapsed.

Chapter 3 - other causes of extinction

Article 127 - in relation to death, amnesty, generic pardon, pardon and extinction:

1- criminal liability is also extinguished by death, amnesty, generic pardon and pardon.

2 - in the event of the dissolution of a legal person or similar entity, the respective assets are liable for the fines and compensation to which the entity is sentenced.

3 - the extinction of criminal liability for the death of the agent does not prevent the continuation of the process for the purposes of declaring the loss of instruments, products and advantages in favor of the state.

Article 128 - in relation to the effects of extinction:

1 - without prejudice to the provisions of paragraph 3 of the previous article, the death of the agent extinguishes both the criminal proceedings and the penalty or security measure.

2 - amnesty extinguishes the criminal procedure and, if there has been a conviction, it ceases the execution of both the sentence and its effects and the security measure.

3 - generic pardon extinguishes the sentence, in whole or in part.

4 - the pardon extinguishes the sentence, in whole or in part, or replaces it with a more favorable one provided for by law.