

POLLUXIAN PENAL CODE



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TITLE ONE: ON PENAL LAW

ARTICLE 1: INTERPRETATION OF THE LAW

Ultimately the Judge is the one interpreting laws and discerning the rights from wrongs. If a trial is held the 'Judge's' word is final and can only be overruled by another judge through an appeal trial. Only the president is able to give pardons.

For all incidents, the suspect's intent is very important. Some incidents are mutually exclusive.

Example:

A single incident has a single sentence: If, for instance, the suspect on one occasion took 3 items off of someone, this is a single count of theft.

- If the suspect on separate occasions took items off of someone these would be separate counts of theft.
- If the suspect broke into a room through a window to steal something that would be one count of property damage (for a broken window), one count of trespassing (for entering a restricted area) and one count of theft (for the stolen items).

Certain types of crimes don't stack but rather reflect the severity of an incident. Only the most severe charge is applied in such cases.

- Beating someone to death would be one count of murder (and not assault, assault with a deadly weapon and murder).
- Stealing a lot of items from one person would add up to theft instead of petty theft.
- Fighting an officer conducting an arrest and then running from them would be one count of resisting arrest (and not fleeing & eluding and resisting arrest).

'Solicitation', 'Accessory', 'Attempt', and 'Conspiracy' are to be treated and charged as if the perpetrator committed the associated crime.

For example, an individual who is accessory to murder will be punished as if they are charged with murder.

- *Solicitation*: Encouraging, bribing, requesting, or instructing someone to commit a crime, with the intent that the person being solicited commit the crime.
- *Accessory*: Assisting in the commission of a crime, without participating in the crime itself, knowing that a crime will be, has been, or is being committed.
- *Attempt*: Attempting to commit a crime.
- *Conspiracy*: Planning to commit a crime, with the intent to eventually carry out that crime.

ARTICLE 2: CHARGING

Section A: Misdemeanor and Criminal Offenses

| No. | Name | Procedure |
|--------|--------|---|
| Step 1 | Arrest | <p>If a member of the GCPD witnesses a person commit a crime, they are able to immediately arrest them without a warrant.</p> <p>If a member of the GCPD did not witness the suspect commit a crime, they require a warrant authorized by a Judge>Mayor>District Prosecutor>CoP</p> <p>The district prosecutor, if present, has the final say on any charges levied by the police. They should be informed of any arrests or fines.</p> <p>The suspect is to be immediately informed of their charges once they are detained. Then, the SoP differs for Criminal and Misdemeanor charges.</p> <p><u>Misdemeanor</u></p> <p>The suspect is given the option to immediately pay the small fine. If they are unable or unwilling to pay the fine, they are processed as in a Criminal offense at the station and their cell time given.</p> <p><u>Criminal</u></p> <p>The suspect is taken to the police department and processed, having their person searched. Afterwards, they are given the option to pay their fine or serve their cell time.</p> <p>Once an individual is processed and charges levied the process is moved to the Appeals phase,</p> |

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| Step 2 | Appeals | <p>For both Criminal and Misdemeanor Offenses, the suspect is given the right to an appeal. An appeal is a petition to the current judicial authority to review and temper or expunge the levied charges. It is at the authority's discretion whether to hear an appeal of a case.</p> <p>If a judicial authority opts to hear the appeal, both sides will have an opportunity to present their case, and the authority will decide whether the sentencing sticks as charged, is altered/reduced, or dismissed.</p> <p>In the event an appeal is accepted for a fine paid, the city shall reimburse the individual fully.</p> <p><u>Judicial Authorities</u></p> <p>A judicial authority in this context is someone who has the ability to accept appeals and issue a decision.</p> <p>A Judge is always the judicial authority if they are present. In the event that a Judge is not available the City Mayor is able to hear appeals and issue a decision regarding them. Their decision is able to be overturned by a Judge arriving later in the shift.</p> |
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Section B: Major and Capital Offenses

| No. | Name | Procedure |
|--------|--------|--|
| Step 1 | Arrest | <p>If a member of the GCPD witnesses a person commit a crime, they are able to immediately arrest them without a warrant.</p> <p>If a member of the GCPD did not witness the suspect commit a crime, they require a warrant authorized by a Judge>Mayor>District Prosecutor>CoP</p> <p>The district prosecutor, if present, has the final say on any charges levied by the police. They should be informed of all arrests.</p> <p>The individual is to be processed at the police department. Move to Trial Step.</p> |
| Step 2 | Trial | <p>A trial must be conducted by a Judge. While waiting for an available Judge, a decision must be made regarding whether or not the accused should be held until trial or released until trial. The individuals able to make this decision in order of priority is Judge>Mayor>District Prosecutor>Chief of Police</p> <p>The suspect when presented to a Judge will enter a plea, and the trial will be conducted, sentencing decided by the Judge.</p> |

Section C: Malicious Charging

In the event that an individual is believed to be charging without evidence or with malicious intent, they are to be reported to the Polluxian Division of Special Investigation for investigation and prosecution.

ARTICLE 3: RIGHTS IN CUSTODY

Here are a prisoners rights

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| Sustenance: The right to food and water |
| Health: The right to medical treatment. Suspects should be allowed to be visited by a qualified medic or to be transported into a hospital should they need medical assistance. |
| Physical Anatomy: Not being physically assaulted, humiliated, killed or harmed unnecessarily by officers or other prisoners. |
| Visitation: The right to receive visitors in prison (use the visitation near reception) |
| Call: Right to call (suspects should be allowed to make one call while they are in custody) |

ARTICLE 4: ON SENTENCING

Section A.1: Fines

A suspect can be fined for the crime they commit. Cash registers can be found in the Police Station Lobby, and Warden's office, a portable version can be found in each Officer's locker.

Officers cannot force a prisoner to pay a fine, and the prisoner must be notified by the fine price and do it of their own accord. Officers must stack up the cost of all the offense(s) charge it lump sum to the prisoner. The exact price must be followed and done traceable through the cash registers.

Some Offenses have a mandatory fine
A receipt is to be given to the suspect once they have processed the fine.

Section A.2: Community Service

If a suspect can not pay fine or bail to avoid jail, community service may be issued to replace the fine or prison sentence, at the discretion of the local magistrate for law violations not to exceed 11xx.

The form of community service shall be decided by the overseeing magistrate, and should be one of the following:

1. Unpaid service in the mines, including excavation and processing.
2. Unpaid service under the supervision of a Sanitation Technician, to the extent of collecting litter and mopping.
3. Unpaid service to the library under the supervision of the Librarian.

If the suspect chooses to do community service instead of jail time he is to be supplied with clear instructions of what he's supposed to do, inmate uniform and a tracking device.

Once his work is considered sufficient to pay off his debt to the city he can come back to jail to return the equipment and have his tracking device removed. The inmate's criminal records should be modified accordingly. A supervisor should be assigned to an inmate doing community service to regularly check on him and make sure he's doing his job.

Section A.3: Cell Time

If a suspect that can't pay fine is not granted or refuses community service, the cell time according to the sentence is given.

For timed sentences, the cell equipped with a timer should be used in priority.

The suspect should be stripped, searched and be put in prison orange. The suspect's belongings are to be put in a locker, they should be returned once the sentence has ended.

Section C: Parole

A person being held in jail for any reason can be allowed a parole at the discretion of the Judge, the District Prosecutor, the Chief of Police, or the Prison Warden. A person that was granted parole should have their criminal records updated accordingly and supplied with a tracking implant.

- A paroled person is considered to be under injunction to not possess any firearms, use alcohol or drugs, leave the city as well as other conditions bestowed by the person granting parole and should be notified of that, their criminal record should be modified accordingly. Any breach of the Pollux law will result in the termination of parole and resuming the confinement.
- A paroled person should be assigned a parole officer.
- Any law enforcement agent can be assigned as a parole officer.
- A parole officer should regularly check on the paroled person to ensure the conditions of parole are not being violated.
- A parolee has no expectation of privacy and is not protected by the Pollux privacy laws while on parole.

Section D: Death Penalty

The death penalty can only be given for a Capital level offense, and only after a trial where the judge has sentenced someone to death, and then granted the convict an appeal to a High Justice. Or during a martial law situation, authorized by the overseeing officer.

1. Lethal injection, the electric chair and forceful cyborgification the only legal ways of executing someone, the method is chosen by the judge, but the inmate is allowed to suggest one of the listed methods.

- Lethal injections must be humane, the person should be anesthetized before or when the drug is administered

2. Firing squads become available during martial law, and the method shall be chosen by the overseeing officer should he authorize it.

The body must be turned over to the next of kin if one is available, held in a morgue pending transport or, if requested by the inmate, be donated to the local hospital or research center of their choice.

Section E: Crime Modifiers

| Situation | Description | Effect |
|---|--|---|
| Immediate threat to the prisoner | Bomb threat, or any other imminent danger to the prisoner's well-being. | Officer must relocate the prisoner(s) to a safe location. Otherwise, immediate release. Life sentences must be reapplied after danger has passed. |
| Medical reasons | Prisoners are entitled to medical attention if sick or injured. | Medical personnel can be called, or the prisoner can be escorted to the hospital. |
| Self Defense | Assault and even homicide can be justified if it was necessary for prevention of loss of life. (Note that there are borders of acceptable self-defence, and crossing the line of appropriate force can be charged with " Excessive Use of Force " or even " Manslaughter "). Regarding weapons, anybody can carry a melee weapon that fits in a pocket when fully deployed. | Up to and including immediate release. |
| Delinquency | Anyone charged with a crime that is aged thirteen through seventeen years old is considered a delinquent. | Reduction of penalty (fine, jail time, etc.) by 50% for non-Capital crimes |
| Repeat Offender | Should the criminal commit the same crime again, after already being arrested and processed for it atleast once. | Double the total sentence |