

This section of the file corresponds to part 2, book 6 (Preliminary phases), title 1 (General provisions) of the Portuguese criminal procedure code.

Article 241 - Acquisition of Crime News

The public prosecutor acquires news of the crime through its own knowledge, through criminal police bodies or through a complaint, in accordance with the following articles.

Article 242 - Mandatory Reporting

1 - Reporting is mandatory, even if the perpetrators are not known:

- a) for police entities, regarding all crimes of which they become aware;
- b) for officials, within the meaning of article 386 of the penal code, regarding crimes of which they become aware in the

exercise of their functions and because of them;

2 - When several people are forced to report the same crime, the presentation by one of them exempts the others.

3 - When referring to a crime whose procedure depends on a complaint or private accusation, the complaint only gives rise to the opening of an investigation if the complaint is presented within the legally established period.

Article 243.^o - Notice of News

1 - Whenever a judicial authority, a criminal police body or other police entity witnesses any mandatory reporting crime, they raise or order a report to be raised, mentioning:

- a) the facts that constitute the crime;
- b) the day, time, place and circumstances in which the crime was committed; It is
- c) everything they can find out about the identification of the agents and those offended, as well as the known means of

proof, namely witnesses who can testify about the facts.

2 - The notice is signed by the entity that raised it and the one that ordered it to be raised.

3 - The notice must be sent to the public prosecutor within the shortest possible time, which cannot exceed 10 days, and is valid as a complaint.

4 - In cases of connection, under the terms of articles 24 and following, a single notice may be raised.

Article 244 - Optional Complaint

Anyone who hears of a crime may report it to the public prosecutor's office, another judicial authority or criminal police bodies, unless the respective procedure depends on a private complaint or accusation.

Article 245 - Reporting the Entity Incompetent for the Procedure

The complaint made to an entity other than the public prosecutor's office is transmitted to the latter within the shortest possible time, which cannot exceed 10 days.

Article 246 - Form, Content and Types of Complaints

1 - The complaint can be made verbally or in writing and is not subject to special formalities.

2 - The verbal complaint is reduced to writing and signed by the entity receiving it and by the complainant, duly identified. The provisions of article 95, paragraph 3, are correspondingly applicable.

3 - The complaint contains, as far as possible, an indication of the elements referred to in paragraphs 1 of article 243.

4 - The complainant may declare, in the complaint, that he wishes to become an assistant. In the case of a crime whose procedure depends on a private accusation, the declaration is mandatory and, in this case, the judicial authority or the criminal police body to which the complaint is made must verbally warn the complainant of the obligation to appoint an assistant and the procedures to observe.

5 - Without prejudice to the provisions of articles 92 and 93, if the complainant does not know or master the Portuguese language, the complaint must be made in a language that he or she understands.

6 - An anonymous complaint can only lead to the opening of an investigation if:

- a) evidence of the commission of a crime is removed from it; or
- b) constitute a crime.

7 - In the foreseen cases in the previous paragraph, the competent judicial authority or criminal police body informs the holder of the right to complain or participate of the existence of the complaint.

8 - When the anonymous complaint does not lead to the opening of an investigation, the competent judicial authority promotes its destruction.

Article 247.^o - Communication, Registration and Certificate of Complaint

1 - The public prosecutor informs the offended party of the news of the crime, whenever it has reason to believe that he is not aware of it.

2 - In any case, the public prosecutor informs the offended party about the regime governing the right to complain and its procedural consequences, as well as the legal regime governing legal aid.

3 - Without prejudice to the provisions of article 82-a, the public prosecutor's office also informs the offended party about the regime and services responsible for processing compensation claims for victims of violent crimes, formulated under the regime provided for in law no. 104/2009, of September 14, and requests for advance payments to victims of domestic violence, as well as the existence of public, associative or private institutions that carry out support activities for victims of crimes.

4 - The offended party is informed, in particular, in cases where the aggressor's potential danger is recognized, of the main judicial decisions that affect his status.

5 - The public prosecutor registers or orders the registration of all complaints transmitted to it.

6 - The complainant may, at any time, request a certificate of registration of the complaint from the public prosecutor.

7 - If the complaint is presented by the victim, the certificate referred to in the previous paragraph must contain a description of the essential facts of the crime in question, and its delivery must be ensured immediately, regardless of request, whilst also complying with the provisions of no. 5 of the previous article, if necessary.

Article 248 - Communication of News of the Crime

1 - Criminal police bodies that receive news of a crime, either through their own knowledge or through a complaint, transmit it to the public prosecutor's office within the shortest possible time, which cannot exceed 10 days.

2 - The provisions of the previous paragraph apply to manifestly unfounded crime news that has been transmitted to the criminal police bodies.

3 - In case of urgency, the transmission referred to in the previous paragraph may be made by any means of communication available for that purpose. Oral communication must, however, be followed by written communication.

Article 249 - Precautionary Measures regarding Evidence

1 - It is the responsibility of the criminal police bodies, even before receiving an order from the competent judicial authority to carry out investigations, to carry out the necessary and urgent precautionary acts to ensure the means of evidence.

2 - They are responsible, in particular, under the terms of the previous paragraph:

a) carry out examinations of traces of the crime, in particular the measures provided for in paragraph 2 of article 171, and in article 173, ensuring the integrity of the animals and the maintenance of the state of things, objects and objects places;

b) collect information from people that facilitates the discovery of the perpetrators of the crime and its reconstruction.

c) carry out seizures during searches or searches or in case of urgency or danger in delay, as well as adopting the necessary precautionary measures to preserve the integrity of the animals and the conservation or maintenance of the seized things and objects.

3 - Even after the intervention of the judicial authority, it is up to the criminal police bodies to ensure new means of evidence of which they are aware, without prejudice to the fact that they must immediately report them to that authority.

Article 250 - Identification of Suspect and Request for Information1 - Criminal police bodies may identify any person found in a public place, open to the public or subject to police surveillance, whenever there is a well-founded suspicion of committing crimes, pending extradition or expulsion proceedings, that he has entered or remains illegally in the national territory or that there is an arrest warrant against him.

2 - Before proceeding with identification, criminal police bodies must prove their capacity, communicate to the suspect the circumstances that justify the identification obligation and indicate the means by which the suspect can identify himself.

3 - The suspect may identify himself by presenting one of the following documents:

a) identity card or passport, if you are a Portuguese citizen;

b) residence permit, identity card, passport or document that replaces the passport, if you are a foreign citizen.

4 - If it is impossible to present one of the documents referred to in the previous paragraph, the suspect may identify himself by presenting an original document, or a certified copy, containing his full name, his signature and his photograph.

5 - If the suspect does not carry any identification document, he or she may identify himself by one of the following means:

a) communication with a person who presents their identification documents;

b) travel, accompanied by criminal police bodies, to the place where their identification documents are located;

c) recognition of their identity by a person identified under the terms of paragraph 3 or paragraph 4 that guarantees the veracity of the personal data indicated by the person being identified.

6 - If identification is impossible under the terms of paragraphs 3, 4, and 5, the criminal police bodies may take the suspect to the nearest police station and compel him to remain there for the time strictly necessary for identification, under no circumstances longer than six hours, carrying out, if necessary, fingerprint, photographic or similar evidence and inviting the person being identified to indicate residence where they can be found and receive communications.

7 - The identification acts carried out under the terms of the previous paragraph are always reduced to a record and the identification evidence contained therein is destroyed in the presence of the person being identified, at his/her request, if the suspicion is not confirmed.

8 - The criminal police bodies may ask the suspect, as well as any person likely to provide useful information, and receive from them, without prejudice to the suspect, the provisions of article 59, information relating to a crime and, in particular, , the discovery and conservation of evidence that could be lost before the intervention of the judicial authority.

9 - You will always be given the possibility of contacting a person you trust when identifying.

Article 251 - Magazines and Searches

1 - In addition to the cases provided for in paragraph 5 of article 174, criminal police bodies may carry out, without prior authorization from the judicial authority:

a) the search of suspects in the event of imminent escape or arrest and searches of the place where they are located, except in the case of a home search, whenever there is reasonable reason to believe that objects related to the crime, susceptible to serve as evidence and which could otherwise be lost;

b) the search of people who have to participate or intend to attend any procedural act or who, as suspects, must be taken to a police station, whenever there is reason to believe that they are hiding weapons or other objects with which they can carry out acts of violence.² - The provisions of paragraph 6 of article 174 are correspondingly applicable.

Article 252.^o - Seizure of Correspondence

1 - In cases where correspondence must be seized, the criminal police bodies transmit it intact to the judge who authorized or ordered the action.

2 - In the case of closed packages or valuables likely to be seized, whenever there are well-founded reasons to believe that they may contain useful information for the investigation of a crime or lead to its discovery, and that they may be lost in the event of delay, the criminal police bodies inform the judge of the fact, by the quickest means, who can authorize its immediate opening.

3 - Once the reasons referred to in the previous paragraph have been verified, the criminal police bodies may order the suspension of the sending of any correspondence at post offices and telecommunications stations. If, within 48 hours, the order is not validated by a reasoned order from the judge, the correspondence is sent to the recipient.

Article 252.^o-a - Cellular Location

1 - Judicial authorities and criminal police authorities may obtain cell phone location data when necessary to rule out danger to life or serious harm to physical integrity.

2 - If the cell phone location data provided for in the previous paragraph refers to an ongoing process, its acquisition must be communicated to the judge within a maximum period of forty-eight hours.

3 - If the cell location data provided for in paragraph 1 do not refer to any ongoing process, the communication must be addressed to the judge at the headquarters of the entity competent for the criminal investigation.

4 - Obtaining data on cellular location in violation of the provisions of the previous paragraphs is void.

Article 253 - Report

1 - The criminal police bodies that carry out the investigations referred to in the previous articles prepare a report which briefly mentions the investigations carried out, their results, a description of the facts discovered and the evidence collected.

2 - The report is sent to the public prosecutor or the investigating judge, depending on the case.

Article 254 - Purposes

1 - The detention referred to in the following articles is carried out:

a) for, within a maximum period of forty-eight hours, the detainee to be presented for trial in summary form or to be presented to the competent judge for the first judicial interrogation or for the application or execution of a coercive measure; or

b) to ensure the immediate presence or, if this is not possible, within the shortest possible time, but never exceeding twenty-four hours, of the detainee before the judicial authority in a procedural act.

2 - The defendant detained outside of the act of committing a crime for the application or execution of the preventive detention measure is always presented to the judge, with the provisions of article 141 being correspondingly applicable.

Article 255 - Arrest in the act of committing a crime

1 - In the case of a flagrant crime, for a crime punishable by a prison sentence:

a) any judicial authority or police entity carries out the arrest;

b) any person may carry out the arrest if one of the entities referred to in the previous paragraph is not present or cannot be called in a timely manner.

2 - In the case provided for in subparagraph b) of the previous paragraph, the person who carried out the arrest immediately delivers the detainee to one of the entities referred to in subparagraph a), which writes a summary of the surrender and proceeds in accordance with the provisions of article 259th

3 - In the case of a crime whose procedure depends on a complaint, detention only continues when, in an act following it, the holder of the respective right exercises it. In this case, the authority of the judiciary or the police entity draws up or orders to draw up a document in which the complaint is registered.

4 - In the case of a crime whose procedure depends on a private accusation, there is no need for arrest in flagrante delicto, but only for the identification of the offender.

Article 256 - Flagrant Offense

1 - Any crime that is being committed or has just been committed is a flagrant crime.

2 - A case in which the offender is, shortly after the crime, chased by anyone or found with objects or signs that clearly show that he has just committed or participated in it is also considered a flagrant crime.

3 - In the case of a permanent crime, the state of flagrante delicto only persists as long as signs are maintained that clearly show that the crime is being committed and the offender is participating in it.

Article 257.^o - Detention outside of the Flagrant Crime

1 - Outside of a flagrant crime, detention can only be carried out on a warrant from the judge or, in cases where preventive detention is admissible, from the public prosecutor:

a) when there are well-founded reasons to believe that the person concerned would not voluntarily appear before the judicial authority within the deadline set for him;

b) when one of the situations provided for in article 204 specifically occurs, which only detention allows for protection; or

c) if this proves to be essential for the protection of the victim.

2 - The criminal police authorities may also order detention outside the act of committing a crime, on their own initiative, when:

a) it is a case in which preventive detention is permissible;

b) there are elements that justify the fear of escape or continuation of criminal activity; It is

c) it is not possible, given the situation of urgency and danger in delay, to wait for the intervention of the judicial authority.

Article 258 - Arrest Warrants

1 - Arrest warrants are issued in triplicate and contain, under penalty of nullity:

a) the date of issue and the signature of the competent judicial or criminal police authority;

b) the identification of the person to be detained; It is

c) indication of the fact that led to the arrest and the circumstances that legally justify it.

2 - In cases of urgency and danger in delay, it is permissible to request detention by any means of telecommunication, immediately followed by confirmation by warrant, under the terms of the previous paragraph.

3 - The detainee is shown the arrest warrant and given one of the copies. In the case of the previous paragraph, you will be shown the detention order containing the request, the indication of the judicial or criminal police authority that made it and the other requirements referred to in paragraph 1 and handed over the respective copy.

Article 259 - Duty to Communicate

Whenever any police entity makes an arrest, it is immediately reported:

a) to the judge from whom the arrest warrant is issued, if this has the purpose referred to in paragraph b) of article 254.

b) to the public prosecutor, in the remaining cases.

Article 260 - General Conditions of Effectiveness

The provisions of paragraphs 2 of article 192 and 9 of article 194 are correspondingly applicable to detention.

Article 261 - Immediate Release of the Detainee

1 - Any entity that has ordered the detention or to which the detainee is present, in accordance with the terms of this chapter, shall proceed with his immediate release as soon as it becomes clear that the detention was carried out due to a mistake regarding the person or outside of the cases in which it was legally admissible or that the measure has become unnecessary.

2 - In the case of an entity that is not a judicial authority, it prepares a summary report of the occurrence and immediately transmits it to the public prosecutor's office; if it is a judicial authority, the release is preceded by an order.

This section of the file corresponds to part 2, book 6 (Preliminary phases), title 2 (Inquiry) of the Portuguese criminal procedure code.

Article 262 - Purpose and Scope of the Inquiry

1 - The investigation comprises the set of steps that aim to investigate the existence of a crime, determine its agents and their responsibility and discover and collect evidence, in order to decide on the accusation.

2 - Subject to the exceptions provided for in this code, news of a crime always gives rise to the opening of an investigation.

Article 263 - Direction of the Inquiry

1 - The investigation is carried out by the public prosecutor, assisted by the criminal police bodies.

2 - For the purposes of the provisions of the previous paragraph, the criminal police bodies act under the direct guidance of the public prosecutor's office and in its functional dependence.

Article 264 - Competence

1 - The public prosecutor exercising functions in the place where the crime was committed is competent to carry out the

investigation.

2 - As long as the place where the crime was committed is not known, the jurisdiction belongs to the public prosecutor who performs functions in the place where the crime was first reported.

3 - If the crime is committed abroad, the public prosecutor who carries out duties at the court responsible for the trial is competent.

4 - Regardless of the provisions of the previous paragraphs, any magistrate or public prosecutor's agent shall, in cases of urgency or danger in delay, carry out acts of investigation, namely detention, interrogation and, in general, the acquisition and conservation of resources of proof.

5 - The provisions of articles 24 to 30 are correspondingly applicable, with the public prosecutor being responsible for ordering or terminating the connection.

Article 265 - Inquiry against Magistrates

1 - If a judicial magistrate or public prosecutor is the subject of the report of the crime, a magistrate of a category equal to or higher than that of the person concerned will be appointed to carry out the investigation.

2 - If the Attorney General of the Republic is the subject of the report of the crime, the competence for the investigation belongs to a judge of the Supreme Court of Justice, designated by lot, who is prevented from intervening in subsequent acts of the process.

Article 266 - Transmission of Records

1 - If, during the course of the investigation, it is determined that the jurisdiction belongs to a different magistrate or public prosecutor, the files are transmitted to the competent magistrate or public prosecutor.

2 - The acts of inquiry carried out before transmission are only repeated if they cannot be used.

3 - In the event of a conflict over competence, the hierarchical superior who immediately supervises the magistrates or agents in conflict shall decide.

Article 267 - Acts of the Public Prosecutor's Office

The public prosecutor performs the acts and provides the means of evidence necessary to achieve the purposes referred to in article 262, paragraph 1, under the terms and with the restrictions set out in the following articles.

Article 268.⁹ - Acts to be Performed by the Investigating Judge

1 - During the investigation, the investigating judge is exclusively responsible for:

a) carry out the first judicial interrogation of a detained defendant;

b) proceed with the application of a measure of coercion or property guarantee, with the exception of that provided for in article 196, which may be applied by the public prosecutor;

c) carry out searches and seizures in a lawyer's office, doctor's office or banking establishment, in accordance with paragraph 5 of article 177, paragraph 1 of article 180 and article 181;

d) become aware, firstly, of the content of the correspondence sentenced, in accordance with article 179, paragraph 3;

e) declare the confiscation in favor of the state of seized assets, with express mention of the legal provisions applied, when the public prosecutor files the investigation under the terms of articles 277, 280 and 282;

f) perform any other acts that the law expressly reserves for the investigating judge.

2 - The judge carries out the acts referred to in the previous paragraph at the request of the public prosecutor, the criminal police authority in cases of urgency or danger in delay, the accused or the assistant.

3 - The request, when coming from the public prosecutor's office or criminal police authority, is not subject to any formalities.

4 - In the cases referred to in the previous paragraphs, the judge decides, within a maximum period of 24 hours, based on the information that, together with the request, is provided to him, exempting the presentation of the case whenever he does not consider it essential.

Article 269 - Acts to be Ordered or Authorized by the Investigating Judge

1 - During the investigation, the investigating judge is exclusively responsible for ordering or authorizing:

a) carrying out expert examinations, in accordance with paragraph 3 of article 154;

b) carrying out examinations, in accordance with paragraph 2 of article 172;

c) home searches, under the terms and within the limits of article 177;

d) seizures of correspondence, in accordance with article 179, paragraph 1;

e) interception, recording or recording of conversations or communications, in accordance with articles 187 and 189;

f) the practice of any other acts that the law expressly makes dependent on the order or authorization of the investigating judge.

2 - The provisions of paragraphs 2, 3 and 4 of the previous article are correspondingly applicable.

Article 270 - Acts that can be delegated by the Public Prosecutor's Office to the Criminal Police Bodies

1 - The public prosecutor's office may entrust criminal police bodies with the responsibility of carrying out any steps and investigations relating to the investigation.

2 - The following acts are excluded from the provisions of the previous paragraph, in addition to the acts that fall within the exclusive competence of the investigating judge, in accordance with articles 268 and 269:

- a) receive sworn statements, in accordance with article 138, paragraph 3, second part;
- b) order the carrying out of an expert examination, in accordance with article 154;
- c) attend an examination likely to offend the person's modesty, in accordance with the second part of paragraph 3 of article

172;

- d) order or authorize searches and searches, in accordance with the terms and limits of paragraphs 3 and 5 of article 174;
- e) any other acts that the law expressly determines to be presided over or carried out by the public prosecutor.

3 - The public prosecutor may, however, delegate to criminal police authorities the power to order the carrying out of expertise in relation to certain types of crime, in cases of urgency or danger in delay, particularly when the expertise must be carried out jointly with the examination of traces. Exceptions are made to expertise involving the performance of a medico-legal autopsy, as well as the provision of additional clarifications and the carrying out of a new expert examination under the terms of article 158.

4 - Without prejudice to the provisions of paragraph 2, paragraph 3 of article 58, paragraph 3 of article 243 and paragraph 1 of article 248, the delegation to which referred to in paragraph 1 may be carried out by order of a generic nature that indicates the types of crime or the limits of the penalties applicable to the crimes under investigation.

Article 271.⁹ - Declarations for Future Memory

1 - In the event of serious illness or travel abroad of a witness, which foreseeably prevents him from being heard at trial, as well as in cases of victims of crimes involving trafficking in human organs, human trafficking or against sexual freedom and self-determination, the investigating judge, at the request of the public prosecutor, the accused, the assistant or the civil parties, may carry out cross-examination during the course of the investigation, so that the testimony may, if necessary, be taken into account at the trial.

2 - In the case of a case for a crime against the freedom and sexual self-determination of a minor, the victim is always interviewed during the investigation, as long as the victim is not already of legal age.

3 - The public prosecutor, the accused, the defender and the lawyers of the assistant and the civil parties are notified of the day, time and place of the statement so that they can be present, with the appearance of the public prosecutor and the defender being mandatory .

4 - In the cases provided for in paragraph 2, statements are made in an informal and reserved environment, with a view to ensuring, in particular, the spontaneity and sincerity of responses, and the minor must be assisted during the procedural act by a technician specially qualified to monitor it, previously designated for this purpose.

5 - The inquiry is carried out by the judge, after which the public prosecutor, the lawyers of the assistant and the civil parties and the defender may, in this order, ask additional questions.

6 - The provisions of articles 352, 356, 363 and 364 are correspondingly applicable

7 - The provisions of the previous paragraphs are correspondingly applicable to statements by the assistant and civil parties, experts and technical consultants and to confrontations.

8 - Making statements in accordance with the previous paragraphs does not prejudice the giving of testimony at a trial hearing, whenever this is possible and does not jeopardize the physical or mental health of the person who must provide it.

Article 272 - First Interrogation and Communications to the Defendant

1 - When an investigation is underway against a specific person in relation to whom there is a well-founded suspicion of committing a crime, it is mandatory to interrogate him or her as a defendant, unless it is not possible to notify him or her.

2 - The public prosecutor, when carrying out the interrogation of a defendant or the confrontation or recognition in which the defendant must participate, communicates to him, at least 24 hours in advance, the day, time and place of the investigation.

3 - The advance period referred to in the previous paragraph:

- a) it is optional whenever the defendant is arrested;
- b) does not take place in relation to the interrogation provided for in article 143, or, in cases of extreme urgency, whenever there is a well-founded reason to fear that the delay may harm the provision of evidence, or even when the accused does not need it.

4 - When there is a defender, he or she is notified to take action at least twenty-four hours in advance, except in the cases provided for in paragraph b) of the previous paragraph.

Article 273.⁹ - Warrant of Appearance, Notification and Detention

1 - Whenever it is necessary to ensure the presence of any person during an investigation, the public prosecutor's office or the criminal police authority to which the investigation has been delegated shall issue a warrant for appearance, stating the person's identification, indicating the day , the place and time at which you must present yourself and mention of the sanctions you will incur in

the case of unjustified absence.

2 - The warrant for appearance is notified to the interested party at least three days in advance, except in duly substantiated cases of urgency, in which case the person being notified may only be given the time necessary to appear.

3 - If the order refers to the assistant or the complainant with the right to become a representative assistant Seated by a lawyer, he is informed that the steps have been taken to, if he wishes, be present.

4 - The provisions of paragraph 2 of article 116 are correspondingly applicable.

Article 274.^o - Certificates and Registration Certificates

The records and registration certificates, namely the defendant's criminal record certificate, which appear to be foreseeably necessary for the investigation or investigation or trial that may take place and for the determination of the jurisdiction of the court, are attached to the file.

Article 275 - Report of Inquiry

1 - The evidentiary measures carried out during the investigation are reduced to a record, which may be written as a summary, except for those whose documentation the public prosecutor deems unnecessary.

2 - The complaint, when made orally, as well as the acts referred to in articles 268, 269 and 271 must be reduced to a record.

3 - Once the investigation has been completed, the case remains in the custody of the public prosecutor or is sent to the competent court for investigation or trial.

Article 275.^o-A - Residents Outside the District

1 - The making of statements to any person who is not a defendant in the process and who resides outside the municipality where the public prosecutor services responsible for carrying out the investigation are located may take place in other public prosecutor services or on the premises of police entities, by videoconference or other appropriate telematic means that allow communication, visually and soundly, in real time.

2 - The diligence referred to in the previous paragraph is communicated, in accordance with article 111, to the competent services of the area where the person to be heard resides, who, on the day designated for the testimony, is identified by the court or police officer where the statement is given, and the statements are then made by the requesting entity and, if applicable, by the representatives present, through the aforementioned telematic route.

3 - The provisions of the previous article are always applicable to the making of statements provided for in this article, with the audio or audiovisual recording being the responsibility of the requesting entity.

Article 276 - Maximum Inquiry Duration Deadlines

1 - The public prosecutor closes the investigation, archiving it or filing charges, within a maximum period of six months, if there are defendants in prison or under an obligation to remain in the home, or eight months, if there are none.

2 - The 6-month period referred to in the previous article is long:

a) for 8 months, when the investigation has as its object one of the crimes referred to in article 215, paragraph 2;

b) for 10 months, when, regardless of the type of crime, the procedure proves to be exceptionally complex, in accordance with article 215, paragraph 3, final part;

c) for 12 months, in the cases referred to in article 215, paragraph 3.

3 - The eight-month period referred to in paragraph 1 is long:

a) for 14 months, when the investigation has as its object one of the crimes referred to in paragraph 2 of article 215;

b) for 16 months, when, regardless of the type of crime, the procedure proves to be exceptionally complex, in accordance with the final part of paragraph 3 of article 215;

c) for 18 months, in the cases referred to in paragraph 3 of article 215.

4 - For the purposes of the provisions of the previous paragraphs, the period starts from the moment the investigation begins against a specific person or when the defendant is identified.

5 - In the event of a letter rogatory being issued, the duration of the deadlines set out in paragraphs 1 to 3 is suspended until the respective return, and the total period of suspension, in each process, cannot exceed half of the maximum period that correspond to the survey.

6 - The magistrateholder of the process communicates to the immediate superior the violation of any deadline provided for in paragraphs 1 to 3 of this article or in paragraph 6 of article 89, indicating the reasons that explain the delay and the period necessary to complete the process. inquiry.

7 - In the cases referred to in the previous paragraph, the hierarchical superior may invoke the process and always informs the Attorney General of the Republic, the defendant and the assistant of the violation of the deadline and the period necessary to conclude the investigation.

8 - Upon receipt of the communication provided for in the previous paragraph, the Attorney General of the Republic may determine, ex officio or at the request of the accused or assistant, the procedural acceleration under the terms of article 109.

Article 277.⁹ - Archiving of the Inquiry

1 - The public prosecutor's office shall, by order, close the investigation, as soon as it has collected sufficient evidence that there was no crime, that the defendant did not commit it in any capacity or that the procedure is legally inadmissible.

2 - The investigation is also closed if it has not been possible for the public prosecutor to obtain sufficient evidence to verify the crime or who the agents were.

3 - The order of archiving is communicated to the accused, the assistant, the complainant with the right to become an assistant and to anyone who has expressed the intention of making a civil compensation claim under the terms of article 75, as well as to the respective defender or lawyer .

4 - The communications referred to in the previous number are made:

a) by notification through personal contact or registered mail to the assistant and the accused, except if they have indicated a specific location for the purposes of notification by simple mail, in accordance with paragraphs 5 and 6 of article 145, of the no. 2 and subparagraph c) of no. 3 of article 196, and have not in the meantime indicated another, through an application delivered or sent by registered post to the secretariat where the files are being processed at that time;

b) by notices, if the accused does not have an appointed defender or appointed lawyer and it is not possible to notify them through personal contact, via registered or simple mail, under the terms set out in the previous paragraph;

c) by notification via simple postal mail to the complainant with the right to become an assistant and to the person who has expressed the intention of making a civil compensation claim;

d) by notification via simple postal mail whenever the investigation is not carried out against a specific person.

5 - In the cases provided for in paragraph 1, whenever it is found that the person who reported or exercised an alleged right to complain has misused the process, the court orders him to pay a sum between 6 uc and 20 uc without prejudice to the determination of criminal liability.

Article 278 - Hierarchical Intervention

1 - Within 20 days from the date on which the opening of an investigation can no longer be requested, the immediate superior of the public prosecutor's office may, on his/her own initiative or at the request of the assistant or the complainant with the power to appoint an assistant, determine that charges be drawn up or that investigations continue, indicating, in this case, the steps to be taken and the deadline for their completion.

2 - The assistant and the complainant with the right to become an assistant may, if they choose not to request the opening of the investigation, raise hierarchical intervention, under the previous paragraph, within the deadline set for that request.

Article 279.⁹ - Reopening of the Inquiry

1 - Once the period referred to in the previous article has expired, the investigation can only be reopened if new evidence emerges that invalidates the grounds invoked by the ministrythe public in the filing order.

2 - The public prosecutor's order granting or refusing the reopening of the investigation is subject to a complaint to the immediate superior.

Article 280 - Filing in Case of Dispensation of Sentence

1 - If the case is for a crime for which the possibility of waiving the sentence is expressly provided for in criminal law, the public prosecutor, with the agreement of the investigating judge, may decide to close the case if the prerequisites are met. of that dispensation.

2 - If the accusation has already been filed, the investigating judge may, while it is ongoing, close the case with the agreement of the public prosecutor and the accused, if the conditions for dismissal of the sentence are met.

3 - The archiving decision, in accordance with the provisions of the previous paragraphs, is not subject to challenge.

Article 281 - Provisional Suspension of the Process

1 - If the crime is punishable by a prison sentence of no more than 5 years or with a sanction other than imprisonment, the public prosecutor, ex officio or at the request of the accused or assistant, determines, with the agreement of the investigating judge, the suspension of the process, by imposing injunctions and rules of conduct on the defendant, whenever the following assumptions are met:

a) agreement of the accused and the assistant;

b) absence of previous conviction for a crime of the same nature;

c) absence of previous application of provisional suspension of proceedings for a crime of the same nature;

d) there is no place for an internment security measure;

e) absence of a high degree of guilt; It is

f) it must be foreseen that compliance with injunctions and rules of conduct sufficiently responds to the prevention requirements that arise in the case.

2 - The following injunctions and rules of conduct may be enforced against the defendant, cumulatively or separately:

- a) compensate the injured party;
- b) give the injured party adequate moral satisfaction;
- c) deliver to the state, private social solidarity institutions, public benefit associations or legally constituted zoophilic associations a certain amount or provide a service of public interest;
- d) reside in a certain place;
- e) attend certain programs or activities;
- f) not exercise certain professions;
- g) not frequent certain environments or places;
- h) do not reside in certain places or regions;
- i) not accompany, accommodate or receive certain people;
- j) not attend certain associations or participate in certain meetings;
- l) not have in their possession certain animals, things or objects capable of facilitating the commission of another crime;
- m) any other behavior especially required by the case.

3 - In proceedings for the crime of corruption, undue receipt or offer of an advantage or economic-financial crime, the defendant who is a legal person or equivalent entity is always subject to an injunction to adopt or implement or change a regulatory compliance program, with surveillance judiciary, appropriate to prevent the commission of the aforementioned crimes.

4 - Without prejudice to the provisions of the previous paragraph, in the case of a crime for which an additional penalty of prohibition of driving vehicles with engines is legally provided for, the application of an injunction prohibiting driving vehicles with engines must be enforceable against the defendant.

5 - Injunctions and rules of conduct that may offend the dignity of the accused cannot be enforced.

6 - To support and monitor compliance with injunctions and rules of conduct in this case, the investigating judge and the public prosecutor may, depending on the case, resort to social reintegration services, criminal police bodies and administrative authorities.

7 - The suspension decision, in accordance with paragraph 1, is not subject to challenge.

8 - In proceedings for crimes of domestic violence not aggravated by the result, the public prosecutor, upon a free and informed request from the victim, determines the provisional suspension of the proceedings, with the agreement of the investigating judge and the accused, as long as the assumptions are met of paragraphs b) and c) of paragraph 1.

9 - In cases involving crimes against the freedom and sexual self-determination of a minor not aggravated by the result, the public prosecutor, taking into account the interest of the victim, determines the provisional suspension of the process, with the agreement of the investigating judge and the accused, as long as that the assumptions set out in paragraphs b) and c) of paragraph 1 are met.

10 - In the case of article 203 of the penal code, the agreement of the assistant provided for in subparagraph a) of paragraph 1 of this article is waived when the conduct occurs in a commercial establishment, during the period when it is open to the public, in relation to the theft of movable things of minimal value and provided that there has been immediate recovery of these, except when committed by two or more people.

11 - In proceedings against a legal person or similar entity, the injunctions and rules of conduct provided for in paragraphs a), b), c), l) and m) of paragraph 2 may be enforceable, as well as the injunction to adopt or implement a regulatory compliance program with suitable control and surveillance measures to prevent crimes of the same nature or to significantly reduce the risk of their occurrence.

Article 282 - Duration and Effects of Suspension

1 - The suspension of the process may last up to two years, with the exception of the provisions of paragraph 5.

2 - The prescription does not run during the process suspension period.

3 - If the defendant complies with the injunctions and rules of conduct, the public prosecutor archives the case and cannot be reopened.

4 - The process continues and the payments made cannot be repeated:

a) if the defendant does not comply with the injunctions and rules of conduct; or

b) if, during the period of suspension of the proceedings, the defendant commits a crime of the same nature for which he or she is convicted.

5 - In the cases provided for in paragraphs 8 and 9 of the previous article, the duration of the suspension may be up to five years.

Article 283 - Prosecution by the Public Prosecutor's Office

1 - If sufficient evidence has been collected during the investigation to indicate that the crime occurred and who was responsible for it, the public prosecutor, within 10 days, will bring charges against the crime.

2 - Evidence is considered sufficient whenever it results in a reasonable possibility that the accused will be subject to a

sentence or security measure being imposed, as a result of it, at trial.

3 - The indictment contains, under penalty of nullity:

- a) indications aimed at identifying the accused;
- b) the narration, even if synthetic, of the facts that justify the application of a sentence or security measure to the accused, including, if possible, the place, time and motivation for its practice, the degree of participation that the agent had in them and any circumstances relevant to determining the sanction that should be applied to him;
- c) the circumstances relevant to the special mitigation of the sentence that must be applied to the accused or to the exemption from the sentence to which he or she must be sentenced;
- d) indication of the applicable legal provisions;
- e) the list with a maximum of 20 witnesses, with their respective identification, discriminating those who should only testify about the aspects those referred to in paragraph 2 of article 128, which cannot exceed the number of five;
- f) indication of the experts and technical consultants to be heard in the trial, with their respective identification;
- g) indication of other evidence to be produced or requested;
- h) the indication of the social report or information from social reintegration services, when the defendant is a minor, except when he is not still present and is dispensable due to the best interests of the minor;
- i) the date and signature.

4 - In case of connection of processes, a single accusation is filed.

5 - The provisions of article 277, paragraph 3, are correspondingly applicable, with the process continuing when the notification procedures have proven to be ineffective.

6 - The communications referred to in the previous number are made through personal contact or by registered post, except if the accused and the assistant have indicated their residence or professional address to the police or judicial authority that prepares the report or who hear them in the investigation or in the investigation, in which case they are notified by simple post, in accordance with article 113, paragraph 1, subparagraph c).

7 - The limit on the number of witnesses provided for in paragraph e) of paragraph 3 may only be exceeded as long as this appears necessary for the discovery of the material truth, namely when any of the crimes referred to in paragraph 2 of the article 215 or if the process proves to be exceptionally complex, due to the number of defendants or victims or the highly organized nature of the crime.

8 - The application referred to in the previous paragraph is rejected if the circumstances set out in subparagraphs b), c) and d) of paragraph 4 of article 340 occur.

Article 284 - Accusation by the Assistant

1 - Up to 10 days after notification of the accusation by the public prosecutor, the assistant may also file charges for the facts accused by the public prosecutor, either on their part or on others that do not involve a substantial change in those facts.

2 - The provisions of paragraphs 3, 7 and 8 of the previous article are correspondingly applicable, with the following modifications:

- a) the assistant's accusation may be limited to mere adherence to the public prosecutor's accusation;
- b) only evidence to be produced or requested that is not included in the public prosecutor's indictment is indicated.

Article 285 - Private Accusation

1 - At the end of the investigation, when the procedure depends on a private accusation, the public prosecutor notifies the assistant so that he can file a private accusation within 10 days, if he wishes.

2 - The public prosecutor's office indicates, in the notification provided for in the previous paragraph, whether sufficient evidence was collected to verify the crime and who its agents were.

3 - The provisions of paragraphs 3, 7 and 8 of article 283 are correspondingly applicable to private accusations.

4 - The public prosecutor may, within five days after the presentation of the private indictment, accuse the same facts, either on their part or on others that do not involve a substantial change in those facts.