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| Issuer: | Riigikogu |
| Type: | act |
| In force from: | The time of entry into force and the procedure for application shall be established by a separate Act |
| In force until: | Did not enter into force |
| Translation published: | 06.11.2013 |

Law Enforcement Act

Passed 23.02.2011

Chapter 1 General Provisions

§ 1. Scope of application of Act

(1) This Act provides for the general principles of, bases for and organisation of protection of public order (hereinafter *law enforcement*).

(2) The provisions of the Administrative Procedure Act shall apply to administrative proceedings provided for in this Act, taking account of the specifications arising from this Act.

(3) Upon applying a measure of state supervision based on a specific law, a law enforcement agency shall proceed from the provisions of the specific law, adhering to the principles of this Act. In cases not regulated by the specific law, the provisions of the Law Enforcement Act shall be proceeded from.

(4) The functions and activity of a law enforcement agency in offence proceedings have been provided for in the Code of Criminal Procedure and in the Code of Misdemeanour Procedure. The choice of the legal basis of the activity between state supervision proceedings and offence proceedings shall be determined by the objective goal of the measure.

(5) This Act shall not be applied to the activity of security authorities in the performance of functions arising from the Security Authorities Act, except for obstruction of a criminal offence.

(6) This Act shall not be applied to the activity of the Defence Forces in the military defence of the state, in the preparation of military defence, in the performance of an international military obligation or in ensuring security in the security area of the Defence Forces.

(7) This Act shall not be applied to the exercise of supervision by an administrative authority over the lawfulness and expediency of the activity of another administrative authority or to the exercise of supervision by a public administrative authority over the lawfulness and expediency of the performance of an administrative function by another public administrative authority.

(8) This Act shall not be applied to the procedure for the issue of an activity licence or other permit by an administrative authority.

§ 2. Law enforcement and state supervision

(1) Law enforcement means prevention of a threat endangering public order (hereinafter *threat*), ascertainment of a threat in case of a suspicion of a threat, countering of a threat and elimination of a breach of public order (hereinafter *disturbance*).

(2) Law enforcement is the responsibility of a person liable for public order.

(3) If no liable person exists or if his or her activity is not sufficient or purposeful for another reason, law enforcement is the responsibility of a competent law enforcement agency.

(4) State supervision is the activity of a law enforcement agency with the aim of preventing a threat, ascertaining and countering a threat or eliminating a disturbance.

§ 3. International cooperation

(1) Under an international agreement an administrative authority of another state may be involved in ensuring public order on the territory of the Republic of Estonia. The involved authority has on the territory of the Republic of Estonia the competence and powers according to the international agreement.

(2) Under an international agreement an Estonian law enforcement agency may be involved in ensuring public order on the territory of another state. The Estonian law enforcement agency has on the territory of the other state the competence and powers according to the international agreement.

§ 4. Public order

(1) Public order is a state of the society in which the adherence to legal provisions and protection of persons' subjective rights and legal rights are guaranteed.

(2) Adherence to the provisions of private law and protection of a person's subjective rights and legal rights are a part of public order insofar as judicial legal protection is not possible in a timely manner, and without an interference by a law enforcement agency exercise of a right is impossible or significantly complicated, and to counter a threat is in the interests of public order.

§ 5. Threat to public order and disturbance

(1) Disturbance is a violation of a legal provision within the area of protection of public order or of a person's subjective right, or damage to a legal right.

(2) Threat is a situation where based on an objective assessment of the circumstances which have appeared it can be deemed likely enough that a disturbance will occur in the near future.

(3) Significant threat is a threat to a person's health, proprietary benefit of significant value, the environment, or a threat of commission of a criminal offence not specified in subsection (4) of this section.

(4) Serious threat is a threat to a person's life, physical inviolability, physical liberty or proprietary benefit of great value, or a threat of occurrence of a serious environmental damage, or a threat of commission of a criminal offence in the first degree provided for in Chapter 15 of the Penal Code or of a criminal offence provided for in Chapter 22 of the Penal Code. An infringement of physical inviolability within the meaning of this Act is a severe violation of the right of sexual self-determination or causing of serious damage to health.

(5) Immediate threat is a situation where a disturbance is already taking place or there is great probability that it is about to take place.

(6) Suspicion of a threat is a situation where on the basis of an objective assessment of circumstances which have appeared the probability that a disturbance is taking place cannot be deemed sufficient but in case of which there is reason to believe that a disturbance cannot be excluded.

(7) Prevention of a threat is collection, exchange and analyse of information, and planning and execution of actions for countering threats possibly endangering public order in the future, including prevention of offences.

§ 6. Law enforcement agency

(1) A law enforcement agency is an authority, body or person authorised by law or a regulation to perform the function of state supervision.

(2) If ascertainment and countering of a serious threat or elimination of a disturbance is not within the competence of any other law enforcement agency, it is within the competence of the police.

(3) If a competent law enforcement agency is unable or is unable in a timely manner to prevent, ascertain or counter a significant or a serious immediate threat or eliminate a disturbance, the police shall apply urgent measures on the basis of this Act (urgent competence) and notify the competent law enforcement agency immediately.

(4) Urgent competence of the police expires when the circumstances which prevented the competent law enforcement agency from applying measures cease to exist. The competent law enforcement agency may terminate the measure applied by the police or apply a new measure.

(5) If prevention, ascertainment and countering of a threat or elimination of a disturbance are not within the competence of a law enforcement agency, it shall forward a notification concerning a need to apply a measure to a competent law enforcement agency (supervision proposal).

(6) On the basis of and pursuant to the procedure for the provision of professional assistance prescribed in the Administrative Cooperation Act, the police render assistance to another law enforcement agency in the execution of an administrative act within state supervision if the execution constitutes application of direct coercion.

§ 7. Principle of proportionality

In the performance of state supervision a law enforcement agency shall adhere to the following principles:

- 1) out of several suitable and necessary state supervision measures a law enforcement agency shall apply the one which will presumably harm a person as well as the public the least;
- 2) a law enforcement agency shall apply only such a state supervision measure that is proportional, taking account of the aim pursued by the measure and the situation requiring urgent application; and
- 3) a law enforcement agency shall apply a state supervision measure only as long as its aim has been achieved or until it can no longer be achieved.

§ 8. Principle of expediency

In the performance of state supervision a law enforcement agency shall act purposefully and efficiently, and within the limits of lawful discretion shall apply state supervision measures flexibly.

§ 9. Protection of rights and guarantee of human dignity

Restriction of persons' fundamental rights and other subjective rights in state supervision proceedings shall take place only pursuant to law. A person shall be treated in state supervision proceedings without defamation and without degrading his or her human dignity.

§ 10. Cooperation between law enforcement agencies

(1) Law enforcement agencies shall cooperate, including gather and exchange information necessary for the performance of state supervision and make proposals for more expedient performance of state supervision.

(2) The extent of cooperation shall be determined by law or a regulation.

§ 11. Explanation obligation of law enforcement agency

(1) An official who is about to apply a state supervision measure shall identify himself or herself in a clear manner to a person in respect of whom he or she is planning to apply the measure, present at the person's request a document certifying his or her authority (identification), and provide at the person's request explanations concerning the measure to be applied and circumstances specified in section 36 of the Administrative Procedure Act.

(2) An official may postpone the fulfilment of the obligation specified in subsection (1) of this section as long as it is unavoidably necessary for countering an immediate threat.

(3) An official shall not have the obligation specified in subsection (1) of this section if the fulfilment thereof is not possible due to the nature or purpose of the measure being applied.

§ 12. Maintenance of records of application of state supervision measure and reporting

(1) Application of a state supervision measure shall be recorded in the minutes on the basis of and pursuant to the procedure provided for in section 18 of the Administrative Procedure Act, taking account of the specifications provided for in this Act. If a measure is recorded in the minutes, the person with regard to whom the measure has been applied shall be given, on his or her demand, a copy of the minutes at the first opportunity.

(2) If substitutive enforcement is used in application of a state supervision measure, the substitutive enforcement shall be recorded in the minutes pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act.

(3) If direct coercion is used in the application of a state supervision measure, the minutes of the application of the measure shall set out, in addition to the information provided for in the Administrative Procedure Act, the direct coercive equipment applied, the official who applied the coercive measure, and the person, animal or thing with regard to whom or which the direct coercion has been applied. In application of direct coercion against a crowd, the names of the persons with regard to whom the direct coercion has been applied shall be set out, if possible. The use of direct coercion with regard to a crowd shall be video recorded, if possible, and the recording shall be preserved on the same bases as the minutes of the application of the measure.

(4) If a weapon or special equipment is used in application of a state supervision measure, it is mandatory to record the measure in the minutes.

(5) A police prefecture and other law enforcement agency specified by the Government of the Republic shall prepare and publish on its website no later than on the 10th day of every month a report containing a statistical overview of the following during the calendar month preceding the calendar month in which the police prefecture or other law enforcement agency filed the report:

- 1) application of a state supervision measure provided for in this Act or other Act;
- 2) implementation of administrative coercive measures in the application of a measure;
- 3) application of direct coercion in the application of a measure; and
- 4) number of persons subjected to the application of a measure.

(6) The form of the report provided for in subsection (5) of this section and the list of state supervision measures to be included therein as well as the list of law enforcement agencies subject to the reporting obligation shall be established by the Government of the Republic by a regulation.

§ 13. Basis for processing personal data

A law enforcement agency may process personal data in state supervision proceedings on the basis of and pursuant to the procedure provided for in the Personal Data Protection Act, taking account of the specifications provided for in this Act.

§ 14. Person's right to assistance from law enforcement agency and to participate in law enforcement

Every person has the right to:

- 1) assistance from a law enforcement agency, within the limits of its competence, in the prevention or countering of a threat or elimination of a disturbance for which he or she is not liable pursuant to section 15 of this Act if refusal to assist would be unlawful;
- 2) participate by way of civic initiative in law enforcement by applying ways of participation provided by law;
- 3) exercise self-defence, detain a person apprehended upon commission of a criminal offence and take him or her to the police, and for law enforcement apply other means provided by law.

§ 15. Person liable for public order

(1) A person who has caused a threat by his or her behaviour or who is causing a disturbance shall be required to counter the threat or eliminate the disturbance.

(2) If the person who has caused a threat by his or her behaviour or who is causing a disturbance is less than 14 years of age or an adult with restricted active legal capacity, then also his or her guardian or other legal representative shall be required to counter the threat or eliminate the disturbance solidarily with the said person.

(3) If pursuant to section 132 of the General Part of the Civil Code Act another person is liable for the behaviour of the person who has caused a threat by his or her behaviour or who is causing a disturbance, that person shall be required to counter the threat or eliminate the disturbance solidarily with the person who has caused the threat or who is causing the disturbance.

(4) If public order is endangered or disturbed by an animal or thing, then the owner thereof or, in the case of an abandoned animal or thing, the previous owner thereof shall be required to counter the threat or eliminate the disturbance.

(5) A person with actual control over the animal or thing shall be required to counter the threat or eliminate the disturbance solidarily with the owner.

(6) A person with actual control over the animal or thing shall be required to counter the threat or eliminate the disturbance alone if he or she has obtained the actual control over the animal or thing against the owner's will or without the owner's will. The same shall apply if he or she has presented a joint application with the owner regarding the obtainment of the actual control to a competent law enforcement agency.

(7) A legal successor of a person who is required to counter a threat or eliminate a disturbance shall also be liable for public order, unless it is an obligation inseparably bound to the person.

§ 16. Mandatory involvement in law enforcement of person other than person liable for public order

(1) A law enforcement agency may require a person, who is not a person liable for public order and whose obligation to counter a threat or eliminate a disturbance does not arise from another Act or a contract under public law, to counter a threat or eliminate a disturbance or give to the disposal of the law enforcement agency an object necessary for countering the threat or eliminating the disturbance if he or she is able to counter the threat or eliminate the disturbance or if the object necessary for countering the threat or eliminating the disturbance is in his or her possession and if:

- 1) the threat is immediate and serious;
- 2) the person liable for occurrence of a threat or for a disturbance is unable to counter the threat or eliminate the disturbance in a timely manner or it is not sufficiently effective;
- 3) the law enforcement agency itself or with the assistance of a voluntarily involved person is unable in a timely manner or sufficiently effectively to counter the threat or eliminate the disturbance; and
- 4) the involvement does not cause disproportionately great threat to the person involved or to his or her property and is not in contradiction with other obligations, arising from the law, of the person involved.

(2) In the case provided for in subsection (1) of this section, a person other than a person liable for public order shall be permitted to be involved only insofar as this is inevitably necessary for countering a threat or eliminating a disturbance.

Chapter 2

Prevention of Offences

§ 17. Prevention of offences

Prevention of offences is an activity the purpose of which is avoidance of offences and other disturbances, reduction of the effect of factors favouring offences, and guarantee of public order.

§ 18. Measures for preventing offences

Measures for preventing offences are:

- 1) social and educational prevention measures – reduction of the effect of factors giving rise to offences primarily by means of social, education, family, youth, cultural, alcohol and narcotics policy;
- 2) prevention measures of circumstances – influencing of persons with a tendency to commit offences or of criminogenic situations, and monitoring of criminogenic locations;
- 3) measures for eliminating consequences – activity for avoiding commission of repeated violations by persons who have committed offences and for protecting legal order as well as for contributing to the compensation for damage caused by offences.

§ 19. Duties of state in prevention of offences

(1) Prevention work at the state level shall be organised by the Government of the Republic through the offence prevention council and ministries and authorities within their area of government.

(2) Ministries shall ensure in their respective areas of government in the planning and implementation of every relevant decision and activity the assessment of the effect thereof on prevention of offences.

(3) A national development plan for prevention of offences shall be prepared within the framework of cooperation between relevant ministries in coordination with the offence prevention council. The national development plan for prevention of offences shall be approved by the offence prevention council, the plan for drawing up the development plan shall be approved and the development plan shall be endorsed by the Government of the Republic.

(4) A national development plan for prevention of offences shall be prepared for four years and it shall be amended as necessary. An amendment shall be commenced in case during the implementation of the development plan there is a need to change the existing objectives and measures or provide for new ones.

(5) The offence prevention council in cooperation with relevant ministries shall prepare and submit to the Government of the Republic no later than on 15 February of the year following the reporting year a report on compliance with the national development plan for prevention of offences.

§ 20. Offence prevention council

(1) The offence prevention council (hereinafter *council*) is a government committee whose duty is to:

- 1) prepare a national development plan for prevention of offences and achieve the objectives set forth therein;
- 2) form and implement a punishment policy in prevention of offences;
- 3) report annually to the Government of the Republic and the Riigikogu on compliance with the national development plan for prevention of offences;
- 4) consult local governments on prevention work.

(2) The council comprises the Minister of Education and Research, the Minister of Justice, the Minister of the Interior and the Minister of Social Affairs.

(3) The council may involve other experts in its working groups.

(4) The carriage of affairs of the council shall be organised by the Ministry of Justice.

(5) Four permanent working groups shall be established within the council. The head of a working group shall be assigned on the proposal of the minister responsible for the prevention measures specified in section 18 of this Act. The carriage of affairs of a working group shall be organised by the corresponding ministry.

§ 21. Civil courage award

(1) The offence prevention council confers the civil courage award for preventing a criminal offence or for hindering commission thereof, for detaining a person apprehended upon commission of a criminal offence or immediately after while attempting to escape, for helping a victim of a criminal offence and for other significant contribution to increasing the sense of security of people.

(2) The establishment of the civil courage award, its description and the procedure for applying for the award shall be provided by the statute of the award.

(3) The statute of the civil courage award shall be established by a regulation of the Minister of Justice. The draft regulation shall be coordinated with the State Chancellery.

(4) Civil courage awards shall be conferred in accordance with the statute of the award.

§ 22. Financing of prevention of offences

(1) Prevention of offences at the state level shall be financed from the state budget through relevant ministries.

(2) Prevention of offences at the local government level shall be financed from the local government budget.

Chapter 3 State Supervision Measures

Division 1 General Provisions

§ 23. Principles concerning application of state supervision measure

(1) Unless otherwise prescribed by law, a state supervision measure provided for in this Chapter may be applied only with regard to a person liable for public order or with regard to a person in whose case there is reason to believe that he or she is a person liable for public order.

(2) The state supervision measures provided for in sections 30, 34 and 44 and in clauses 47(1)1), 3) and 4) of this Act may be applied also with regard to a person whom there is no reason to deem a person liable for public order.

§ 24. Application of state supervision measure by law enforcement agency for prevention of threat

(1) A person is under an obligation to enable performance of state supervision which is necessary for verifying the compliance with the requirements established for him or her by a specific law.

(2) In cases provided by law, a law enforcement agency has the right to apply the special measures specified in sections 30, 31, 32, 49 and 50 of this Act for preventing a threat.

(3) Upon application of a special state supervision measure specified in subsection (2) of this section, direct coercion is not allowed to be applied. Upon failure to appear when summoned, application of compelled attendance is not allowed.

(4) In order to ensure the fulfilment of the obligation specified in subsections (1) and (2) of this section, a law enforcement agency has the right to issue a precept to a subject of supervision and to apply penalty payment on the basis of and pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act. The upper limit of penalty payment is 640 euros.

§ 25. Application of state supervision measure by law enforcement agency for ascertainment of threat on the basis of authorisation of relevant minister

(1) On the basis of a prior authorisation of the relevant minister the police or, in cases provided by law, other law enforcement agency may apply, in case of a threat or for the ascertainment of a serious threat, the special state supervision measures specified in sections 32, 33, 37, 45, 47, 49 and 52 of this Act with regard to a person whom there is no reason to deem a person liable for public order.

(2) For the ascertainment of a threat endangering a person's life or physical inviolability, or for detaining a person or for hindering his or her escape if he or she may be deprived of liberty pursuant to law or if he or she has been deprived of liberty pursuant to law in connection with a violent criminal offence in the first degree or with a criminal offence for which life imprisonment may be imposed as a punishment, the police may apply with the prior authorisation of the Minister of the Interior with regard to a person specified in subsection (1) of this section the special state supervision measures specified in sections 48 and 50 of this Act in addition to those specified in subsection (1) of this section.

(3) In cases of urgency, application of a special measure provided for in subsections (1) and (2) of this section with regard to a person specified in subsection (1) of this section may be decided by the head of a law enforcement agency without the authorisation specified in subsections (1) and (2) of this section. The head of the law enforcement agency shall be required to immediately but no later than within 24 hours after making the decision to apply the measure inform of the special measure applied the relevant minister who shall decide the justifiability of the special measure or the grant of an authorisation to continue with the special measure.

(4) The authorisation specified in subsections (1) and (2) of this section shall be prepared in writing and it shall set out:

- 1) the special measures application of which is permitted with regard to persons specified in subsection (1) of this section;
- 2) the law enforcement agency which is granted the authorisation for application of special measures;
- 3) the term during which the special measures may be applied with regard to a person specified in subsection (1) of this section and which generally may not exceed 48 hours;
- 4) the territory on which the special measures may be applied with regard to a person specified in subsection (1) of this section.

(5) In a case of urgency, the relevant minister may grant the authorisation specified in subsections (1) and (2) of this section orally, but it shall be prepared in writing within 24 hours.

(6) The relevant ministry shall disclose on its website immediately after the expiry of the term set out in the authorisation of the relevant minister but no later than within two working days the information regarding the basis for, the time and the territory of the application of special state supervision measures under subsections (1) through (3) of this section, and regarding the number of persons subjected to the application of the special state supervision measure and the results of the application of the special measures.

Division 2

General State Supervision Measures

§ 26. Notification

(1) A law enforcement agency shall have the right, within its competence, to perform acts whereby the public or a person is notified of a suspicion of a threat, of a threat or a disturbance (notices, recommendations, warnings).

(2) Disclosure of personal data is permitted only in such case and to such an extent it is unavoidably necessary for the notification of a suspicion of a threat, of a threat or a disturbance.

(3) If a law enforcement agency notifies the public or a person of a suspicion of a threat and the suspicion of a threat does not prove to be justified, the law enforcement agency shall be required to disclose a notification in the same form and extent about the lack of a threat if this is requested by a person whose rights were harmed by the notification or in case of substantial public interest.

(4) If, by a prior agreement with a competent law enforcement agency, a person liable for public order notifies a person or the public himself or herself of a suspicion of a threat, of a threat or a disturbance in the form and to the extent specified by the agreement, the law enforcement agency shall have the right provided for in subsection (1) of this section only in case new substantial circumstances become evident.

§ 27. State supervision in case of suspicion of threat

In case of a suspicion of a threat, a competent law enforcement agency shall have the right to apply measures prescribed by law for ascertaining the existence of a threat.

§ 28. Precept and application of administrative coercive measure

(1) In case of a threat or disturbance, a competent law enforcement agency shall have the right to assign by a precept to a person liable for public order an obligation to counter the threat or eliminate the disturbance, and to caution him or her against application of the administrative coercive measures specified in subsection (2) or (3) of this section if the person fails to fulfil the obligation within the term specified in the caution.

(2) If the person liable for public order fails to comply with the precept specified in subsection (1) of this section in a timely manner, it may be enforced by the means and pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act. Another person may be required to carry out substitutive enforcement only on the preconditions provided for in section 16 of this Act. The upper limit of penalty payment for each imposition thereof is provided for in a specific law of state supervision. In the case not provided by law, the upper limit of penalty payment for each imposition thereof shall be 9,600 euros.

(3) If the enforcement of a precept specified in subsection (1) of this section by the means provided for in the Substitutive Enforcement and Penalty Payment Act is impossible or ineffective, and the compliance with the precept can be achieved by direct coercion, direct coercion may be applied to the enforcement of the precept on the bases of and pursuant to the procedure provided by law.

(4) If the prerequisites provided for in subsections 12(1) through (3) of the Substitutive Enforcement and Penalty Payment Act or in subsection 76(2) or subsection 78(4) of this Act have been fulfilled, a threat may be countered or a disturbance may be eliminated pursuant to the procedure provided for in subsection (2) or (3) of this section without issuing a precept or a caution specified in subsection (1) of this section, and without issuing an enforcement order.

§ 29. Countering of threat or elimination of disturbance by law enforcement agency

(1) If a person liable for public order does not exist or if the person is unable or is unable in a timely manner to counter a threat or eliminate a disturbance, a law enforcement agency itself may apply measures for countering a threat or eliminating a disturbance by using, if necessary, professional assistance or by involving other persons.

(2) If possible, a law enforcement agency shall immediately notify the person liable for public order of the application of a measure specified in subsection (1) of this section.

(3) Another person may be required to counter a threat or eliminate a disturbance only on the preconditions provided for in section 16 of this Act.

Division 3

Special State Supervision Measures

Subdivision 1

Special State Supervision Measures Regarding Processing of Personal Data

§ 30. Questioning and requiring of documents

(1) A law enforcement agency may stop a person and question him or her if there is reason to believe that the person has information necessary for ascertainment or countering of a threat or for elimination of a disturbance or for guaranteeing the safety of a safeguarded person or object, and ascertainment and countering of that threat or elimination of that disturbance is in the competence of the law enforcement agency conducting the questioning.

(2) Questioning shall be recorded in a report if the person questioned requests it or if it is deemed necessary by the law enforcement agency. If the law enforcement agency deems it necessary, the person questioned may give explanations in writing autographically.

(3) A law enforcement agency may require a person to present his or her documents if there is reason to believe that the person has information necessary for ascertainment or countering of a threat or for elimination of a disturbance or for guaranteeing the safety of a safeguarded person or object, and ascertainment and countering of that threat or elimination of that disturbance is in the competence of the law enforcement agency conducting the questioning.

(4) Requiring and receipt of documents by a law enforcement agency shall be recorded or documented pursuant to the general administration procedure of the law enforcement agency. If the documents are required and examined at the site, the measure shall be recorded at the request of the person subjected to the application thereof.

§ 31. Summons and compelled attendance

(1) A law enforcement agency may summon a person to a public authority if there is reason to believe that the person has information necessary for ascertainment or countering of a threat or for elimination of a disturbance, and ascertainment and countering of that threat or elimination of that disturbance is in the competence of the law enforcement agency which issued the summons.

(2) Section 17 of the Administrative Procedure Act shall apply to a summons, taking account of the specifications in this Act. If the prerequisite specified in subsection (4) of this section exists, the summons shall include a caution that in case the person fails to appear, compelled attendance may be applied with regard to him or her.

(3) If a person summoned who has received a summons fails to appear without good reason at the time set out in the summons at the place set out in the summons, penalty payment may be applied with regard to him or her.

(4) Compelled attendance may be applied with regard to a person if there is reason to believe that the person has significant information necessary for countering a serious threat.

(5) Compelled attendance with regard to a person who has failed to appear after being summoned by the police shall be executed by the police. In case of a summons issued by other law enforcement agency, compelled attendance shall be executed by the police by way of professional assistance.

(6) A person with regard to whom compelled attendance is applied shall be immediately given an opportunity to inform a person close to him or her and his or her representative of the deprivation of his or her liberty. In case of a compelled attendance of a minor, the law enforcement agency which executed the compelled attendance shall immediately inform thereof a parent or another legal representative or the local government.

(7) The state supervision measure for which compelled attendance is applied to a person shall be applied immediately. If the application of compelled attendance with regard to a person immediately prior to the application of the measure is not possible, the person may be detained but not for more than 12 hours.

(8) Upon the application of compelled attendance a person shall be taken to the law enforcement agency which sent the summons. If it is not possible to take the person to the law enforcement agency which sent the summons during the application of compelled attendance, the provisions of Chapters 4 and 7 of the Imprisonment Act shall be applied in detaining the person under this section. While detaining a person with regard to whom compelled attendance is applied he or she shall be segregated from other persons detained on other grounds.

(9) Upon compelled attendance, direct coercion may be used insofar as it is unavoidable for the achievement of the objective.

§ 32. Establishment of identity

(1) The police or, in cases provided by law, other law enforcement agency may, with the knowledge of the person, establish identity on the basis of a valid identity document, that means ascertain the person's name and age, examine the document, compare the photograph and other biometric data in the document with the person, and verify the authenticity of the document, or if this is not possible, establish identity in another legal manner if it necessary for ascertainment or countering of a threat or for elimination of a disturbance.

(2) For the establishment of identity, a law enforcement agency shall have the right to stop a person and require him or her to present a document specified in subsection (1) of this section, and to obtain statements enabling the establishment of identity.

(3) Upon the establishment of identity, a law enforcement agency may require from a person presentation of a document in proof of a special right if pursuant to a legislation the person is required to carry with him or her such a document.

(4) A law enforcement agency may verify the authenticity of the data entered in the document or given by a person from the population register or from another database established under the legislation or an Act of the European Union.

(5) Upon the establishment of identity, direct coercion may be used insofar as it is unavoidable for the achievement of the objective.

(6) A law enforcement agency shall have the right to take a person to an office for the establishment of identity if it is necessary in case of an immediate threat or for ascertainment or countering of a significant threat.

(7) If a person is taken to a law enforcement agency for the establishment of identity, the law enforcement agency shall be required, after the establishment of identity, to take the person at his or her request back to the point of departure or to his or her place of residence or lodging.

(8) If for the establishment of identity a minor is taken to a law enforcement agency, the law enforcement agency shall be required to immediately notify thereof a parent or another legal representative or the local government.

§ 33. Establishment of identity by way of special establishment measure

(1) The police or, in cases provided by law, other law enforcement agency may establish identity by way of a special establishment measure if it is unavoidably necessary for countering a significant threat, if the establishment of identity under section 32 of this Act is not possible or if it is disproportionately complicated.

(2) A special establishment measure is:

- 1) taking of a finger and palm print;
- 2) photographing or filming of a person or a part of his or her body;

- 3) taking of a DNA sample;
- 4) ascertainment of another external physical characteristic, including measuring;
- 5) ascertainment of dental occlusion and dentition;
- 6) recording of a voice sample;
- 7) taking of a handwriting sample;
- 8) ascertainment of the eye iris image;
- 9) taking of a footwear print and comparison thereof with the data known to the law enforcement agency.

(3) A law enforcement agency may claim the comparative samples necessary for the application of a special establishment measure from a person in whose case there is reason to believe that he or she possesses them.

(4) For the application of a special establishment measure, direct coercion may be used insofar as it is unavoidable for the achievement of the objective.

(5) The procedure for the application of a special establishment measure shall be established by the Minister of the Interior by a regulation.

§ 34. Processing of personal data by using monitoring equipment

(1) For ascertainment and countering of a threat or for elimination of a disturbance, the police or, in cases provided by law, other law enforcement agency may use, for monitoring events taking place in a public place, monitoring equipment which forwards images or records.

(2) A recording made with monitoring equipment shall be preserved for at least one month after the date of recording but not for longer than one year, unless otherwise provided by law.

(3) A law enforcement agency shall be required to previously notify the public of the processing of personal data by means of the technical aid of monitoring equipment.

(4) The Government of the Republic shall establish by a regulation the procedure for notifying the public of the use of monitoring equipment.

§ 35. Processing of personal data by obtaining data from electronic communications undertaking

(1) The police or, in cases provided by law, other law enforcement agency may process personal data by making written enquiries for obtaining the data specified in subsections 111¹(2) and (3) of the Electronic Communications Act about a person in whose case it is necessary for ascertainment or countering of a serious threat.

(2) A person shall be immediately notified of the processing of the personal data provided for in subsection (1) of this section.

(3) Recording of the measure provided for in this section is mandatory.

Subdivision 2

Special State Supervision Measures Applicable with Regard to Person Suspected of State of Intoxication

§ 36. State of intoxication

(1) A state of intoxication is a state of health which is caused by the consumption of alcohol, a narcotic drug or a psychotropic substance or another intoxicating substance, and which is expressed in externally perceptible disturbed or altered bodily or mental functions and reactions.

(2) For the purposes of this Act, alcohol means spirit and alcoholic beverages as specified in section 2 of the Alcohol Act, or a liquid or substance with ethanol content and not belonging to the food group.

(3) For the purposes of this Act, a narcotic drug and a psychotropic substance means a narcotic drug and a psychotropic substance as specified in the Act on Narcotic Drugs and Psychotropic Substances and Precursors thereof.

(4) Types of state of intoxication are:

- 1) intoxication by alcohol;
- 2) intoxication caused by consumption of a narcotic drug, a psychotropic substance or another intoxicating substance.

(5) Intoxication by alcohol is presumed if the alcohol content in one litre of breath exhaled by a person being tested is 0.25 milligrams or more, or if the alcohol content in one gram of blood of a person being tested is 0.50 milligrams or more.

§ 37. Checking and establishment of person's state of intoxication

The police or, in cases provided by law, other law enforcement agency may check, in case of a suspicion of a state of intoxication, for the presence of alcohol, a narcotic drug or psychotropic substance or another intoxicating substance in a person's system. The following may be subjected to the procedure for checking or establishment of state of intoxication:

- 1) a driver of a vehicle or another person if there is reason to suspect that the person has committed an offence, the necessary elements of which include a state of intoxication;
- 2) a person who exhibits clear signs of a state of intoxication if he or she may pose a threat to himself or herself or others;
- 3) a minor who exhibits clear signs of a state of intoxication.

§ 38. Checking and establishment of intoxication by alcohol at site

(1) The police or, in cases provided by law, other law enforcement agency shall check by means of an indicator device the alcohol content in the breath exhaled by a person or shall establish intoxication by alcohol at site by means of an evidential breathalyser. If a person is checked by means of an indicator device, then in case of its positive reading intoxication by alcohol shall be established by means of an evidential breathalyser.

(2) The person's following rights shall be explained to him or her:

- 1) the right to know the reason for and objective of the operation;
- 2) the right to refuse the checking by means of an indicator device or the establishment of intoxication by alcohol by means of an evidential breathalyser;
- 3) the right to examine the report of the state supervision measure and to make statements, which shall be recorded, regarding the conditions, course and results of the measure;
- 4) the right to challenge the reading of the indicator device and to demand determination of the alcohol content in the blood;
- 5) the right to file a challenge with the head of the law enforcement agency or an action with the administrative court.

(3) If the official of the law enforcement agency does not deem it necessary to collect other data and the person does not demand determination of the alcohol content in the blood or breath exhaled, only the use of an indicator device shall suffice. Only the use of an indicator device shall not suffice in case of a suspicion of commission of offences related to violation of the requirements for safe road traffic of a motor vehicle, an aircraft or a water craft, or a railway vehicle or a tram, or for operating regulations thereof. In addition to recording in a report the reading of the indicator device the law enforcement agency shall describe the signs of intoxication by alcohol exhibited by the person.

(4) If the person refuses the checking of the alcohol content in the breath exhaled by means of an indicator device, he or she shall be explained that in case of a refusal, the intoxication by alcohol shall be established compulsorily by means of an evidential breathalyser or an analysis of a blood sample. If the person refuses the establishment of intoxication by alcohol by means of an evidential breathalyser, he or she shall be explained that in case of a refusal, intoxication by alcohol shall be established by means of an analysis of a blood sample.

(5) The procedure for the use of an evidential breathalyser and an indicator device and for documenting thereof and a list of signs, which a person may exhibit, indicating intoxication by alcohol shall be established by the Minister of the Interior by a regulation.

§ 39. Taking of person to office and health care provider for establishment of intoxication by alcohol

(1) A person may be taken to an office of a law enforcement agency for the establishment of intoxication by alcohol by means of an evidential breathalyser if the establishment of a state of intoxication at site is not possible.

(2) A person may be taken to a health care provider or to a state forensic institution for the taking of a blood sample in order to establish intoxication by alcohol by means of an analysis of a blood sample if:

- 1) the person refuses the checking of intoxication by alcohol by means of an indicator device or the establishment thereof by means of an evidential breathalyser;
- 2) the person is not capable of following the procedure for the use of an indicator device or a breathalyser;
- 3) the person demands it in the case of a positive reading of the indicator device;
- 4) it is rational and the person agrees to it.

(3) A minor unsupervised by a parent or another legal representative and suspected of a state of intoxication or in a state of intoxication may, if necessary, be taken to his or her parent or legal representative or to a social welfare institution of the local government irrespective of the existence of the bases provided for in subsection (2) of this section. If the minor is in need of emergency care, the law enforcement agency shall call for the provider of emergency medical care. The social welfare institution shall immediately inform the minor's parent or another legal representative that the minor has been taken there.

§ 40. Establishment of intoxication by alcohol by means of analysis of blood sample

(1) A health care provider who has the right to take a blood sample and a state forensic institution shall be required to take a blood sample on the demand of a law enforcement agency.

(2) In order to ensure the taking of a blood sample, a law enforcement agency shall have the right to use with regard to the person obligated to give a blood sample direct coercion insofar as it is unavoidable for the achievement of the objective.

(3) If a blood sample is taken at a health care provider, a law enforcement agency shall organise the conveyance of the blood sample to a state forensic institution for the establishment of intoxication by alcohol by means of an analysis of the blood sample.

(4) A law enforcement agency shall introduce the results of the analysis of the blood sample to the person at the first opportunity.

(5) The procedure for the taking, preservation and transfer for analysis of a blood sample, for the performance of the analysis thereof and for the payment for these tests shall be established by the Government of the Republic by a regulation.

(6) A law enforcement agency shall conclude with a health care provider a contract under public law for the taking, preservation and transfer to a state forensic institution of a blood sample, prescribing the liability, the amount of the charge and the procedure for the payment.

(7) The form of an expert's report concerning the results of an analysis of a blood sample shall be established by the Minister of Justice by a regulation.

§ 41. Establishment of state of intoxication caused by consumption of narcotic drug or psychotropic substance or another intoxicating substance

(1) In case of a suspicion of a state of intoxication caused by the consumption of a narcotic drug, a psychotropic substance or another intoxicating substance, the police or, in cases provided by law, other law enforcement agency may take a person to a health care provider or a state forensic institution for the establishment of a state of intoxication.

(2) In case of a suspicion of a state of intoxication by a narcotic drug, a psychotropic substance or another intoxicating substance, a law enforcement agency shall describe the signs of a state of intoxication exhibited by the person.

(3) A law enforcement agency may check by means of an indicator device the existence of a state of intoxication caused by the consumption of a narcotic drug, a psychotropic substance or another intoxicating substance.

(4) The following rights of the person shall be explained to him or her:

- 1) the right to know the reason for and objective of the operation;
- 2) the right to refuse the checking by means of an indicator device;
- 3) the right to examine the report of the state supervision measure and to make statements, which shall be recorded, regarding the conditions, course and results of the measure;
- 4) the right to file a challenge with the head of the law enforcement agency or an action with the administrative court.

(5) On the demand of a law enforcement agency:

- 1) the physician shall be required to describe the person's state of health and give an assessment on the existence or lack of signs of a state of intoxication exhibited by the person;
- 2) the health care provider or the state forensic institution shall be required to take, preserve and transfer a necessary amount of a biological liquid sample.

(6) In order to ensure the taking of a biological liquid sample, a law enforcement agency shall have the right to use with regard to the person obligated to give a sample direct coercion insofar as it is unavoidable for the achievement of the objective.

(7) If a biological liquid sample is taken at a health care provider, a law enforcement agency shall organise the conveyance of the sample to a state forensic institution for the establishment of intoxication by means of an analysis of the biological liquid sample.

(8) A law enforcement agency shall conclude with a health care provider a contract under public law for the taking, preservation and transfer of a biological liquid sample, prescribing the liability and the amount of the charge and the procedure for the payment.

(9) The procedure for the describing by a physician of a person's state of health shall be established by the Minister of Social Affairs by a regulation.

(10) The procedure for the taking, preservation and transfer for analyse of a biological liquids sample, for the performance of the analysis thereof and for the payment for these tests shall be established by the Government of the Republic by a regulation.

(11) A list of signs of a state of intoxication which a person may exhibit shall be established by the Minister of Social Affairs by a regulation.

§ 42. Taking of person in state of intoxication to recover from intoxication

(1) The police or, in cases provided by law, other law enforcement agency may take an adult in a state of intoxication to his or her place of residence or lodging or to recover from the intoxication in a police house of detention or detention cell if it is unavoidable for countering an immediate significant threat, arising from the person, to the person himself or herself or another person.

(2) On the bases provided for in subsection (1) of this section, a person who exhibits clear signs of intoxication and who has refused the checking of a state of intoxication by means of an indicator device or establishment thereof by means of an evidential breathalyser or who is not capable of following the procedure for the use of an indicator device or an evidential breathalyser, and also a person who a biological liquid sample for the establishment of intoxication has been taken from and the establishment of a state of intoxication by an analysis of the biological liquid sample is not possible without delay may be taken to recover from intoxication. In such case the law enforcement agency shall describe the signs of intoxication exhibited by the person in the report concerning taking the person to recover from intoxication.

(3) If from a person with clear signs of intoxication or from a person in a state of intoxication in whose case there is a basis provided for in subsection (1) of this section for taking him or her to recover from intoxication a threat is arising only to himself or herself, the police or, in cases provided by law, other law enforcement agency shall organise, if possible, the taking of the person to his or her place of residence or lodging. If the person is in need of emergency care, the law enforcement agency shall call for the provider of emergency medical care. A person may be taken to a police house of detention or detention cell to recover from intoxication only if he or she has no identified place of residence or lodging on the territory of the local government of the place of stay or if he or she cannot be taken there.

(4) A security check and examination of belongings shall be performed with regard to a person taken to recover from intoxication. Money, valuables and documents, also items and medicinal products which may pose a threat to the person himself or herself or to another person shall be taken for storage from the person taken to recover from intoxication.

(5) Upon taking to recover from intoxication, direct coercion may be used insofar as it is unavoidable for the achievement of the objective.

(6) A report shall be prepared on the taking of a person to recover from intoxication, the formal requirements of which shall be established by the Minister of the Interior by a regulation.

§ 43. Detention conditions of person taken to recover from intoxication

(1) A person taken to recover from intoxication shall be segregated from other persons detained. Persons of different sex shall be held in separate cells.

(2) In order to ensure the safety of a person taken to recover from intoxication, the person shall be kept under observation. If the person's health deteriorates, a health care professional shall be called for.

(3) A person taken to recover from intoxication shall be detained until the person has recovered from intoxication but not for longer than 12 hours. If, after such period, the person has not sufficiently recovered from intoxication for him or her to be allowed to leave on their own, a health care professional shall be called for to determine the person's state of health.

Subdivision 3 Other Special State Supervision Measures

§ 44. Prohibition on stay

(1) The police or, in cases provided by law, other law enforcement agency may, on a temporary basis, prohibit a person from staying in the vicinity of a certain person or in a certain place, require him or her to leave the vicinity of the said person or the said place, or to avoid coming to a certain distance from the person or place in the following cases:

- 1) in case of an immediate threat endangering a person's life or health;

- 2) for the protection of dominant public interests;
- 3) for the ascertainment or countering of a serious threat or
- 4) for the ensuring of the safety of a safeguarded person or object.

(2) A law enforcement agency shall be required to clearly mark, if possible, the place of the application of a prohibition on stay. The place of the application of the prohibition on stay need not be marked if the prohibition on stay is applied with regard to a specific person.

(3) Under the circumstances provided for in subsection (1) of this section, the passage of persons at a specified time from a specified place or access to that place may be prohibited. If possible, access of a person to his or her dwelling or place of work shall be maintained.

(4) A prohibition on stay may be applied until the basis provided for in subsection (1) of this section ceases to exist.

(5) A prohibition on stay shall be applied with the authorisation of the relevant minister. The police or, in cases provided by law, other law enforcement agency may, with the authorisation of a police prefect or the head of the other law enforcement agency, apply a prohibition on stay for no longer than 12 hours.

(6) With regard to a person violating a prohibition on stay, direct coercion may be used insofar as it is unavoidable for the achievement of the objective.

§ 45. Stopping of vehicle

(1) A police officer or, in cases provided by law, an official of other law enforcement agency may signal a driver of a vehicle by hand, a traffic baton, a reflector disc, or a lighting or sound signal device of an emergency vehicle pursuant to the procedure provided by the Government of the Republic to stop the vehicle if it is necessary for countering a threat or eliminating a disturbance or ascertaining a serious threat.

(2) The official of a law enforcement agency stopping a vehicle shall wear a uniform, and if a vehicle is stopped from a vehicle, the vehicle shall be painted pursuant to the procedure applicable to emergency vehicles.

(3) As an exception, a vehicle may be stopped from an unmarked vehicle by means of a lighting device and a loudspeaker.

(4) If a person fails to comply with the signal to stop the vehicle, the vehicle may be forced to stop by organising a road block or by using a device for forced stopping of a vehicle or a weapon or other special equipment pursuant to the procedure provided for in Chapter 5 of this Act.

§ 46. Detention of person

(1) The police or, in cases provided by law, other law enforcement agency may detain a person by locking him or her to a room or a vehicle or by restricting in another manner to a significant extent his or her physical liberty if it is unavoidable:

- 1) for preventing the commission of an imminent criminal offence;
- 2) for countering an immediate threat endangering a person's life or physical inviolability;
- 3) for ensuring an injunction to stay away imposed by the court.

(2) A person detained shall be immediately notified in a language he or she understands and in a clear manner of the reason for his or her detention and of his or her rights, and given the opportunity to notify a person close to him or her of his or her detention. If a person detained is in a state due to which he or she is not able to notify a person close to him or her of his or her detention, the law enforcement agency shall immediately notify a person close to him or her, if possible. If a person detained is a minor or another person with restricted active legal capacity, the law enforcement agency shall notify his or her legal representative of the detention of the person at the first opportunity, if possible. On the demand of the person detained, he or she shall be given an opportunity to notify a representative of the detention.

(3) The following rights of a person detained shall be explained to him or her:

- 1) the right to know the reason for the detention;
- 2) the right not be detained for more than 48 hours without the permission of the court;
- 3) the right to notify a person close to him or her and a representative of the detention;
- 4) the right to be heard;
- 5) the right to file a challenge with the head of the law enforcement agency or an action with the administrative court;
- 6) the right to examine the report of the state supervision measure and to make statements, which shall be recorded, regarding the conditions, course and results of the measure and the report.

(4) Upon detention, direct coercion may be used insofar as it is unavoidable for the achievement of the objective.

(5) A person may be detained until the basis for the application of the detention ceases to exist but not for longer than 48 hours. Upon detaining a person in a house of detention, the provisions of Chapters 4 and 7 of the Imprisonment Act shall be applied.

(6) The procedure for documenting detention of a person shall be established by the Government of the Republic by a regulation.

§ 47. Security check

(1) The police or, in cases provided by law, other law enforcement agency may check a person or his or her clothing by way of observation and feeling or by means of a technical device or a service animal with relevant training:

- 1) upon the entry into a building or territory of a public authority;
- 2) if it is necessary for ensuring the safety of a safeguarded person or object;
- 3) if it is necessary for the ascertainment of a serious threat if the person is in a vital energy, communications, signalling, water supply or sewerage system, in a traffic control building or device or in the near vicinity thereof;
- 4) if it is necessary for countering an immediate serious threat; or
- 5) if the person may be deprived of liberty pursuant to law.

(2) The security check shall be performed by way of feeling by an official of the same sex as the person; in case of lack of an official of the same sex, by a physician. If it is necessary for countering an immediate threat, the security check may be performed by an official not of the same sex as the person.

(3) Upon the application of a security check, direct coercion may be used insofar as it is unavoidable for the achievement of the objective.

§ 48. Examination of person

(1) The police or, in cases provided by law, other law enforcement agency may examine a person, including the person's body, body cavities, clothes, thing inside the clothes or worn on the body if:

- 1) there is reason to believe that the person carries on him or her a thing or a substance which may be taken into storage, occupied or confiscated pursuant to law;
- 2) it is necessary for the ascertainment of a serious threat if the person is in a building important for the functioning of public authority or in the near vicinity thereof or
- 3) it is unavoidably necessary for the establishment of identity.

(2) A person shall be examined by an official of a law enforcement agency of the same sex as the person; in case of lack of an official of the same sex, by a physician. If it is necessary for countering an immediate serious threat, the person may be examined by an official of the law enforcement agency not of the same sex as the person.

(3) For an examination which requires a medical procedure a person shall be taken to a physician. An examination requiring a medical procedure may be performed only by a physician.

(4) A law enforcement agency shall conclude with a health care provider a contract under public law prescribing the place and manner of an examination of a person, and the liability, the amount of the charge and the procedure for the payment.

(5) Upon the examination of a person, direct coercion may be used insofar as it is unavoidable for the achievement of the objective.

§ 49. Examination of movable

(1) The police or, in cases provided by law, other law enforcement agency may, without the consent of the possessor, check a movable sensuously or by means of a technical device or a service animal, including open doors and eliminate other obstacles if:

- 1) it is carried by a person entering a building or territory of a public authority;
- 2) it is carried by a person who may be examined pursuant to law;
- 3) there is reason to believe that a person who may be deprived of liberty pursuant to law or who may be examined pursuant to law or who is in need of assistance is present in the movable;
- 4) there is reason to believe that it contains things which may be taken into storage, occupied or confiscated on the basis of this Act or another law;
- 5) it is necessary for the ascertainment of a serious threat with regard to a person who is in a vital energy, communications, signalling, water supply or sewerage system, in a traffic control building or device or in the near vicinity thereof; or
- 6) if it is necessary for ensuring the safety of a safeguarded person or object.

(2) The owner or the possessor of a thing shall have the right to be present at the examination of the thing. If the owner or the possessor is not present at the examination of the thing, he or she may appoint an adult who shall have the right to be present at the examination of the thing. If the persons specified in the first and second sentence of this subsection are not present at the examination of the thing, the law enforcement agency shall perform the examination of the thing in the presence of an official of the local government.

(3) A law enforcement agency may perform the examination of a thing without the presence of a person specified in subsection (2) of this section if it is necessary for countering an immediate threat.

(4) If the identity of the possessor can be established, he or she shall be notified at the first opportunity of the examination of the movable. If as a result of the examination of the movable a significant proprietary asset is left unsupervised, the law enforcement agency shall ensure the supervision of the movable until the arrival of the possessor or another entitled person.

(5) Upon the examination of a thing, direct coercion may be used insofar as it is unavoidable for the achievement of the objective.

(6) It is mandatory to record in a report the measure provided for in this section.

§ 50. Entry into premises

(1) The police or, in cases provided by law, other law enforcement agency may enter without the consent of the possessor a fenced or marked immovable, building, dwelling or room in his or her possession, including open doors and gates or eliminate other obstacles if it is necessary for the ascertainment or countering of a serious threat.

(2) On the conditions provided for in subsection (1) of this section, the police or, in cases provided by law, other law enforcement agency may enter the premises for the ascertainment or countering of a threat or for the elimination of a disturbance if nuisances significantly disturbing another person are spreading outward from the premises and the elimination thereof in any other manner is not possible.

(3) The premises shall be entered, if possible, in the presence of the possessor or another entitled person and during the period from 7 a.m. to 11 p.m. Business premises shall be entered, if possible, during their business hours.

(4) A dwelling may be entered without the knowledge of the possessor only if he or she cannot be notified after reasonable efforts and entry is necessary for countering an immediate serious threat. During the period from 11 p.m. to 7 a.m. a person's dwelling may be entered only if it is necessary for countering an immediate serious threat.

(5) If the identity of the possessor can be established, he or she shall be notified at the first opportunity of the entry into the premises. If as a result of the entry into the premises a significant proprietary asset is left unsupervised on the premises, the law enforcement agency shall ensure the supervision of the premises until the arrival of the possessor or another entitled person.

(6) Upon the entry into the premises, direct coercion may be used insofar as it is unavoidable for the achievement of the objective.

(7) It is mandatory to record in a report the measure provided for in this section.

§ 51. Examination of premises

(1) The police or, in cases provided by law, other law enforcement agency may without the consent of the possessor examine a fenced or marked immovable, building or room in the possession of the person, including examine a thing therein and open doors and gates or eliminate other obstacles:

- 1) if there is reason to believe that a person who may be deprived of liberty pursuant to law or whose life, health or physical inviolability is in danger due to his or her need of assistance has entered the fenced or marked immovable, building or room; or
- 2) for the ascertainment or countering of a serious threat.

(2) The examination of a fenced or marked immovable, building or room in the possession of a person is permitted only with the prior permission of the administrative court of the location of the immovable or building to be examined. If the permission of the administrative court is not possible to request due to the need to counter an immediate serious threat, a law enforcement agency may examine the premises without the permission of the administrative court. In such case, the law enforcement agency shall be required to request the permission afterwards. The judge shall decide on the grant of permission for the examination of the premises or extension thereof pursuant to the procedure provided for in the Code of Administrative Court Procedure for the grant of a permission to take an administrative measure. If the court refuses to grant the permission, the law enforcement agency shall be required to immediately terminate the examination of the premises.

(3) During the period from 11 p.m. to 7 a.m. a person's dwelling may be examined only if it is necessary for countering an immediate serious threat.

(4) The possessor of a fenced or marked immovable, building or room shall have the right to be present at the examination of the premises. If the possessor is not present at the examination of the premises, he or she may appoint an adult who shall have the right to be present at the examination of the premises. If the persons specified in the first and second sentence of this subsection are not present at the examination of the premises, the law enforcement agency shall perform the examination of the premises in the presence of an official of the local government.

(5) If the identity of the possessor can be established, he or she shall be notified at the first opportunity of the examination of the premises. If as a result of the examination of the premises a significant proprietary asset is left unsupervised on the premises, the law enforcement agency shall ensure the supervision of the premises until the arrival of the possessor or another entitled person.

(6) Upon the examination of the premises, direct coercion may be used insofar as it is unavoidable for the achievement of the objective.

(7) It is mandatory to record in a report the measure provided for in this section.

§ 52. Taking into storage of movable

(1) The police or, in cases provided by law, other law enforcement agency shall have the right to take a movable into storage:

- 1) for countering an immediate threat or for eliminating a disturbance;
- 2) for the protection of the owner or possessor of the thing against the direct risk of misplacement or loss of or significant damage to the thing if at the same time public interests are in danger;
- 3) if pursuant to law a permit is required for the possession of the thing but the person possessing the thing lacks such a permit; or
- 4) if the thing is possessed by a person who has been deprived of liberty pursuant to law and there is a risk that the person will use the thing to kill or injure himself or herself or another person or to damage another person's thing or to escape.

(2) A thing taken into storage shall be stored by a law enforcement agency. If due to the characteristics of the thing it is not possible or rational for the law enforcement agency to store the thing, the law enforcement agency may give the thing to be stored by another person who meets the necessary requirements therefor. The law enforcement agency or another person who is storing the thing shall store the thing in a manner which ensures the preservation thereof.

(3) A law enforcement agency shall immediately issue to the person from whom a thing is taken into storage a copy of the report on the taking into storage of the thing, specifying the law enforcement agency applying the taking into storage, the time of and the reason for the taking into storage and the description of the thing taken into storage. If the person from whom the thing is taken into storage is not the owner of the thing or the legal possessor thereof or if the thing was not taken into storage from a person and the owner or the legal possessor can be established, the law enforcement agency shall immediately notify the owner or the legal possessor of the taking into storage of the thing.

(4) The owner or the legal possessor of a thing taken into storage shall be created, immediately after the basis for the taking into storage ceases to exist, an opportunity to retrieve the thing.

(5) For the taking into storage of a movable, direct coercion may be used insofar as it is unavoidable for the achievement of the objective.

(6) It is mandatory to record in a report the measure provided for in this section.

§ 53. Selling or destruction of movable taken into storage

(1) On the basis of an order of a law enforcement agency, a bailiff shall sell a thing taken into storage at a public auction pursuant to the procedure provided for in the Code of Enforcement Procedure for the selling of movables if:

- 1) it is a highly perishable thing or a thing which quickly loses its value in another manner;
- 2) the storage and maintenance of the thing is disproportionately expensive or complicated;
- 3) it is not possible to store the thing in a manner which would ensure the countering of threats arising from the thing;
- 4) it is not possible to return the thing to the entitled person within one year as of the date of the taking into storage without it resulting at the same time in a new need for the thing to be taken into storage by the law enforcement agency; or
- 5) the person entitled therefor has not accepted the thing from the law enforcement agency after the basis for the taking into storage of the thing ceased to exist by the term disclosed to him or her in writing if the notice contained a caution that in case of non-acceptance, the thing shall be sold.

(2) The thing shall be valued by the bailiff based on the usual value thereof. If the bailiff is unable to determine the price, the bailiff shall have the valuation organised by an expert.

(3) The costs of the storing of the thing and the enforcement costs shall be deducted from the revenue received from the sale of the thing and the remaining amount shall be paid to the former owner of the thing. The costs of the storing of the thing shall be deemed the costs incurred both by the law enforcement agency and the bailiff. If the owner does not accept the amount within one year as of the sale of the thing, it shall be entered into public revenues.

(4) If it is not possible to sell the thing at a public auction or if the costs of the organisation of a public auction will exceed the value of the thing, the bailiff may sell the thing without a public auction pursuant to the procedure provided for in the Code of Enforcement Procedure for the sale of movables.

(5) If it can be presumed that it is not possible to sell the thing at a public auction or in another manner or if the bailiff is unable to sell the property, the law enforcement agency shall organise the destruction of the thing or shall transfer it to state ownership.

(6) Prior to the sale, destruction or transfer to state ownership of the thing, the law enforcement agency shall notify thereof the established owner or legal possessor.

(7) After the sale, destruction or transfer to state ownership of the thing, the law enforcement agency shall be required to immediately issue a written notice to that effect to the established owner or legal possessor.

(8) The remuneration of the bailiff for the organisation of the sale shall be provided for in the Bailiffs Act.

(9) It is mandatory to record in a report the measure provided for in this section.

Chapter 4

Requirements for Behaviour in Public Place

Division 1

General Requirements for Behaviour in Public Place

§ 54. Public place

A public place is a territory, building, room or a part thereof given to an unspecified number of persons for use or used by an unspecified number of persons, and also a public transport vehicle.

§ 55. General requirements for behaviour in public place

In a public place it is prohibited to behave in a manner which disturbs or endangers another person, above all to:

- 1) hit or shove another person, fight, throw things at another person, an animal or a thing endangering them, or behave violently in another manner;
- 2) insult, intimidate or threaten another person by words, gestures or otherwise;
- 3) be nude if it interferes to a significant extent with the purposeful use of the place by another person. A local government shall have the right to determine on its territory places where being nude is not considered, irrespective of circumstances, as disturbing other persons;
- 4) offer to a person goods or services in a manner which disturbs him or her, or to beg in a disturbing manner;
- 5) consume alcohol or a substance causing intoxication and not belonging to the food group in a public transport vehicle stop, in a public transport vehicle which is in public use and participates in road traffic, in a building or on the territory of a pre-school child care institution, nursery-primary school, basic school, secondary school, vocational educational institution, hobby school, youth camp, health care provider or social welfare institution or in a part thereof during provision of education or health care services, and also at a public gathering aimed at children;
- 6) sleep or camp in a manner which interferes to a significant extent with the purposeful use of the place by another person;
- 7) dirty, break, destroy or relocate a thing in public use or use it in a manner other than for the prescribed purpose, including put waste in a place other than prescribed therefor, contaminate a body of water or a fountain; or
- 8) be without the consent of the owner or possessor in an appropriately marked place in danger of collapse or in another place restricted in order to guarantee safety, except if a person is in such a place to counter a threat or eliminate a disturbance.

§ 56. Prohibition on causing excessive noise and light effects and on pollution

(1) In a public place it is prohibited to cause noise or light effects which disturb another person to a significant extent.

(2) In a place other than a public place it is prohibited to cause continually or repeatedly noise or light effects which disturb another person to a significant extent during the period from 10 p.m. to 6 a.m., and on a night preceding a day off from 12 a.m. to 7 a.m.

(3) The provisions of subsections (1) and (2) of this section shall not be applied with regard to noise and light effects which are caused:

- 1) in the course of rescue operations or by an emergency vehicle;
- 2) under an authorisation of the local government; or
- 3) on the night preceding 1 January, on the night preceding 25 February or 24 June.

(4) In a building or public transport vehicle which is a public place it is prohibited to pollute air in a manner which disturbs another person to a significant extent.

§ 57. Assessment of disturbance by behaviour

An assessment of a disturbance by behaviour provided for in sections 55 and 56 of this Act shall be based on an average objective person and the purpose for which the public place is usually used and the customs applicable in the region.

Division 2 Public Gathering

Subdivision 1 Public Meeting and Public Event

§ 58. Public gathering

(1) A public gathering is a public meeting or a public event.

(2) A public meeting (hereinafter *meeting*) is people being together in a public place for a joint purpose of forming or expressing their opinions.

(3) A public event (hereinafter *event*) is an entertainment event, competition, performance, commercial event or other similar event where people are together and which takes place in a public place and is aimed at the public but which is not a meeting.

§ 59. Requirements for organising and holding event

(1) The requirements for organising and holding an event on the administrative territory of a local government shall be established by the local government council by a regulation.

(2) The requirements for organising and holding a sports event shall be established by the Sport Act.

§ 60. Obligation to provide information

A local government shall be required to immediately notify the police prefecture of the location of an event held on its administrative territory if the local government has been informed of a wish to hold an event pursuant to the procedure prescribed in section 59 of this Act and the local government has agreed to the organisation of the event.

Subdivision 2 Requirements for Organising and Holding Meeting

§ 61. Organisation of meeting during emergency situation, state of emergency and state of war

Organisation and holding of a meeting during an emergency situation, a state of emergency and a state of war shall take place pursuant to the procedure provided for in this Act with the specifications provided for in the Emergency Act, the State of Emergency Act or the War-time National Defence Act.

§ 62. Prohibited meeting

It is prohibited to organise or hold a meeting which:

- 1) is directed against the independence and sovereignty of the Republic of Estonia or at changing the constitutional order of the Republic of Estonia by force;
- 2) incites a breach of the territorial integrity of the Republic of Estonia by force;
- 3) incites hatred, violence or discrimination on the basis of nationality, race, colour, sex, language, origin, religion, sexual orientation, political views, or property or social status; or
- 4) aims to commit criminal offences or to incite them.

§ 63. Place prohibited for holding meeting

It is prohibited to hold a meeting:

- 1) in the area of epidemic spread of a highly dangerous communicable disease;
- 2) at a border crossing point and closer than 100 metres to the external border of the European Union;
- 3) in the protection zone for an electrical installation with the nominal voltage of over 1000 volts; or
- 4) at another place where it is prohibited by law.

§ 64. Organiser of meeting

(1) A meeting may be organised by:

- 1) an adult natural person with active legal capacity who is a citizen of the European Union or who holds a long-term residence permit or who is an alien staying in Estonia on the basis of a permanent right of residence; or
- 2) a legal person.

(2) An organiser of a meeting who is a legal person shall designate a natural person with active legal capacity who shall bear on the legal person's behalf the rights and obligations of an organiser of a meeting. The natural person shall give his or her prior consent for his or her designation in a format which can be reproduced in writing. The organiser of a meeting shall be required to retain the consent until at least one year has passed from the last day of the meeting.

(3) An organiser of a meeting shall be required to:

- 1) guarantee the peaceful holding of the meeting and the safety of the participants in the meeting;
- 2) guarantee that objects used in holding of the meeting do not endanger persons not participating in the meeting, property or the environment;
- 3) immediately terminate the meeting if the meeting causes a significant or serious immediate threat or if circumstances specified in section 62 of this Act become evident;
- 4) be available through a means of communication specified in clause 68(2)5) or 6) of this Act from the presentation of the meeting notice until one day has passed from the end of the meeting;
- 5) comply with orders given by the police or other competent law enforcement agency to ensure order at the meeting; and
- 6) ensure the removal of structures specified in clause 68(2)9) of this Act from the place of holding of the meeting within reasonable time after the end of the meeting.

(4) An organiser of a meeting may require a person who has committed a gross violation of order at the meeting to leave the meeting.

§ 65. Meeting steward

(1) If a meeting takes place outside a building or a construction intended for organising gatherings, the organiser of the meeting shall be required to designate a sufficient number of stewards to ensure order at the meeting, or perform the duties of a steward himself or herself. If the organiser of the meeting has concluded with a security company a contract for ensuring order at the meeting, a security guard of the security company ensuring order at the meeting shall be deemed a meeting steward.

(2) A meeting steward shall be required to:

- 1) assist the organiser of a meeting in the performance of obligations specified in clauses 64(3)1), 2) and 5) of this Act;
- 2) stay during the meeting at the place of holding of the meeting; and
- 3) wear during the meeting markings which enable recognition as a steward.

§ 66. Person taking part in meeting

A person taking part in a meeting shall be required to:

- 1) comply with orders given by the organiser of the meeting or a steward to ensure order at the meeting; and
- 2) immediately leave the meeting in the event specified in subsection 64(4) of this Act.

§ 67. Prior notification of holding of meeting

(1) An organiser of a meeting shall notify the police prefecture of the place of holding of the meeting of holding of a meeting which requires reorganisation of traffic or which is intended to be held outside a building or a construction intended for holding gatherings and for the holding of which there are plans to:

- 1) set up a tent, stage, stand or other large-scale structure; or

2) use sound or lighting devices, no later than four working days but no earlier than three months prior to the holding of the meeting.

(2) If a meeting specified in subsection (1) of this section is intended to be held on the territory of several police prefectures, a notice shall be submitted to at least one of these police prefectures.

(3) No prior notice needs to be given of a spontaneously assembled meeting (spontaneous meeting).

(4) A meeting specified in subsection (1) of this section which cannot be notified of in advance within the term provided for in subsection (1) of this section due to the need to urgently hold the meeting shall be notified of immediately after the need to hold the meeting arose.

§ 68. Meeting notice

(1) A notice of holding of a meeting shall be submitted in writing and signed by the organiser of the meeting or by a person having the right to represent the organiser.

(2) The notice shall set out:

- 1) the objective of the meeting;
- 2) the place of holding of the meeting and, if known, the route;
- 3) the predicted number of participants in the meeting;
- 4) the date and time of the start and predicted end of the meeting;
- 5) the given name and surname, personal identification code or date of birth and the means of communications of the organiser of the meeting;
- 6) if the meeting is organised by a legal person then the legal person's name and registry code and the name, personal identification code or date of birth and the means of communication of the person exercising the rights of an organiser of a meeting on behalf of the legal person;
- 7) if there are stewards, then their names and personal identification codes; if order is maintained by a security company, then its name, registry code and means of communication;
- 8) information about sound and lighting devices used at the meeting;
- 9) information about tents, stages, stands or other large-scale structures set up for holding the meeting.

(3) If a meeting notice complies with the requirements provided for in this section, the police prefecture shall accept the notice and immediately issue to the organiser of the meeting a written notification of receipt of the meeting notice.

(4) A police prefecture shall be required to forward the information set out in the meeting notice to the city or rural municipality government of the place of holding of the meeting, to the person providing emergency services at the place of holding of the meeting, and to the local rescue service agency immediately after receiving the notice. If the meeting is intended to be held on a publicly used road the owner of which is not the state or the local government, the information set out in the meeting notice shall also be forwarded to the owner of the road.

(5) If holding of a meeting requires reorganisation of traffic, the city or rural municipality government which has received the information set out in the meeting notice shall be required to ensure the reorganisation of traffic according to the information received. The city or rural municipality government has the right to demand from the organiser of the meeting additional information necessary for determining the way of reorganisation of traffic.

(6) A police prefecture shall register and retain meeting notices. Information set out in a meeting notice, except for personal identification code, date of birth and place of residence of a natural person, is public and shall be published prior to the start of meetings on the website of the police.

(7) This section shall be applied also in case an organiser of a meeting wishes to submit a notice about holding a meeting not specified in subsection 67(1) of this Act.

Subdivision 3

Special State Supervision Measures Related to Organisation and Holding of Meeting

§ 69. Changing of time or place of holding of meeting

(1) A police prefect may require an organiser of a meeting to change the time or place of holding of the meeting if:

- 1) a notice of holding another meeting at the same place at the same time has been previously received or if there is a predominant public interest for organising another public gathering at the same place at the same time and it is not possible to hold several public gatherings at the same time at that place;
- 2) it is unavoidable in order to avoid a serious immediate threat or to counter it.

(2) If a meeting is intended to be held on the territory of several police prefectures, the right specified in subsection (1) of this section is vested in the National Police Commissioner.

(3) An organiser of a meeting specified in subsection 67(1) of this Act shall submit a new notice concerning the meeting with changed time or place pursuant to section 68.

§ 70. Guarantee of safety at meeting

(1) The police may require an organiser of a meeting to:

- 1) increase the number of stewards at the meeting if there is reason to believe that the designated steward will not be able to assist the organiser of the meeting sufficiently in the fulfilment of the obligations provided for in clauses 64(3)1), 2) and 5) of this Act; or
- 2) substitute the designated steward for another person if there is reason to believe that this person will not be able to fulfil the duties of a meeting steward.

(2) A police prefect may require an organiser of a meeting to fulfil obligations not specified in subsection (1) of this section if it is unavoidable for preventing or countering a serious threat.

(3) If a meeting is intended to be held on the territory of several police prefectures, the right specified in subsection (2) of this section is vested in the National Police Commissioner.

§ 71. Removal of person from meeting

(1) The police may remove a person from a meeting if it is unavoidable and a less infringing measure than ending the meeting and if:

- 1) an immediate serious threat is arising from the person being removed;
- 2) his or her behaviour exhibits circumstances specified in section 62 of this Act; or
- 3) it is necessary to counter an immediate threat to the life or physical inviolability of the person being removed and it is not possible to counter it by applying another measure, except for the measure specified in section 73 of this Act.

(2) In order to remove a person from a meeting, direct coercion may be used insofar as it is unavoidable for the achievement of the objective.

§ 72. Prohibition of meeting

(1) A police prefect may prohibit the holding of a meeting if:

- 1) the organiser of the meeting does not agree to a restriction imposed on him or her on the basis of section 69 of this Act or fails to comply with it; or
- 2) there is reason to believe that holding of the meeting causes a serious immediate threat and it is not possible to counter the threat by using a less infringing measure.

(2) If a meeting is intended to be held on the territory of several police prefectures, the right specified in subsection (1) of this section is vested in the National Police Commissioner.

(3) If it is prohibited to hold a meeting specified in subsection 67(1) of this Act, the police prefecture shall be required to immediately forward the decision on prohibiting the holding of the meeting to the city or rural municipality government of the place of holding of the meeting, to the person providing emergency services at the place of holding of the meeting, and to the local rescue service agency.

§ 73. Ending and disbanding of meeting

(1) The police shall give an organiser of a meeting an order to end the meeting if holding of the meeting is prohibited on the basis of section 62 or 72 of this Act or if the meeting is held at a place specified in section 63 of this Act.

(2) The police may give an organiser of a meeting an order to end the meeting if:

- 1) the organiser of the meeting fails to comply with a restriction imposed on him or her on the basis of section 69 or 70 of this Act;
- 2) holding of the meeting causes an immediate serious threat and it is not possible to counter the threat by using a less infringing measure; or
- 3) the life or physical inviolability of the participants in the meeting is threatened by an immediate threat which cannot be countered by using a less infringing measure.

(3) If an order specified in subsection (1) or (2) of this section cannot be given to an organiser of a meeting or if it is to no avail, the police shall give an order to end the meeting to the persons taking part in the meeting.

(4) In cases provided for in subsections (1) through (3) of this section the police may hinder persons in gathering at the place of holding of a meeting.

(5) If a person taking part in a meeting fails to comply with an order to end the meeting, direct coercion may be used with regard to him or her insofar as it is unavoidable for disbanding the meeting.

Chapter 5

Direct Coercion

§ 74. Direct coercion

(1) Direct coercion shall mean affecting of a natural person (hereinafter *person*), an animal or a thing by physical force, special equipment or a weapon.

(2) Special equipment is an animal or a thing which is intended for physically affecting a person, an animal or a thing and which is not a weapon.

(3) A weapon is a firearm or another weapon for the purposes of the Weapons Act.

§ 75. Authority to apply direct coercion

(1) Physical force, special equipment or a weapon may be used by the police. Other law enforcement agency may use physical force, special equipment or a weapon only in cases provided by law.

(2) The types of weapons (service weapons) and special equipment allowed for the police and other competent law enforcement agency shall be provided by law.

(3) On the proposal of the Minister of the Interior the Government of the Republic shall establish by a regulation the subtypes of firearms, other weapons and special equipment allowed for a law enforcement agency within the framework of types of service weapons and special equipment, and also the technical and other requirements for a firearm, other weapon and special equipment, and the procedure for handling of a weapon and special equipment.

§ 76. Admissibility of application of direct coercion

(1) The police or, in cases provided by law, other law enforcement agency may apply direct coercion only if ensuring the fulfilment of the obligation to ascertain or counter a threat or eliminate a disturbance imposed on a person by an administrative act is not possible by another administrative coercive measure or is not possible in a timely manner. If by a caution specified in subsection 78(1) of this Act a deadline for complying with an administrative act is determined for a person, direct coercion may be applied if the person fails to comply with the administrative act in a timely manner.

(2) Direct coercion is permitted to be applied without a prior binding administrative act if the issue of the administrative act is not possible due to the urgent need to counter an immediate serious threat or eliminate a disturbance.

(3) Direct coercion is not permitted to be applied in order to obtain a statement, opinion or explanation.

§ 77. Aid to injured person

If by the application of direct coercion a bodily injury is caused to a person, a law enforcement agency shall be required to guarantee first aid to the person at the first opportunity and, if necessary, call for emergency medical care.

§ 78. Caution against direct coercion

(1) Before the application of direct coercion a law enforcement agency shall be required to caution the person with regard to whom or with regard to an animal or thing in the person's ownership or possession the law enforcement agency is planning to apply direct coercion. If possible, the caution shall set out a deadline for complying with the administrative act specified in subsection 76(1) of this Act, enabling the addressee of the administrative act to fulfil the obligation.

(2) If a caution has been prepared in writing, the official of a law enforcement agency shall repeat the caution orally before he or she starts to apply direct coercion.

(3) If possible, people shall be cautioned beforehand about the application of direct coercion against a crowd with the consideration that those who wish would have the possibility to retreat voluntarily. In applying direct coercion against a crowd, it is not required to caution people against the use of a technical barrier with regard to them.

(4) Cautioning may be neglected only if cautioning is not possible due to the urgent need to counter an immediate serious threat or eliminate a disturbance. Cautioning against the use of a firearm against a crowd may not be neglected.

§ 79. Use of handcuffs, shackles or binding means

(1) The police or, in cases provided by law, other law enforcement agency may use handcuffs with regard to a person if there is reason to believe that he or she may:

- 1) attack another person, offer physical resistance to an official of a law enforcement agency or damage a proprietary benefit of great value;
- 2) escape or he or she may be released unlawfully if he or she has been deprived of liberty pursuant to law; or
- 3) injure or kill himself or herself.

(2) Shackles may be used on the bases provided for in subsection (1) of this section with regard to a suspect, accused or convicted offender who may be deprived of liberty pursuant to law or who has been deprived of it in relation to:

- 1) commission of a violent criminal offence in the first degree;
- 2) commission of a criminal offence for which he or she may be sentenced to life imprisonment as a punishment; or
- 3) commission of another criminal offence if use of handcuffs is not sufficient for the achievement of the objective.

(3) If use of handcuffs or shackles is not possible, the police or, in cases provided by law, other law enforcement agency may use a binding means on the bases provided for in subsections (1) and (2) of this section if this does not jeopardise the person's life, does not cause him or her bodily injury or great physical pain. Use of a binding means shall not last for more than one hour at a time.

§ 80. Use of electric shock weapon

(1) The police or, in cases provided by law, other law enforcement agency may use an electric shock weapon for countering a serious or a significant threat if countering the threat by another measure of direct coercion, except for a firearm, is not possible or is not possible in a timely manner, and with the consideration that in using an electric shock weapon everything possible shall be done in order not to jeopardise another significant benefit.

(2) The police or other law enforcement agency may use an electric shock weapon with regard to a person only to make him or her incapable of attacking, offering resistance or escaping if it is not possible to achieve this objective by using an electric shock weapon against an animal or a thing or by another measure of direct coercion, except for a firearm, and if it is also necessary in order to:

- 1) counter an immediate threat to life or physical inviolability;
- 2) obstruct the commission of an imminent or already on-going criminal offence in the first degree;
- 3) detain a person suspected or accused of a criminal offence in the first degree or to hinder his or her escape if he or she may be deprived of liberty pursuant to law or if he or she has been deprived of it pursuant to law; or
- 4) detain a person or hinder his or her escape if he or she may be deprived of liberty on the basis of a court decision or if he or she has been deprived of it on the basis of a court decision.

§ 81. Use of firearm

(1) The police or, in cases provided by law, other law enforcement agency may use a firearm for countering a serious threat if countering the threat by another measure of direct coercion is not possible or is not possible in a timely manner, and with the consideration that in using a firearm everything possible shall be done in order not to jeopardise another significant benefit.

(2) The police or other law enforcement agency may, as a last resort, use a firearm with regard to a person only to make him or her incapable of attacking, offering resistance or escaping if it is not possible to achieve this objective by using a firearm against an animal or a thing or by another measure of direct coercion and if it is also necessary in order to:

- 1) counter an immediate threat to life or physical inviolability;
- 2) obstruct the commission of an imminent or already on-going violent criminal offence in the first degree or such a criminal offence for which life imprisonment may be sentenced as a punishment;
- 3) detain a suspect, accused or convicted offender or to hinder his or her escape if he or she may be deprived of liberty pursuant to law or if he or she has been deprived of it pursuant to law in relation to commission of a violent criminal offence in the first degree or such a criminal offence for which he or she may be sentenced to life imprisonment as a punishment.

Chapter 6

Involvement in Performance of State's Law Enforcement Duty

§ 82. Involvement of person other than person liable for public order in performance of state's law enforcement duty under law enforcement contract

On the proposal of the Director General of the Police and Border Guard Board and on the basis of and pursuant to the procedure specified in a specific law, the Minister of the Interior may decide to involve a security company, a non-profit association the objective of which under its articles of association is to participate in the protection of public order, and a local government within which a law enforcement official has been appointed to office or a law enforcement unit formed, to take part in performing the functions of the police under a law enforcement contract.

Chapter 7 Costs of State Supervision Measure

§ 83. Costs of State Supervision Measure

(1) Costs of substitutive enforcement which has taken place upon application of a state supervision measure shall be claimed by the law enforcement agency which applied the substitutive enforcement from a person liable for public order on the basis of and pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act.

(2) In cases not specified in subsection (1) of this section, costs of application of a state supervision measure shall be claimed from a person liable for public order on the basis of and pursuant to the procedure provided by law.

Chapter 8 Implementing Provision

§ 84. Entry into force and implementation of Act

The time of entry into force and the procedure for application of this Act shall be established by a separate Act.

Ene Ergma
President of the Riigikogu