Criminal Procedure Law [Consolidated Version], 1982

Chapter A: General Provisions

Definition

1. In this law –
“Investigation and Testimony Procedures for People with Disabilities” - Investigation and Testimony Procedures Law (Adaptation to Persons with Mental or Psychological Disability), 2005;
"Act" – includes attempt and omission;
“Cautioning” – cautioning in the manner stipulated in Section 2 of the Rules of Evidence Amendment Law (Cautioning of Witnesses and Abrogation of Oath), 1980.

Application of law

2. Criminal procedure will be in accordance with this law unless otherwise provided by or under another law in respect of a specific matter.

Procedure in the absence of legal provisions

3. With regard to a procedural matter not regulated by any statute, the court will proceed in such manner as it deems best in the interest of justice.

Non-joinder of civil claim

4. A civil action will not be combined with a criminal case.

Double jeopardy

5. A person will not be tried for an act if he has previously been acquitted or convicted of an offence related to the same act; however, if the act caused the death of another person he will be tried for it even if he has previously been convicted of another offence related to the same act. For the purposes of this section, "conviction" includes placing a person on probation without his having been convicted.

Jurisdiction ratione loci

6. (A) A defendant will be tried by the court in whose area of jurisdiction the whole or part of the offence was committed or the defendant's place of residence is situated.

(B) Offences listed in the First Addendum committed in regard to foodstuffs and offences under the Consumer Protection Law, 1981, may also be tried by the court in whose area of jurisdiction the commodity was marketed or sold and, if the defendant is the producer, also by the court in whose area of jurisdiction the complainant lives.

(B1) For an offence committed abroad, as defined in Section 7 of the Penal Law-1977 (hereinafter – the Law), for which Israel criminal law applies according to Sections 13 and 14 of the aforesaid Law. If the defendant's place of residence is not in Israel or is unknown, the defendant will be tried in a court that has jurisdiction in the area where the unit assigned to investigate the crime is located.

(C) If the place where the offence was committed and the place of residence of the defendant are unknown, the defendant will be tried by the court in whose area of jurisdiction he was apprehended.

(C1) Notwithstanding that stipulated in Subsection (A), if an offence is committed under the Antitrust Law, 1988, the defendant will be tried in the district court determined by the minister of justice by order, and in that order the minister will be entitled to authorize the general director of the courts to instruct that cases still pending in court on the date when the order comes into force, without the trial having commenced, will be transferred for hearing before the court stipulated in the order.

(D) The minister of justice is entitled, by order, with approval from the Knesset's Constitution, Law and Justice Committee, to replace the First Addendum or add to or detract from it.

Jurisdiction in case of joinder of charges or defendants

7. If charges in respect of several offences have been combined or where several defendants have been charged in one indictment, the case may be tried by any court which, under Section 6, has jurisdiction in respect to one of the offences or one of the defendants.

Jurisdiction where no court has jurisdiction ratione loci

8. If in respect to a particular case the attorney general finds that no court has jurisdiction ratione loci under sections 6 and 7, the defendant will be tried by a court in Jerusalem.

Prescription of offence

9. (A) Unless otherwise provided in another law, a person will not be brought to trial for an offence if a period as stated below has elapsed since the date of its commission:

(1) In the case of a felony punishable by death or imprisonment for life – twenty years;
(2) In the case of any other felony – ten years;
(3) In the case of a misdemeanor – five years;
(4) In the case of a contravention – one year.

(B) There will be no statute of limitation with regard to offences under the Crime of Genocide Law (Prevention and Punishment), 1950, or the Nazis and Nazis Collaborators Law (Punishment), 1950.

(B1) The felonies of murder and attempted murder in accordance with sections 300 and 305 of the Penal Law, 1977, and the offence of conspiracy to commit one of the aforementioned felonies in accordance with Section 499 of the aforementioned law, if committed against the person serving as the prime minister when the offence was committed – will have no statute of limitation.

(C) A felony or misdemeanor, concerning which, within the periods stipulated in Subsection (A) an investigation under any act was conducted, or an indictment submitted or a proceeding conducted on behalf of a court, the time

periods will begin on the date of the last proceeding of the investigation, or on the date on which the indictment was submitted or on the date of the last proceeding on behalf of the court, whichever is the latest of those dates.

(D) The provisions of Subsection (C) will apply to an extradition offence for which an extradition request has been made to the State of Israel, and any of the actions listed in that subsection that were conducted in the requesting country, will extend the statute of limitations for that offence in accordance with this section, as if they were conducted in Israel.

Prescription of penalties.

10. If a penalty has been imposed, its implementation will not begin, and where the implementation of a penalty has been interrupted, it will not be continued, if a period as stated below has elapsed since the date on which the judgment became conclusive or the date of the interruption, whichever is later:

(1) In the case of a felony – twenty years;

(2) In the case of a misdemeanor – ten years;

(3) In the case of a contravention – three years.

Chapter B: The Litigants and Their Representation

Accuser – the state

11. The accuser in a criminal trial is the state; it will be represented by a prosecutor, who will conduct the prosecution.

Prosecutors

12. (A) The prosecutors are the following:

(1)The attorney general and his representatives, viz. –

(A) The state prosecutor, the deputy state attorney, the district attorneys and other attorneys of the State Prosecutor's Office designated by title by the minister of justice by order published in the Official Gazette;

(B) Any person whom the attorney general has empowered to be a prosecutor, either generally or for a particular class of cases or for particular courts or for a particular case;

A police officer who, having the qualifications stipulated by the minister of justice in consultation with the minister of the interior, has been appointed prosecutor by the Police Inspector General.

(B) A prosecutor as referred to in Subsection (A) (2) will be competent to act as prosecutor in cases where the investigation material was transferred to him in accordance with the provisions of Section 60; however, the Attorney General may order that a particular class of cases, a particular case or a particular proceeding be conducted by another prosecutor.

(C) The attorney general will be entitled to confer upon the state prosecutor, as a matter of course, for specific types of matter or in a specific matter, the attorney general's authority to empower a prosecutor as stipulated in Subsection (A)(1)(B).

(D) The Attorney General or Solicitor General, according to the matter, shall submit a written report every year to the Constitution Law and Justice Committee of the Knesset regarding the accreditation of Police according to this section. The report shall specify the number of accreditations of police officers in accordance with Subsection (a) (1) (b) or the last part of Subsection (B), and those units that were accredited and what authority was granted to them.

Engagement of defense counsel

13. No person will act as defense attorney unless he is duly qualified and the defendant has, in writing, expressed the desire to be represented by him or has empowered him for this or the court has appointed him for this under Section 15.

Restriction on choice of defense counsel

14. If the minister of defense has certified in writing that the security of the state necessitates such restriction, a suspect or defendant will not be entitled to be represented – whether in investigation proceedings or in proceedings before a judge or court – except by a person authorized, by unrestricted authorization, to act as defense attorney under Section 318 of the Military Justice Law 1955.

Appointment of defense counsel by court

15. (A) If a defendant has no defense attorney, or a person suspected of an offence for the clarification of which it has been decided to take testimony immediately under Section 117 has no defense attorney, the court will appoint a defense attorney for him if –

(1) He is charged with murder or with an offence punishable by death or imprisonment for life or is charged in a district court with an offence punishable by imprisonment of ten years or more, or is suspected of having committed such an offence; or

(2) He is under sixteen years of age and is brought before a court other than a juvenile court; or

(3) If he is dumb, blind or deaf or if there is reason to suspect that he is mentally ill or is deficient in his mental capacity;

(4) He has been charged with an offence for which it has been determined that the court will impose a custodial sentence or that the court will impose a custodial sentence not to be suspended in its entirety in the absence of special reasons;

(5) The prosecutor has given notice as stipulated in subsections 15A(A) or (B) concerning the defendant in reference to the possibility that the prosecutor will petition the court to impose an unsuspended custodial sentence on the defendant if convicted;

(6) The prosecutor has not given notice as stipulated in Subsections 15A(A) or (B) concerning the defendant and after his conviction the court deems it possible that an unsuspended custodial sentence will be imposed on him.

(B) The appellate court will be entitled not to appoint a defense attorney if so petitioned by the defendant and the court is of the opinion that he will not suffer an injustice if not represented by a defense attorney.

(C) If a defendant is destitute according to the standards stipulated in the Public Defender Law, 1995 and does not have a defense attorney, the court will be entitled – at a litigant's request, or at the court's own initiative, to appoint a defense attorney for him.

(D) If there is no obligation to appoint a defense attorney for a suspect or detainee, who meets the conditions stipulated in subsections (A)(1) to (3) or (C), the court will be entitled – at that person's request, at the prosecutor's request or at the court's own initiative - to appoint a defense attorney for him.

(E) The court will be entitled to appoint a defense attorney for the purposes of the court's hearing of a petition for a further trial or for retrial as well as for the purposes of the further trial or retrial, if the court finds it justified and the petitioner meets the conditions stipulated in subsections (A)(1) to (3) or (c).

(F) The appointment of a defense attorney in accordance with subsections (a) and (c), in a district in which an office of the public defender has been established, will be in accordance with the provisions of the Public Defender Law, 1995.

(G) If the court, in a district in which an office of the public defender has been established, sees fit to appoint a defense attorney in accordance with subsections (D) or (E), the court will refer the suspect or the detainee to the Office of the Public Defender in that district to have a defense attorney appointed for him. If the court is of the opinion that a defense attorney should be appointed because the suspect or the detainee is destitute, the court will be entitled to instruct the district public defender to examine that person's entitlement.

Notice that the defendant is liable to imprisonment

15A. (A) (1) If the prosecutor is of the opinion that there is a possibility that he may petition the court to impose an unsuspended prison sentence on the defendant if convicted, he will give notice thereof to the court on the date of the indictment or on any other date before the trial begins.

(2) If the prosecutor has given notice to the court as stipulated in Paragraph (1), the court will inform the defendant and the Office of the Public Defender thereof.

(B) Notwithstanding the provisions of Subsection (A)(1), if the prosecutor does not give notice before the trial begins as stipulated in that subsection and after the trial begins the prosecutor is of the opinion that new circumstances have been revealed or other causes have been found which justify in his opinion, petitioning the court to impose an unsuspended prison sentence on the defendant, the prosecutor will so inform the court and the defendant at the earliest opportunity.

(C) If the prosecutor has given notice in accordance with the provisions of this section, a defense attorney will be appointed for an unrepresented defendant.

(D) For the purposes of this section and sections 15(A)(4) to (6) and 15B, an "unsuspended prison sentence" – with the exception of each of the following:

(1) A prison sentence served by the defendant entirely concurrently in accordance with the provisions of Section 45 of the Penal Law, 1977 (in this section – the Penal Law);

(2) A prison sentence instead of a fine in accordance with Section 71 of the Penal Law;

(3) A prison sentence for not providing an undertaking in accordance with Section 74 of the Penal Law.

Prohibition of imposing an unsuspended sentence of imprisonment on an unrepresented defendant

15B. A court will not impose an unsuspended prison sentence on an unrepresented defendant. This provision will not apply to a defendant whose representation was halted with the court's permission in accordance with the provisions of Section 17.

Functions of defense counsel appointed by court

16. A defense attorney appointed by the court will represent the defendant in any proceeding before a judge or court, including an appeal, unless the court directs otherwise.

Discontinuance of representation by defense counsel

17. (A) A defense attorney whom the defendant has engaged will not, without the permission of the court, cease to represent him as long as the case or appeal for which he was appointed continues. A defense attorney appointed by the court will not, without the permission of the court, cease to represent the defendant.

(B) If the court has permitted a defense attorney to cease representing the defendant because the latter did not cooperate with the defense attorney, it is entitled, notwithstanding the provisions of Section 15, to refrain from appointing another defense attorney if it considers that no useful purpose would be served thereby.

Change of defense counsel

18. If the defendant engages a defense attorney in place of the defense attorney appointed for him by the court or replaces a defense attorney he has himself engaged, the court will not refuse the previous defense attorney permission to cease representing the defendant unless it considers that the change of attorney would entail an unreasonable delay of the trial.

Cost of defense

19. (A) If a defense attorney has been appointed by the court, the cost of the defense, including the expenses and fees of the defense attorney and the witnesses, will be borne by the state, as will be stipulated in regulations.

(B) If the court is convinced that the defendant is destitute, it is entitled to direct that the cost of the defense, including the expenses and fees of the witnesses for the defendant, will be borne by the State even if no defense attorney is appointed for the defendant.

Prohibition of receipt of remuneration

20. A defense attorney appointed by the court will not receive from the defendant or any other person any remuneration, compensation, gift or other benefit. Anyone who violates this provision will be liable to imprisonment for three months.

Chapter C: Arrest and Release of the Defendant

Article A: Arrest

21. - 25. (Annulled)

Modes of execution

26. A person executing a warrant of arrest is entitled, while the warrant or a certificate under Section 25 is in his possession to –

(1) enter any place where he has reasonable grounds for believing the person to be;

(2) use reasonable force against persons or property to the extent required for the execution of the warrant.

27. - 57. (Annulled)

Chapter D: Proceedings Prior to Trial

Article A: Complaint, Investigation, and Prosecution

Complaint

58. Any person is entitled to complain to the police that an offence has been committed.

Police investigation

59. If the police, whether by a complaint or in any other manner, learns that an offence has been committed, it will open an investigation. However, in the case of an offence other than a felony, a police officer with the rank of captain or higher is entitled to direct that no investigation will be held if he is of the opinion that no public interest is involved or if another authority is legally competent to investigate the offence.

Decision not to investigate sexual or violent offences against a partner

59A. (A) In this section:

“Partner” – a person engaging or having engaged in a couple relationship;

“The center” – the center for the treatment and prevention of domestic violence at the local authority where the complaint was filed. If there is no such center at the local authority – the social services department at the relevant local authority;

“The complainant” – the complaining partner;

“An offence of sex or violence” – An offence of misdemeanor type in accordance with sections 192, 334, 336 when not in aggravated circumstances; 337, 346(B), 347(A1), 348(C) and (E), 376, 377 when not in aggravated circumstances; 379, 380 and 381(A) of the Penal Law, 1977.

(B) The complainant's requests not to investigate an offence of sex or violence committed against him by his partner, will not, of itself, constitute the only reason for a decision in accordance with Section 59, that there is no public interest in the matter.

(C) When a complainant requests not to investigate an offence of sex or violence committed against him by his partner and that request constitutes one of the reasons for the decision not to investigate, the following provisions will apply notwithstanding the provisions of Section 59:

(1) The decision not to investigate will be taken with the approval of the police officer serving as the regional investigations department officer (in this section – regional investigations department officer);

(2) Before the police officer as stipulated in Section 59 makes the decision not to investigate, or before the regional investigations department officer approves that decision, either one of them will be entitled to refer the complainant, his partner or both of them, with the consent of each of them, as the case may be, to the center;

(3) If a complainant, his partner or both of them apply to the center, the center will send a report to the police officer who referred them to the center. The report will refer to the risk posed by the complainant’s partner to the complainant and will be based on the information available to the center;

(4) If neither the complainant nor his partner apply to the center, the police officer will decide as stipulated in Paragraph (2) whether to open an investigation even without a report as stipulated in Paragraph (3).

(5) The police officer who referred the complainant or his partner or both of them to the center, as stipulated in Paragraph (2) will inform the center of the referral of each of them who has agreed to provide his personal details to the center, for the purposes of monitoring whether either or both of them have applied to the center and whether to wait for the report stipulated in Paragraph (3) before making a decision;

(6) None of the provisions in this section will derogate from the authority of the police officer or the regional investigations department officer to decide in accordance with Section 59.

Transfer of investigation materials to the prosecutor

60. (A) In this section –

"Attorney" – Attorney as stated in Part 12 (A) (1) (A);
"Head of Police Prosecution Unit" – a police officer appointed as the Police Prosecutor and chief of the Police Prosecution Unit.
"Police Prosecutor" – police officer appointed as previously mentioned in Part 12 (A) 92).

(B) The Police shall transfer material obtained in criminal offence investigations with the exception of offences specified in Subsections (c) and (d), or for a misdemeanor specified in Part A of first Addendum A, to the District Attorney's office to be assigned to a prosecutor.

(C). (1) Material obtained in an investigation of noncriminal offence, which is not specified in Part A of first Addendum A', shall be transferred to the police to be dealt with by the police prosecutor.

(2) Material obtained in an investigation of a criminal offence specified in Part B of first Addendum A, shall be transferred by the police to the Head of the Police Prosecution Unit and assigned to a Police Prosecutor who is an attorney serving in the Police Prosecution Unit.

(D). Material obtained in an investigation of a criminal offence specified in Part C of first Addendum A shall be transferred by the police to the District Attorney and assigned to a prosecutor. The District Attorney may also decide that certain cases, due to a lack of excessive severity in the circumstances of the offence, and the simplicity of the evidence, may be transferred to the Police Prosecutor who is an attorney serving in the Police Prosecution Unit.

(E) Notwithstanding the provisions of Subsections (B) and (C) –
(1) The District Attorney may decide that specific investigation material obtained in a criminal offence or in a misdemeanor, or specific types of cases connected to the abovementioned shall be assigned to a prosecutor.

(2) The District Attorney may decide, after studying the investigation material, that the material for a specific case that had been assigned to a prosecutor according to Subsection (B), should be transferred to the Police Prosecutor, if he finds that the material does not show an offence within the prosecutor's jurisdiction according to this section, but that it should be under the jurisdiction of the Police Prosecutor.

(F) The fact that investigation material is not handled by a prosecutor or by the Police Prosecutor in keeping with the regular division of responsibility specified in this section, shall be insufficient in itself to disqualify a criminal proceeding.

(G) A police prosecutor, or a police officer authorized by the Attorney General pursuant to section 12 (A) (1) B), shall not represent the State in a district court proceeding in a case where the investigation material has been transferred to him in accordance with this section, except for a matter specified in the list of subjects in Part D of first Addendum A. A Police Prosecutor or the abovementioned police officer may not represent the state in a proceeding before the Supreme Court

(H) The Minister of Justice, with the consent of the Minister of Public Security and approval of the Knesset's Constitution Law and Justice Committee, shall be entitled, by issuing an order to amend First Addendum A, on condition that it will not stipulate changes in Section B, which contains offences that come under the sole jurisdiction of the district court.

I. The provisions in this section shall not apply to a prosecutor who is not a police officer authorized by the Attorney General according to Section 12 (A) (1) (B).

Informing of the transfer of investigation materials referring to a felony to a prosecutor

60 A (A). The prosecution authority to which the investigation materials referring to a felony were sent, will send notice to the suspect's known address, informing the suspect of such, unless the district attorney or the head of the Prosecutions Department, as appropriate, will decide there is reason to abstain from such.

(B) The notice will state the address of the prosecution authority to which it will be possible to apply in writing for clarifications and the presentation of claims.

(C) If a notice in accordance with this section has been sent by registered mail, it will be considered as if served in accordance with law, even without a signature confirming delivery.

(D) Within 30 days from the day on which the notice was received, the suspect will be entitled to apply in writing to the prosecution authority as stipulated in Subsection (B), stating a reasoned petition to abstain from the filing of an indictment or the filing of an indictment in reference to a particular felony. The state attorney, the district attorney, the head of the Prosecutions Department or any other person authorized by them, as appropriate, will be entitled to extend the aforementioned period.

(E) If the district attorney or the head of the Prosecutions Department, as appropriate, decides for reasons which will be recorded, that the circumstances justify such, they will be entitled to submit an indictment before the end of the thirty-day period and even before the suspect has applied as stipulated in Subsection (D).

(F) Nothing in the provisions of this section will change anything in the provisions of Section 74.

(G) The provisions of Subsection (A) will not apply to a person who was in detention when the investigation materials were sent and an indictment was submitted against that person during the period of his detention.

(H) The provisions of the Administrative Procedure Amendment Law (Decisions and Statement of Reasons), 1958, will not apply for the purposes of this section. However, the suspect will be given written notice of the decision made by the prosecution authority at the earliest possible time and the prosecution authority will be entitled to invite the suspect to present his claims to the prosecution orally.

(I) The minister of justice, with approval from the Knesset's Constitution, Law and Justice Committee, will be entitled to determine types of felony for which the provisions of Subsection (A) will not apply.

Continuation of investigation

61. After investigation materials have been sent in accordance with that stipulated in Section 60, the attorney general or the prosecutor will be entitled to instruct the police to continue to investigate, if they have found that there is a need for such for the purposes of deciding whether to submit an indictment or for the purposes of running a trial efficiently.

Sending for trial and closing a case

62. (A) If the prosecutor to whom the investigation materials were sent sees that the evidence suffices to indict an individual, the prosecutor will send that person for trial, unless the prosecutor is of the opinion that there is no public interest in holding the trial. However, a decision not to send for trial because of lack of public interest will be made with approval from the following officials:

(1) A District Attorney or a senior attorney authorized by the District Attorney to do this – when the offence is a felony or a misdemeanor, and when the investigation material in these cases has been assigned to a prosecutor according to Section 60;

(2) A police officer serving as the head of a prosecution unit or a police prosecutor in the city that he has authorized for this – for those offences that are felonies and the investigation materials for them have been transferred to the police prosecutor according to Section 60, as well as misdemeanors whose investigation materials have been transferred to the police prosecutor by the District Attorney in accordance with the provisions of Section 60

(3) A police officer serving as a prosecutor, authorized by the commissioner of police to fulfill that role – for offences that are not felonies, except for misdemeanors where the decision for them is made by an official as aforementioned in Sections (1) or (2).

(4) A police officer serving as head of a prosecution unit – for offences in accordance with Section 19(48) of the Equal Rights for People with Disabilities Law, 1998, or Chapter E1A of the Planning and Building Law, 1965.

(B) The suspect will be informed of the decision not to put him on trial in a written document, which will state the reasons for closing the file and the suspect will be entitled to submit to the prosecutor who closed the file, a reasoned request for a change in the reason for closure. When a file is closed for lack of guilt, that file will be expunged from police records.

Closure of a file on a sexual or violent offence against a partner

62A. (A) In this section:

“Partner”, “the center”, “the complainant” – will be as defined in Section 59A(A).

“An offence of sex or violence” – As defined in Section 59A(A) and an offence that is a felony in accordance with sections 203, 305, 307, 327, 329, 330, 332, 333, 335, 336 in aggravated circumstances, 345, 346(A), 347(A) and (C), 348(A), (B) and (D), 368B, 368C, 369, 370, 371, 372, 373, 374, 375, 377, in aggravated circumstances, an offence of trafficking in human beings, in accordance with sections 377A(A)(5), 381(A), 382(B) in conjunction with 379, 382(C) in conjunction with 380, 402, 404, 427, 428 of the Penal Law, 1977.

(B) The complainant’s request not to bring his partner to trial for an offence of sex or violence committed against the complainant, will not of itself constitute the only reason for the decision, in accordance with Section 62(A), that there is no public interest in the trial.

(C) If the complainant makes a request not to bring his partner to trial for a an offence of sex or violence committed against the complainant, and that request is one of the reasons not to bring that person to trial, before deciding as stipulated in Section 62(A), the prosecutor will be entitled to refer the complainant, the complainant’s partner or both, with consent from either of them, to the center and as pertains to the making of that decision, the provisions of sections 59A(C)(3) to (5) will apply, with the necessary changes.

(D) Nothing in the provisions of this section will derogate from the prosecutor’s authority as granted under Section 62(A).

Notice of decision not to investigate or prosecute

63. A decision not to investigate or not to prosecute will be communicated to the complainant in writing, indicating the reason for the decision.

Appeal

64 (A) The complainant will be entitled to appeal as follows, the decision not to investigate or bring to trial due to lack of public interest in the investigation or the trial, because insufficient evidence was found or when no guilt was determined:

(1) The decision given by an investigating or prosecuting body as stipulated in sections 12(A)(1)(B) or (2) – before the district attorney, an attorney from the State Prosecutor's Office appointed to direct the field of appeals or an attorney from the State Prosecutor's Office ranked no less than "senior deputy A" to the state prosecutor and authorized by the state prosecutor for such;

(2) The decision given by the district attorney or an attorney from the State Prosecutor's Office not to bring to trial because of a lack of evidence or a lack of guilt, with the exception of a decision in an appeal in accordance with Paragraph (1) – before the state prosecutor;

(3) The decision given by the state attorney or his deputy, not to bring to trial, with the exception of a decision on an appeal according to paragraph (2) and the decision made by the district attorney or an attorney from the State Prosecutor's Office, not to bring to trial because of a lack of public interest, except for a decision on an appeal according to paragraph (1) – before the attorney general. (B) The attorney general will be entitled to delegate to the state prosecutor the authority granted to him under Subsection (A)(3), with the exception of matters pertaining to a decision by the state prosecutor, or to the deputy state prosecutor with the exception of matters pertaining to a decision by the state prosecutor or his deputy. The state prosecutor will be entitled to delegate to his deputy the authority granted to him under Subsection (A)(2), and the district attorney will be entitled, with approval from the state prosecutor, to delegate the authority granted to him under Subsection (A)(1) to an attorney ranked no lower than "senior deputy" to the district attorney.

Date for an appeal

65. The appeal will be submitted via the police or the prosecutor, as, the case may be, within thirty days from the date on which the complainant was given notice in accordance with Section 63. However, the person with the appropriate authority to hear the appeal as stipulated in Section 64 will be entitled to decide to extend the date for the submission of the appeal.

Handing down a decision on an appeal

65A. A decision on an appeal in accordance with Section 64 will be handed down and delivered to the complainant by the person with the authority to decide the appeal. This decision, when made in reference to an offence of sex or violence that is a felony, will be handed down and delivered to the complainant within six months from the date on which the appeal was filed. However, the person with the authority to decide the appeal will be entitled, for special reasons which will be recorded, to decide and deliver that decision as stipulated at a later date. As pertains to this matter, an "offence of sex or violence " – as such are defined in the Rights of Victims of Crime Law, 2001.

Announcement of decision on appeal

65B. (A) (1) Before making the decision to indict a suspect for an offence that is a felony or a misdemeanor, following the filing of an appeal in accordance with Section 64, the person with the authority to decide this appeal or the person in charge of the investigation will inform the suspect of the filing of the appeal and the possibility that an indictment will be filed against him, unless the district attorney, or the head of the prosecution unit, or the person with the authority to decide the appeal, as the matter may be, determines there is reason to abstain from such.

(2) The provisions of Paragraph (1) will not apply to the types of felonies determined by the minister of justice in accordance with the directives of Section 60A (I), or to a person who was held in detention, consequent to the filing of the appeal, when the decision on the appeal was handed down,.

(B) After a decision has been handed down on the changes to the cause for the closure of a file, following the filing of an appeal in accordance with Section 64, the suspect will be given notice of the appeal filed and the changes to the cause for closure and the suspect will be entitled to submit a reasoned petition to the person with the authority to decide the appeal, requesting a change in the cause for closure.

(C) Nothing in the provisions of this section will add to or derogate from the provisions of Section 60A.

66. (Annulled)

Indictment

67. If a person is to be prosecuted, a prosecutor will file an indictment against him with the court.

Article B: Private Complaint

Private complaint

68. Notwithstanding the provisions of Section 11, any person is entitled to bring a charge concerning one of the offences listed in the Second Addendum by filing a private complaint with the court.

Private complaints against state employees

69. No private complaint under this article may be filed against a state employee for an act committed while carrying out his duties, except with the consent of the attorney general.

Law as to private complaint

70. The provisions of this law relating to an indictment will apply to a private complaint, with the relevant changes. Unless the contrary intention is inferred, every reference to an indictment will include a private complaint and every reference to a prosecutor will include a private complainant.

Prosecution in case of private complaint

71. If a private complaint has been filed, the court will transmit a copy thereof to the district attorney. Notwithstanding the provisions of Section 11, the prosecution will be conducted by the complainant or his representative unless, within fifteen days after receiving a copy of the complaint, the district attorney notifies the court that an attorney of the State Prosecutor's Office will conduct the prosecution.

Replacement of private complaint by indictment

72. If notification has been made under Section 71, the private complaint will be replaced by an indictment on behalf of a prosecutor.

Discontinuance of proceedings in private complaint

73. If the court is convinced that a private complainant is not himself capable of conducting his case or that he is conducting it vexatiously, the court is entitled to discontinue the proceedings in the complaint until the complainant appoints an attorney for himself within a period stipulated by it. If the complainant does not do so within the period stipulated, the court is entitled to regard him as having failed to appear and the provisions of Section 133 will apply.

Article C: Inspection of Evidence of the Prosecution

Inspection of investigation materials

74. (A) After the filing of an indictment for a felony or a misdemeanor, the defendant and his defense attorney and any person authorized by the defense attorney for such, or with the prosecutor’s agreement, a person authorized for such by the defendant, will be entitled at any reasonable time, to inspect the prosecution’s investigation material and the list of material gathered or recorded by the investigating authority as it pertains to the indictment, and to make a copy of it.

(B) A defendant is entitled to ask the court in which the indictment was filed to instruct the prosecutor to allow him to inspect materials, which in the defendant’s opinion, constitute investigation materials and which were not made available for his inspection.

(C) A request made in accordance with Subsection (B) will be heard by a single judge and, to the extent possible, will be brought before a judge who is not hearing the indictment.

(D) During the hearing of the request, the prosecutor will make the disputed materials available solely for the court’s inspection.

(E) A decision made by a court in accordance with this section can be appealed before the appellate court, where a single judge will hear the appeal; the appeal must be filed within 30 days from the day the decision was given by the court, however, the court may extend the filing date of the appeal for reasons that will be recorded.

(F) Nothing in this section will derogate from the provisions of Chapter C of the Evidence Ordinance [New Version], 1971.

Procedure of inspection and copying

75. The inspection or copying of investigation material will take place at the office of a prosecutor, or at another place designated by a prosecutor, and in the presence of a person appointed by a prosecutor, either generally or in respect to a particular matter, to ensure that the inspection and copying are carried out lawfully and in accordance with the directions of the prosecutor.

Penalties

76. Anyone obstructing or preventing a person appointed under Section 75 from carrying out of his duties will be liable to imprisonment for a term of three months. Anyone who removes a document or exhibit from the material delivered to him for inspection or copying, without the written permission of a prosecutor, will be liable to imprisonment for a term of one year.

Restriction on production of evidence

77. (A) A prosecutor will not submit any evidence to the court or call any witness without the defendant or his defense attorney having been given a reasonable opportunity to inspect and copy the evidence or the statement made by the witness during the investigation, unless they have waived the right to do so.

(B) A statement by a witness on a formal matter not material to the clarification of the charge need not be in writing; but the prosecutor will deliver to the defendant or his defense attorney, a reasonable time in advance, the name of the witness and the essence of his testimony as far as known to the prosecution, unless this requirement is waived.

Secret material

78. The provisions of Section 74 will not apply to any material the non-disclosure of which is permitted or the disclosure of which is prohibited by any law; however, the provisions of Section 77 will apply to such material.

Furnishing evidence in possession of private complainant

79. A private complainant will not submit to the court any written evidence in his possession unless he has furnished the defendant with a copy thereof.

Restriction on right of inspection of evidence

80. The provisions of this article will not apply to evidence designed to refute a contention of the defendant which the prosecutor could not have foreseen or evidence designed to explain the absence of a witness or relating to any other formal matter not material to the clarification of the charge.

Validity of law

81. The provisions of this article will not derogate from the provisions of Section 128 of the Penal Law, 1977.

Article D: Inspection of Testimony of Experts for the Defense

Definitions.

82. In this article, "opinion" and "medical certificate" have the same respective meanings as in Section 20 of the Evidence Ordinance [New Version], 1971.

Inspection of testimony of experts for the defense

83. (A) The court in which an indictment pertaining to a felony or misdemeanor is filed is entitled, upon request by the prosecutor, to order the defendant or his defense attorney –

(1) To enable the prosecutor to inspect at any reasonable time any written opinion or medical certificate the defendant intends to bring before the court as evidence;

(2) To prepare in writing the essence of the testimony of an expert witness the defendant intends to call upon to testify and to enable the prosecutor to inspect it at any reasonable time;

(3) To enable the prosecutor to copy documents as stipulated.

(B) Inspection will be carried out in the presence of a person appointed by the defendant or by his defense attorney, or in any other manner stipulated by the court.

(C) The time and place of the inspection will be as the court is entitled to stipulate, but it will not take place before the defendant or his defense attorney has, upon his request, been enabled to inspect the investigation material under Article C.

Restriction on production of evidence.

84. If an order under Section 83 has not been complied with in respect to any written opinion or medical certificate or the testimony of an expert, the defendant will not file such opinion or certificate with the court or have such evidence heard, except with the consent of the prosecutor or with the permission of the court.

Article E: Charge

Contents of indictment

85. An indictment will contain –

(1) The name of the court to which it is submitted;

(2) The designation of the State of Israel as the accuser or the name and address of the private complainant;

(3) The name and address of the defendant;

(4) A description of the facts constituting the offence, indicating the place and time in so far as they can be ascertained;

(5) An indication of the provisions of the statute under which the defendant is charged;

(6) The name of the witnesses for the prosecution.

Joinder of charges

86. Several charges may be combined in one indictment if they are based on the same or similar facts or on a series of acts so connected with one another as to form a single case. In combining charges as stipulated, it is permitted, notwithstanding any other law, to add to an indictment in a district court a charge on a non-felonious offence.

Joinder of defendants

87. Several defendants may be charged in a single indictment if each of them was a party to the offences included in the indictment or to any one of them, whether as an accomplice or otherwise, or if the charge relates to a series of acts so connected with one another as to form a single case. However, the non-inclusion of one party to an offence will not prevent judging another party.

Separate trial

88. At any stage before the verdict, the court is entitled to order a separate trial on a particular charge included in the indictment or of a particular defendant who was charged jointly with others.

New indictment in case of separate trial

89. If a separate trial has been ordered, another indictment will be filed on the separate charge or against the defendant whose trial was separated; and if the court believes that no miscarriage of justice will result, it is entitled to continue the separated trial from the stage which it had reached before the separation.

Joinder of cases

90. At any stage before the verdict, the court is entitled to order the joint hearing of separate indictments pending before it if the joinder is permitted according to Section 86 or 87 and if the court believes that it will not lead to a miscarriage of justice.

Amendment of indictment by prosecutor

91. A prosecutor is entitled, at any time until the commencement of the trial, to amend, add to or make deletions in an indictment by giving notice to the court specifying the change. The court will serve a copy of the notice to the defendant.

Amendment of indictment by court

92. (A) The court is entitled, at any time after the commencement of the trial, to amend, add to or make deletions in an indictment on the application of a party, provided that the defendant has been given a reasonable opportunity to defend himself. The amendment will be made in the indictment itself or will be entered in the record of the proceedings.

(B) The court is entitled to amend an indictment even if the offence introduced therein by the amendment is within the jurisdiction of another court or of a bench with a different composition, but in such a case it will refer the matter to the other court or bench; however, it is entitled to continue to hear the matter if the offence is within the jurisdiction of a court whose powers are narrower.

(C) A court to which a matter has been referred under Subsection (B) is entitled to continue the hearing from the stage its predecessor reached; and, after giving the parties in the case an opportunity to present their arguments on the matter, it is entitled to treat the whole or part of the evidence admitted by its predecessor as if it had itself admitted it itself, or to readmit it in whole or in part.

Withdrawal of charge

93. A prosecutor is entitled, at any time after the commencement of the trial, to withdraw a charge contained in the indictment pertaining to one or several defendants; however, it will not do so if the defendant has, either in writing under Section 123 or in his response to the charge, admitted facts sufficient to convict him on that charge; if the facts admitted are not sufficient to convict him, the prosecutor is entitled to withdraw the charge with the permission of the court.

Consequences of withdrawal of charge

94. (A) If a prosecutor withdraws a charge before the defendant has responded to it, the court will cancel the charge. If a prosecutor withdraws a charge after the defendant has responded to it, the court will acquit the defendant of the charge.

(B) With consent of the prosecutor and the defendant, the court will be entitled to revoke an indictment at any time up to the court's verdict and that revocation will be as if the indictment was revoked before the response given by the defendant.

(C) An indictment revoked in accordance with Subsection (B) will not be re-filed unless with permission from the attorney general for reasons that will be recorded.

Suspension of proceedings

94A. (A) At any time after the filing of an indictment and before passing sentence, the court will be entitled to suspend the proceedings, either at the initiative of the court or at the prosecutor's request, if the court is convinced that it is impossible to bring the defendant to the court for the continuation of his trial.

(B) If after suspension of the proceedings in accordance with Subsection (A) it becomes possible to bring the defendant for the continuation of the trial, the prosecutor will be entitled to give written notice to the court of his wish to renew the proceedings and after having given that notice, the court will renew the proceedings and will be entitled to renew those proceedings from the stage reached before their suspension.

(C) Notwithstanding the provisions of Section 9, it will be possible to renew the proceedings with authorization from the attorney general, for reasons which will be recorded, even if between the date of the suspension of the proceedings until the date on which it will be possible to bring the defendant for the continuation of the trial, the periods stipulated in Section 9 have passed, and on condition that the proceedings were suspended because the defendant was evading the law.

Article F: Summons to Trial

Summons to trial

95. (A) When an indictment has been filed, the court will set a time for the trial. The court will provide the prosecutor with written notification of the appointed time and will serve the defendant with a written summons to the trial, accompanied by a copy of the indictment. If prior to setting the time the defendant's defense attorney has submitted a power of attorney to represent the defendant at the trial, the court will also provide the defense attorney with written notification of the appointed time.

(B) If in view of the nature and circumstances of the offence stated in the indictment, the court believes that the hearing of the indictment should be appropriately conducted in a preliminary hearing framework in accordance with the provisions of Section 143A, the summons as stipulated in Subsection (A) will also include a notice, using the wording determined by the minister of justice, with approval from the Knesset's Constitution, Law and Justice Committee regarding the possibility of conducting a preliminary hearing and the objectives of the preliminary hearing as stipulated in Section 143A(B) and the conditions thereto as stipulated in Section 143A(C).

Contents of summons

96. A summons will contain –

(1) The name of the court;

(2) The designation of the accuser;

(3) The name and address of the defendant;

(4) A concise statement of the charge;

(5) The place and time at which the defendant is to attend;

(6) A concise statement of the provisions of sections 123 and 128.

Notice of postponement

97. If the time for the commencement or continuation of the trial is postponed, the court will notify the prosecutor of the appointed time, in writing, and will serve written notice thereof to the defendant and to his defense attorney unless it has orally notified them of the appointed time at the hearing.

Form for the Summons

98. Written notice and summons in accordance with this section will be signed by a judge, a recorder, or a clerk of the court and stamped with the court's stamp. However, the signature of a policeman will suffice for a notice or summons, sent to defendant indicted of an offence for which the indictment was filed by a prosecutor as defined in Section 12(A)(2),.

Subpoena

99. The court is entitled, at any time, to subpoena the defendant if it considers that it is necessary to do so in order to ensure his attendance at the trial at the appointed time.

Applicability of other sections

100. The provisions of sections 22 to 26 will apply, with the requisite changes, to a subpoena served to the defendant.

Serving at time of arrest

101. Whosoever arrests a person under a subpoena will serve him a summons, or a notice under Section 97, or a copy thereof, together with a copy of the subpoena.

Release on bail

102. In a subpoena, the court is entitled to instruct a police officer to release the defendant on bail, as specified in the subpoena. A guarantee letter issued in the presence of the officer will be forwarded to the court which issued the subpoena. The provisions of sections 43 to 49 will apply, with the requisite changes, to the bail.

Bringing to court

103. A person arrested under a subpoena and not released under Section 102 will be brought without delay before the court, which will order his arrest or release him on bail.

Seizure of property of absconding defendant

104. (A) If the defendant has absconded or is in hiding and cannot be found, the court is entitled, upon the request of an attorney from the State Prosecutor's Office and if, in its opinion, the defendant's attendance may be ensured

thereby, to order the seizure of any of the defendant's movable or immovable property, the entry of an attachment thereof in the Land Registry or the appointment of a receiver thereof and is entitled to stipulate what will be done therewith and with the proceeds thereof so long as the order is in force.

(B) An order under this section will not affect the right of a creditor to proceed against the property to which it relates.

(C) If an order under this section has been made, any person who is a dependant of the defendant and whose livelihood may be impaired by the seizure of the property is entitled to apply to the court to revoke or amend the order.

Article G: Summoning of Witnesses and Presentation of Documents

Interpretation

105. In this article, "documents" includes other exhibits.

Summons to witness

106. (A) Upon the request of a party, the court will summon any person to testify at the trial unless it is of the opinion that the summoning of that person will not help to clarify any matter relevant to the case. The court is also entitled to summon a witness on its own behalf.

(B) A witness will be summoned by serving a written summons to him or by the court notifying him orally at the hearing.

Summons form and content

107. A written subpoena for a witness will be signed by a judge, a recorder, or the clerk of the court and stamped with the court's stamp. However, a policeman will be entitled to subpoena a witness on behalf of a prosecutor with his signature only. The subpoena will include:

(1) The name of the court;

(2) The names of the litigants;

(3) The name and address of the person subpoenaed;

(4) The place and time the subpoenaed person must appear;

(5) (Annulled).

Order to present documents and exhibits

108. At the request of a litigant or at the court's initiative, the court will be entitled to order a subpoenaed witness or any other person, on the date determined in the subpoena or the order, to present to the court the documents in that person's possession as stipulated in the subpoena or the order.

Summoning persons present in the court

109. The court is entitled to order a person who is present in court to testify or to present documents to it at such time as it may determine. Any such person will be deemed to be a person who has been served a summons or order to produce documents.

Witness unable to attend

110. If the court is convinced that a witness is unable to come to court, it is entitled to take his testimony elsewhere.

Expert witness on the court's behalf

111. (A) The court will be entitled, for special reasons which will be recorded and at the court's initiative, to appoint an expert witness for a matter of accounting or any other matter requiring technical examination or calculation, for the purposes of clarifying evidential materials before the court.

(B) An expert as stipulated in Subsection (A) will inspect the evidential materials referred to him by the court and will draw up findings in accordance with the questions put to him by the court. The expert will submit the opinion in writing and will be cross-examined on that opinion in court at the request of any of the litigants. If an expert opinion is submitted in accordance with this section, the litigants will be entitled to submit evidence contrary to that opinion.

112. (Annulled)

113-115(Annulled)

Article H: Preservation of Evidence

Definitions..

116. In this section:

"Taking of testimony" – including the receipt of documents and other exhibits;

"Pre-trial testimony" – testimony as stipulated in Section 117 or Section 117A;

"Visual documentation" – as defined in the Criminal Procedure Law (Interrogation of Suspects), 2002.

Pre-trial taking of testimony

117. (A) After the filing of an indictment with the court, the court will be entitled, at a litigant's request, to take testimony from a person immediately, if the court considers that the testimony is important to the clarification of guilt and that there are reasonable grounds to assume that it would be impossible to take that testimony during the trial or if the court considers that pressure, threat, intimidation, force or promise of benefit would deter the witness from giving true testimony during the trial. After an investigation of an offence has begun but no indictment has yet been filed, the magistrates court or the district court will be entitled to take that testimony at the request of the prosecutor or at the request of the person who might be defendant of the offence.

(B) After the submission of a request to take pre-trial testimony as stipulated in Subsection (A) regarding an offence in accordance with Section 377a of the Penal Law, 1977, the court will decide on the request, no later than two weeks from the day of its submission. The testimony will be taken within two months from the date of that decision, unless the court extends that period for special reasons, which will be recorded.

Taking pre-trial testimony from a child

117A. (A) After the filing of an indictment at the court or the opening of an investigation of an offence, which is an offence listed in the addendum to the Rules of Evidence Amendment Law (Protection of Children), 1955, (hereinafter: The Protection of Children Law), the court will be entitled to take testimony immediately from the child as defined in this law, at the request of the prosecutor or at the request of anyone who might be defendant of the offence and with authorization from a juvenile investigator.

(B) The provisions of this article will apply to the testimony taken in accordance with Subsection (A), with the requisite changes, and will also apply to the provisions of sections 2(B) and (C), 2a and 10 of the Protection of Children Law.

Pre-trial testimony from a disabled person

117B. (A) After the filing in court of an indictment that pertains to an offence in which the complainant or a witness is a person with mental disabilities or a person with psychological disabilities as defined in the Interrogation and Taking Testimony Procedures for People with Disabilities Law, at the request of the prosecutor or at the request of the defendant, the court will be entitled to take testimony from that person immediately.

(B) Taking of testimony without delay as stipulated in Subsection (A) will be documented in accordance with the provisions of Section 10 of the Interrogation and Taking Testimony Procedures for People with Disabilities Law.

The presence of litigants

118. Pre-trial testimony will be taken in the presence of the prosecutor and in the presence of the defendant or the person who might be defendant of an offence, unless the court decides, for special reasons, which will be recorded, that the testimony will be given without the presence of the defendant or the person who might be defendant. If the court so decides, the testimony will be documented by visual documentation and the provisions of sections 120A (B) and (C) will apply in that instance.

Procedure in taking testimony

119. (A) The procedure in summoning witnesses and taking their testimony will, as far as possible, be the same as that which applies at the trial, and the provisions of sections 135 to 139 will apply, with the requisite changes, to the record.

(B) An objection to a question and other submissions made during the taking of the testimony will be entered in the record and will be decided upon by the court before which the testimony is adduced as evidence.

Signing the record

120. The record of proceedings during which testimony was taken will be read out to the witness, and after the witness has confirmed its veracity, he will sign the record and the presiding judge will sign the record. If the witness refuses to confirm its veracity or to sign the record, this will be recorded in the record. The provisions of this section will not apply to testimony that is electronically recorded in its entirety.

Visual documentation of pre-trial testimony

120A. (A) (1) Pre-trial testimony will be documented using visual documentation.

(2) After the determination of the panel of judges for a trial in which the testimony will be filed as evidence and when that pre-trial testimony is to be taken before the entire panel of judges, the court will be entitled to instruct that the pre-trial testimony will not be documented using visual documentation. A change in the panel after the testimony has been taken will not suffice to disqualify that testimony.

(3) For the purposes of this section, “panel” will also include a single judge.

(B) Notwithstanding the stipulations of Subsection (A), the court taking the pre-trial testimony will be entitled to instruct that the testimony be taken in whole or in part thereof, without visual documentation, if the court is convinced that reasonable means were employed to undertake the documentation, but execution of the visual testimony would delay the taking of testimony and that delay might well prevent the taking of testimony. If the court makes this decision, the lack of visual documentation will not suffice to disqualify the pre-trial testimony.

(C) The court will be entitled to accept as evidence pre-trial testimony that is not documented visually, if the court is convinced that, for special reasons which will be recorded, this is justified in the circumstances of the matter.

Testimony as evidence in a trial

121.(A) Pre-trial testimony will be considered testimony taken during the trial, but the court will permit summoning the witness to give further testimony if it is possible to bring the witness to the court and one of the following is true:

(1) The defendant had no opportunity to examine the witness;

(2) The defendant was not given reasonable opportunity to appoint a defense attorney for himself who could be present during the taking of the testimony and to examine the witness, or no defense attorney was appointed for the defendant when there was an obligation to appoint a defense attorney;

(3) The court is of the opinion that, for reasons which will be recorded, it is required for the purposes of seeking the truth or in order to do justice.

(B) When a child has given pre-trial testimony in accordance with sections 117A or 117B, that child will not be called to give further testimony unless with the approval from a juvenile investigator. The provisions of this article will apply to that testimony, with the requisite changes and the provisions of sections 2(B), (C), 2A and 10 of the Protection of Children Law will also apply. If the juvenile investigator does not approve the taking of testimony from the child in accordance with this section and the pre-trial testimony was taken before the filing of an indictment, the court will not convict on the basis of that testimony, unless that testimony is supported by other evidence.

Testimony taken in absence of party

122. If testimony taken under this article is admitted although a party has not had an opportunity to examine the witness, the court will take this fact into account in weighing the evidence.

Article I: Written Admission

Written admission

123. Until the commencement of the trial, the defendant is entitled, by written notice to the court, to admit all or part of the facts alleged in the indictment and allege additional facts. The court will serve a copy of the admission letter to the prosecutor.

Written admission does not prevent preliminary pleadings

124. A written admission will not prevent the defendant from making preliminary pleadings or admitting facts or alleging additional facts during the course of the trial.

Chapter E: Trial Proceedings

Article A: Date of Trial

Continuity of trial

125. As long as the taking of evidence has not begun, the court is entitled, from time to time, to postpone the commencement or continuation of the trial, as may be necessary. When the taking of evidence has begun, the trial will continue day after day until its termination unless the court, for reasons which will be recorded, considers such to be impossible.

Article B: Presence of Parties

Presence of defendant

126. Except as otherwise provided in this law, no person will be criminally tried in his absence.

Presence of representatives of body corporate

127. If a corporation or body of persons is charged, the trial may only be held in the presence of a person lawfully empowered to represent the corporation or body of persons; however, a corporation or body of persons may be tried in the absence of a representative if the conditions set out in Section 128 are fulfilled. For the purposes of sections 99, 140, 161, 189 and 192, the provisions applying to a defendant will apply to a representative, and serving a document to the corporation or body of persons will be considered as if served to a representative.

Trying in absence of defendant at the commencement of trial

128. If the defendant has been summoned for the commencement of the trial and does not attend, he may be tried in his absence –

(1) if he is charged with a contravention or misdemeanor and, having admitted in writing all the facts alleged in the indictment, has not, in his written admission, alleged additional facts which are prima facie capable of altering the outcome of the trial;

(2) if, having requested that the trial be held in his absence, he is represented by a defense attorney, and the court is of the opinion that a trial in his absence will cause no injustice to him;

However, the court is entitled, at any stage of the trial, order the attendance of the defendant.

Sentence of imprisonment will not be imposed in the absence of defendant

129. When a person is tried in absentia, in accordance with Section 128 (1), the court will not sentence that person to imprisonment unless that person has first been given the opportunity to present his claims as pertaining to punishment in accordance with Section 192. Nothing stated in this section will prevent the court from sentencing to imprisonment instead of a fine, on condition that the summons to trial stated that imprisonment could be imposed if the defendant does not present himself. An arrest warrant to execute imprisonment instead of a fine imposed in the absence of the convicted person or his attorney, will be executed in accordance with the provisions of Section 129A (C).

Modes of imposing sentence of imprisonment instead of fine

129A. (A) If a sentence of imprisonment instead of a fine was not imposed as stated in Section 71 of the Penal Law, 1977, at the time when the court passed sentence, the court will be entitled to impose that sentence of imprisonment through a special order, at the request of the attorney general or his representative, when that request is filed after

failure to pay the fine on time. The provisions of Article C of Chapter F of the Penal Law, 1977, will not apply to imprisonment under this section.

(B) No arrest warrant will be issued for the execution of the imprisonment instead of a fine and no special order under Subsection (A) will be issued unless in the presence of the convicted person or his attorney, or if the summons to the trial or the hearing of the granting of a special order specifically notes that a sentence of imprisonment instead of a fine can be imposed on a convicted person who does not present himself.

(C) An arrest warrant as stipulated in Subsection (B), issued in the absence of the convicted person or his attorney, will not be executed before the convicted person has been served with at least 14 days advance notice in writing. The advance notice will cite the court office to which questions may be addressed, as well as the possibility of requesting longer timetables for payment or a delay in the payment of the fine and exemption from late payment additions to the fine, in accordance with the provisions of sections 66 and 69 of the Penal Law, 1977, and sections 5B and 5C of the Center for Collecting Fines, Levies and Expenses Law, 1995, as the case may be. The manners to serve as determined in Section 237(D) will not apply to the advance notice issued in accordance with this subsection.

(D) If a sentence of imprisonment instead of a fine is imposed on the convicted person through a special order as stipulated in Subsection (A), in the absence of the convicted person or his attorney, the court will be entitled to cancel this order at the request of the convicted person if the court is convinced that the convicted person had justifiable cause for his absence, or if the court is of the opinion that such is required to prevent a miscarriage of justice. A petition in accordance with this subsection will be filed within thirty days from the date on which the convicted person was served with the special order. However, the court will be entitled to hear the petition filed after that date, if the petition is filed with the prosecutor's agreement. The provisions of Section 130(I) will apply with the requisite changes, to a decision made by a court in accordance with this subsection.

Continuation of trial in absentia

130. (A) If a defendant summoned to the continuation of his trial does not present himself, he can be tried in absentia if the summons for the continuation date was given to him as a court notice during a hearing and the court warned him, during the proceedings, that it would be entitled to try him in absentia if he does not present himself, or if the written summons was not served to that person via the defending attorney or to his defense attorney, if he has a defense attorney, and that summons states the aforementioned warning.

(B) Subsection (A) will apply to a person defendant of a felony only if the hearing of his trial is conducted in a magistrates court and if he was represented by a defense attorney at that hearing.

(C) If a defendant is convicted in absentia in accordance with this section, the court will be entitled to sentence him in absentia, on condition that the court does not impose a sentence of imprisonment. The summons to the sentencing hearing, will state the conviction in absentia, the date of conviction and the date for the sentencing hearing. Nothing stipulated in this subsection will prevent the court from imposing a sentence of imprisonment instead of a fine, on condition that the summons to the hearing states that a prison sentence can be imposed as stipulated if the defendant fails to present himself. An arrest warrant for the execution of the imprisonment instead of a fine imposed in the absence of the convicted person or his defense attorney will be executed in accordance with the provisions of Section 129A (C).

(C1) Notwithstanding that stated in Subsection (C), the court will sentence a person defendant of a felony only in his presence and after he has been given opportunity to present pleas pertaining to punishment as stipulated in Section 192.

(D) The court will not try or sentence a defendant in absentia if the court is convinced that the defendant had a justified reason that prevented him from presenting himself or if the court is of the opinion that the defendant would suffer a miscarriage of justice thereby.

(E) When a hearing is held in the absence of the defendant and his attorney in accordance with this section, the court will be entitled, at the defendant's request and even during the hearing, to cancel the hearing that was held in their absence, including the verdict, as long as the defendant has not been sentenced, if the court is convinced that there was justifiable cause for his absence or if in the court's view, such is required to prevent a miscarriage of justice.

(F) When a hearing is held in accordance with this section in the absence of a defendant, but in the presence of his defense attorney, the court will be entitled, at the request of the defendant, to order the re-hearing of a witness who has testified in the hearing as aforementioned and will be entitled to order the cancellation of the verdict, as long as no sentence has been handed down, if the court is persuaded that in view of the defendant's absence at that hearing, the witness has not yet been examined in full, the defense could not be managed properly or if in the court's view such is required in order to prevent a miscarriage of justice.

(G) When the defendant attends the trial, the court will explain to him the rights granted to him in accordance with subsections (E) and (F). If the defendant presents himself after the verdict, the court will read out that verdict to the defendant before explaining his right to him.

(H) After a person has been sentenced for a contravention or a misdemeanor in absentia, in accordance with a petition filed by the convicted person, the court will be entitled to cancel the hearing, including the verdict and sentence, if handed down in absentia, when the court is convinced that there was justifiable cause for his failure to present himself or if the court deems it necessary to prevent a miscarriage of justice. A petition in accordance with this subsection will be filed within thirty days from the day on which the convicted person was presented with the ruling, but the court will be entitled to hear a petition filed after that date if that petition is filed with the consent of the prosecutor.

(I) A court that grants a petition filed by a defendant or convicted person in accordance with subsections (E), (F) or (H), will be entitled to impose on the defendant or convicted person, payment of the actual costs incurred by their failure to present themselves.

Informing defendant of proceedings conducted in absentia

131. The provisions of sections 126 to 130 will not derogate from the power of the court to remove from the courtroom a defendant who disturbs the proceedings, but the proceedings conducted in his absence will be brought to his knowledge in such manner as the court may prescribe.

Trial in absentia for health reasons

132. (A) The court is competent to direct that the whole or part of the proceedings will be in the absence of the defendant if his defense attorney so requests and the court is of the opinion that proceedings in the presence of the defendant may harm his physical or mental health.

(B) The court is entitled to conduct proceedings for the purpose of a decision under Subsection (A) in absentia, and in camera.

Absence of prosecutor

133. If the prosecutor fails to present himself at the time set for the trial, despite having been notified of the time, and the court does not see fit to adjourn the trial, the court will proceed in the manner specified in Section 94 as if the prosecutor has withdrawn the charge; however, the court is entitled to convict and sentence the defendant for an offence disclosed by the facts to which he has admitted or which have been proven.

Article C: Record and Translation

Administration of the record

134. (A) In a criminal trial, a record will be administered in a manner reflecting all that is said and all that occurs during the trial and which pertains to it, including the court's questions and comments. However, during a pre-trial hearing, with the agreement of the litigants, the court will be entitled to include the main points of the trial.

(B) The court will be entitled to order that the record will not include invective, vituperation, defamation or scorn, on condition that the court is persuaded that there is no cause justifying the recording of such in the record.

(C) At the end of a hearing or soon afterwards, a litigant will be entitled to receive a copy of the court record.

Taking of record

135. The record will be taken by the judge, by a recorder designated by the court, by a recording device or some other mechanical appliance or by an employee of the court who is approved as a stenographer by the president or chief judge of a magistrates court, as relevant – , all as the court may determine; the court is entitled, upon the request of a party, to permit the record to be taken by another stenographer.

Attaching documents to a record

136. The indictment, any documents presented and which have been admitted by the court and any other document relevant to the case will be attached to the record and will form a part thereof.

Rectification of record

137. The court is entitled, upon the request of a party and after giving the other parties opportunity to be heard, to amend an entry in the record in order to rectify it. The court will consider a request for rectification as stipulated even if it is submitted after judgment has been passed, as long as the period of appeal has not elapsed.

Entry of correction

138. An application for rectification of a record, and every decision on such a request, will be entered in the record, and the decision will be signed by the court.

Record to be prima facie evidence

139. A record will serve as prima facie evidence of the proceedings; however, in an appeal in the same matter the accuracy of the record will not be challenged, and no evidence of an error therein will be introduced, except with the permission of the appellate court.

Translator for the defendant

140. If it is explained to the court that the defendant does not know Hebrew, it will appoint a translator for him or itself act as a translator.

Evidence other than in Hebrew

141. Evidence presented, with the permission of the court, other than in Hebrew or some other language familiar to the court and the parties, will be translated by a translator, and testimony given as stipulated will be entered in the record in Hebrew translation unless the court otherwise directs. The entry of the translation in the record will be prima facie evidence of the matters translated.

Remuneration of translator

142. The remuneration of a translator will be paid out of the state treasury unless the court otherwise directs.

Article D: Commencement of Trial

Commencement of trial

143. At the commencement of the trial, the court will read the indictment to the defendant and, if it deems it necessary, will explain its contents to him; however, the court is entitled to refrain from doing so in respect to a defendant represented by a defense attorney if the latter notifies the court that he has read the indictment to the defendant and explained its contents to him and if the defendant confirms the notification. The statement of the defendant and the defense attorney will be entered in the record.

Preliminary hearing

143A. (A) In this section:

“Rights of Victims of Crime Law” - Rights of Victims of Crime Law, 2001;

“The end of the hearing” – including the handing down of the judgment;

“Crime of sex or severe violence” – as defined in Section 2 of the Rights of Victims of Crime Law.

(B) Notwithstanding the provisions of Section 143, at the beginning of the trial and subject to the provisions of Subsection (C) the court will be entitled to conduct a preliminary hearing of the indictment with the aim of achieving one of the following:

(1) Clarification of the convicted person’s position in regard to admission or denial of the facts claimed in the indictment, in whole or in part;

(2) Examination of the possibility of narrowing disagreements on facts or legal issues, in whole or in part;

(3) To make hearing of evidence superfluous;

(4) To complete the hearing during the preliminary hearing;

(C) The court will conduct the preliminary hearing in accordance with this section, only if all of the following have been fulfilled:

(1) The defendant has received notice in accordance with Section 95(B), concerning the possibility of conducting a preliminary hearing and the court is of the opinion that the defendant understands the significance of the preliminary hearing and has expressed his consent for holding the hearing;

(2) The defendant is represented by a defense attorney;

(3) The prosecutor has agreed to hold the preliminary hearing.

(D) During a preliminary hearing in accordance with this section, with consent of the litigants, the court will be entitled to inspect the investigation materials and the list of materials gathered or recorded by the investigating body as such pertain to the accusations and the aforementioned materials and records gathered or recorded by the defense. Nothing in this provision will derogate from the rules of witness immunity or the rules of privileged evidence.

(E) If the hearing of the indictment does not end within the framework of the preliminary hearing conducted in accordance with this section, the court will transfer the hearing of the indictment to a different judge, who will continue the hearing of the indictment in accordance with articles E to G in this chapter.

(F) The record of the preliminary hearing –

(1) Will not be sent for inspection by the judge continuing to hear the indictment in accordance with Subsection (E);

(2) Will not serve as evidence in any other legal process, with the exception of an appeal of the judgment handed down by the court after the preliminary hearing, unless with consent of the litigants.

(G) During a preliminary hearing held in accordance with this subsection on an indictment for a crime of sex or severe violence, the court will clarify if the provisions of the Rights of Victims of Crime Law have been fulfilled as

such pertain to the right of a victim of a crime of sex or severe violence to express his stance in reference to plea bargaining agreements with the defendant.

(H) The provisions of this section will not apply to a hearing in each of the following circumstances:

(1) The offence is within the competence of a district court judging as a panel;

(2) The offence is one of the offences listed at the beginning of Section 240(A).

Agreement as to facts and evidence

144. After the commencement of the trial and at every stage of the proceedings, the court is entitled – if the defendant is represented by a defense attorney – to summon the defendant and his defense attorney and the prosecutor in order to ascertain whether they agree upon points of fact and upon the admissibility of documents and exhibits, including their submission by means other than witnesses.

Explanation of rights of defendant as to his defense

145. In the course of the trial, the court will, if it deems it necessary, explain to the defendant the rights accorded to him in regard to his defense.

Date for a claim of disqualification

146. (A) After a trial has begun and during an appeal – at the beginning of the hearing of the appeal and before any other claim is made, the litigant will be entitled to make a claim of disqualification against a particular judge in accordance with Section 77a of the Courts Law [Combined Version], 1984 (in this law – the Courts Law). If the judge is replaced as stipulated in Section 233, the litigant will be entitled to appeal using a claim of disqualification against the other judge, at the beginning of the first session after the replacement has been made.

(B) (Annulled)

(C) If the litigant was not able to make a claim of disqualification at the stage stated in Subsection (A), the litigant will be entitled to make that claim at a later stage, on condition that such will be done immediately after the litigant has become aware of the cause for the disqualification.

Appeal of a decision on a claim of disqualification

147. (A) A litigant who intends to appeal a decision made by a judge in accordance with Section 77A of the Courts Law will give notice of such to the court and after giving such notice, the trial will be halted and will not continue until the decision on the appeal, unless decided by the judge, or in the case of a panel of judges – the presiding judge, for reasons which will be recorded, that the trial will continue.

(B) The appeal will be submitted in writing and will list the causes for the appeal and will be filed within five days from the date on which the litigants were informed of the judge’s decision.

(C) If decided that the trial will continue in accordance with Subsection (A), the president of the Supreme Court or the judge hearing the appeal or in the case of a panel of judges – the presiding judge, will be entitled to order that the trial be halted until the decision on the appeal.

(D) The judge hearing the appeal will provide the litigants with opportunity to state their claims, and will be entitled to ask the judge whose decision is the subject of the appeal, to submit his comments.

Restriction as to plea of disqualification

148. A plea of disqualification will not be heard, or serve as a ground for appeal, except in accordance with the provisions of sections 146 and 147.

Preliminary pleadings

149. After the commencement of the trial, the defendant is entitled to make preliminary pleadings, including the following:

(1) Lack of local jurisdiction;

(2) Lack of material jurisdiction;

(3) A defect or invalidating feature in the indictment;

(4) That the facts described in the indictment do not constitute an offence;

(5) A previous acquittal or previous conviction regarding the act to which the indictment relates;

(6) That another criminal trial is pending against the defendant regarding the act to which the indictment relates;

(7) Immunity;

(8) Prescription;

(9) A pardon;

(10) The filing of an indictment or the conduct of criminal proceedings is in material contradiction to the principles of justice and fair trial.

Hearing a preliminary claim

150. After a preliminary claim is made, the court will grant the prosecutor an opportunity to respond to that claim, but the court will also be entitled to reject that claim, even if not granting such opportunity. The court will decide on the claim immediately, unless if the court sees fit to delay handing down the decision to a later stage in the trial. If the preliminary claim is accepted, the court will be entitled to amend the indictment or to dismiss the charges and in the event of lack of competence – to transfer the matter to another court as stipulated in Section 79 of the Courts Law.

Preliminary pleadings at other stage of trial

151. If the defendant has not made a preliminary pleading at this stage, such fact will not prevent him from making one at another stage of the trial; however, no preliminary pleading under paragraphs (1) or (3) of Section 149 will be made except with the permission of the court.

Defendant's response to the charge

152. (A) If the charge has not been dismissed pursuant to a preliminary pleading, the court will ask the defendant to respond to it. The defendant is entitled to refrain from answering, and if he answers, he is entitled, in his answer, to admit or deny all or part of the facts alleged in the indictment, and he is also entitled to allege additional facts, whether or not he makes admission as stipulated. If the defendant answers in one of these ways, the court is entitled to pose questions to him, but it is only entitled to do so to the extent necessary to clarify his response. The defendant's response may be made through his defense attorney.

(B) If the defendant refrains from answering the charge, or the questions of the court under Subsection (A), such fact may serve to add weight to the evidence of the prosecution. The court will explain the consequences of such omission to the defendant.

(C) The court will explain to the defendant that if he wishes to make a claim of "I was somewhere else" – as an individual claim or in addition to other claims – he must do so immediately and the court will explain to him the consequences if he does not so act, as stated in Subsection (D) and all such except when the court considers that it is inappropriate to make this claim.

(D) If the defendant does not immediately make a claim of "I was somewhere else" or if he does but does not indicate the other place, he may not present evidence – whether by his own testimony or otherwise – to prove such plea, except with the permission of the court.

(E) The provisions of this section will not derogate from the right of the defendant under Section 153 to withdraw the admission that he was at the place where the offence was committed or affect the onus of proof resting on the prosecution.

Withdrawal of admission

153. (A) If the defendant has admitted a fact, either by written admission before the trial or during the course of the trial, he is entitled to withdraw the whole or part of the admission at any stage of the trial, if the court permits him to do so for special reasons which will be recorded.

(B) If the court permits the defendant to withdraw his admission after the verdict, it will revoke the verdict to the extent that it is based on the admission and will resume the hearing if the circumstances so require.

Effect of fact admitted

154. A fact admitted by the defendant will be regarded as proven in relation to him unless the court sees fit not to accept the admission as evidence or the defendant withdraws it under Section 153.

Judgment in the matter of defendant who has made admission

155. (A) If several defendants are charged under a single indictment and some have admitted to facts sufficient to convict them and some have not, the court will not sentence the defendants who have made such admissions before the trial of the others is terminated; however –

(1) If a defendant has made an admission as stipulated and the prosecutor or defense attorney announces that he will be called to testify at the trial of the other defendants, he will not testify before he has been sentenced;

(2) Under special circumstances, which it will record, the court is entitled to sentence a defendant who has made an admission as stipulated before the trial of the other defendants is terminated.

(B) For the purposes of this section, sentencing includes the issuance of a probation order without a conviction and the issuance of a community service order without a conviction.

Article E: Determination of Guilt

Case for prosecution

156. If the defendant has not admitted facts sufficient to convict him of the charge or one of the charges contained in the indictment, or if he has made an admission as stipulated but the court has not accepted it, the prosecution will present its evidence of the facts in respect of which no admission has been accepted, and it is entitled, before doing so, to make an opening statement.

Close of case for prosecution

157. Upon completing his evidence, the prosecutor will state that the case for the prosecution is closed.

Acquittal for lack of prima facie evidence

158. If the case for the prosecution is closed without proving a prima facie case against the defendant, the court will acquit the defendant, either on his plea or on its own motion, after enabling the prosecutor to be heard in the matter; the provisions of sections 182 and 183 will also apply to an acquittal under this section.

Case for defense

159. If the defendant is not acquitted under Section 158, he is entitled to present the evidence of the defense, and before doing so, he is entitled to make an opening statement.

Sequence of opening statements and presentation of evidence by several defendants

160. If several defendants are charged in a single indictment, they will first make their opening statements in the order in which they are named in the indictment and subsequently present their evidence in the same order – all unless the court, upon the request of a party, orders otherwise.

Testimony of defendant

161. (A) The defendant is entitled to –

(1) Testify as a witness for the defense, in which case he may be cross-examined; or

(2) Refrain from testifying

(B) The court will explain to the defendant that he is entitled to act as indicated in Subsection (A) and the effect of his refraining from testifying under Section 162.

(C) A defendant who elects to testify will do so at the commencement of the hearing of the defense's evidence; however, the court is entitled, upon his request, to permit him to do so at another stage of the case for the defense.

Silence of the defendant

162. (A) The defendant's abstention from giving testimony might is liable to add weight to the evidence submitted by the prosecution and might corroborate the prosecution's evidence where needed, but it will not serve as corroboration for the purposes of Section 11 of the Amendment of Evidence Law (Protection of Children), 1955, or for the purposes of Section 20(D) of the Proceedings of Interrogation and Taking Evidence from Disabled People Law.

(B) The defendant's abstention from giving testimony will not serve as evidence against him, if the testimony from an expert witness states that the defendant is a person with mental disabilities or a person with psychological disabilities as defined in the Proceedings of Interrogation and Taking Evidence from Disabled People Law and when that person refrains from giving testimony by reason of his disabilities.

Restriction on examination of defendant

163. A defendant who has elected to testify will not, on cross-examination, be questioned as to his prior convictions unless he has testified to his good character or, either in the case for the defense or on cross-examination of witnesses for the prosecution, has produced other evidence thereof.

Close of case for defense

164. Upon completing his evidence, the defendant will state that the case for the defense is closed.

Additional evidence by prosecutor

165. The court is entitled to permit the prosecutor to present evidence to rebut contentions arising from the evidence of the defense which the prosecutor could not have foreseen or to prove facts of which the defendant has withdrawn his admission after the close of the case for the prosecution.

Rebuttal of additional evidence

166. If the prosecutor presents additional evidence, the defendant is entitled to present evidence to rebut it.

Evidence on behalf of the court

167. When the parties have completed their evidence, the court, if it deems it necessary, is entitled, upon the request by a party or on its own behalf, to order the summoning of a witness – even if his testimony has already been heard by the court – and the presentation of other evidence.

Rebuttal of evidence presented on behalf of the court

168. If evidence is presented under Section 167, the parties are entitled, with the permission of the court, to present evidence to rebut it.

Summations as to charge

169. Upon the completion of the evidence, or where an admission of facts has been accepted, and no evidence presented, the prosecutor, and subsequently the defendant, is entitled to make a summation with regard to the charge.

Defendant unfit to stand trial

170. (A) If under Section 6(A) of the Treatment of Mentally Ill Persons Law, 1955, or Section 19b (1) of the Welfare Law (Treatment of Retarded Persons), 1969, the court decides that a defendant is not fit to stand trial, it will discontinue the proceedings against him; but if the defense attorney asks that the defendant's guilt be determined, the court will determine it, and it is entitled to do so on its own initiative for special reasons which will be recorded.

(B) If upon termination of the investigation the court finds it unproven that the defendant committed the offence or finds that he is not guilty for a reason other than non-responsibility due to mental illness, it will acquit the defendant. If the court sees no reason for acquitting the defendant, it will discontinue the proceedings against him, and it is entitled to do so even before termination of the clarification.

(C) A decision of the court under Subsection (B) will be open to appeal.

Defendant again fit to stand trial

171. If a person is brought to trial under Section 17(B) of the Treatment of Mentally Ill Persons Law, 1955, the court is entitled to receive evidence given during a determination under Section 170 without hearing it again. However, a party is entitled to subject a witness to cross-examination or further cross-examination, and the defendant is entitled to request that his witnesses be heard again; if this is not possible, the court will take this fact into account in weighing the evidence.

Article F: Procedure in Examination of Witnesses

Witnesses not to testify in one another's presence

172. A witness, other than the defendant, who has not yet testified, will not be present when the testimony of another witness is being taken. However, a witness who has heard the testimony of another witness will not for that reason alone be disqualified from testifying.

Cautioning of witness

173. Before taking his testimony, the court will caution the witness, and sections 4 and 5 of the Rules of Evidence Amendment Law (Cautioning of Witnesses and Abrogation of Oath), 1980, will apply.

Examination of witness by parties

174. A witness will first be examined by the party who called him; the opposing party is then entitled to cross-examine him, and the party who called him is subsequently entitled to re-examine him; the court is entitled to permit a party to pose an additional question to the witness even after the close of his examination as stipulated.

Examination by court

175. Upon the completion of his examination by the parties, the court is entitled to examine the witness. The court is also entitled to pose a question to the witness during his examination by the parties in order to clarify a point arising from it.

Further examinations by parties

176. If the court has examined a witness, each party is entitled to examine him again in order to clarify a point that arose in his examination by the court.

Witnesses at the trial of several defendants

177. If several defendants are charged in a single indictment, and , unless the court directs otherwise, upon the request of a party, the examination of witnesses will proceed in the following order:

(1) In the case of a witness for the prosecution – he will be cross-examined by the defendants in the order in which they are named in the indictment;

(2) In the case of a witness for the defense – the main examination will begin with the defendant who called him to testify and thereafter by the other defendants in the order in which they are named in the indictment; on re-examination, the order will be reversed.

Witness for the prosecution who has not been called to testify

178. If the prosecutor has refrained from calling a witness described in the indictment as a witness for the prosecution, and the witness is called by the defendant, the court is entitled to permit the defendant to conduct the examination-in-chief of that witness as if it were a cross-examination and is entitled to determine the order of his examination by the other parties.

Hostile witness

179. If the court declares that a witness called by a party is a witness hostile to that party – whether because his testimony in court conflicts with his testimony during the police investigation or for any other reason – it is entitled to permit that party to conduct the main examination of that witness as if it were a cross-examination and is entitled to determine the order of his examination by the other parties.

Right of cross-examination in certain cases

180. If the court has reason to believe that a witness of one of the defendants will give testimony unfavorable to another defendant, it is entitled to permit the latter to cross-examine that witness before the prosecutor does, if the main examination of the witness has not already been conducted.

Evidence on behalf of court

181. If a witness is called to testify on the court's own initiation under Section 167, the court will give the parties an opportunity to cross-examine him in such order as it may determine.

Date for handing down verdict

181A. At the end of the clarification of the charge, the court will determine a date for the handing down of the verdict and that date will be within 30 days from the date on which summations pertaining to the charge were heard or filed. The president or deputy president of the court will be entitled to extend that period for special reasons which will be recorded. The president or deputy president of the court will inform the president of the Supreme Court of that extension.

Article G: Judgment

Verdict

182. Upon the determination of guilt, the court will, by reasoned decision in writing (hereinafter - "the verdict"), decide to acquit the defendant or, if it finds him guilty, to convict him. The court will read the verdict, including the reasons, in public, will sign it and will date it as of the day of the reading. Instead of reading the verdict, the court is entitled to deliver a copy of it to the defendant and explain the main points of its contents in public. If the court acquits the defendant, it will first announce the acquittal.

Reasons in case of acquittal

183. Notwithstanding the provisions of Section 182, where the court has announced the acquittal of the defendant, it is entitled to –

(1) Set out the reasons forthwith or within thirty days from the date of the announcement;

(2) Read the reasons in public or, with the consent of the parties, serve the same upon them in writing within thirty days of the reading of the judgment.

Conviction of an offence on facts not alleged in indictment

184. The court is entitled to convict the defendant of an offence of which his guilt became apparent by the facts proven before it, even though those facts are not alleged in the indictment, provided the defendant is given a reasonable opportunity to defend himself, but it will not, on such a conviction, impose a heavier penalty than could have been imposed if the facts alleged in the indictment had been proven.

Conviction of offence not within jurisdiction

185. For the purposes of Section 184, it will be immaterial that the offence disclosed is not within the material jurisdiction of the court; however, if a felony is disclosed in a court that is not competent to hear it, the court will refer the matter to a district court, which will hear it as if it had been originally brought before it; and it is entitled to hear it from the stage which the previous court has reached.

Conviction of several offences

186. The court is entitled to convict the defendant on each of the offences of which his guilt became apparent by the facts proven before it, but it will not punish him more than once for the same act.

Evidence for the determination of sentence

187. (A) If the court convicts the defendant – the prosecution will, for the purposes of determining the sentence, bring evidence of the defendant's previous convictions and the courts' decisions pertaining to his committing of offences, even if not convicted of such; the prosecution will also be entitled to submit further evidence pertaining to that matter.

(B) If the court convicts the defendant of a crime of sex or violence, the court will be entitled to instruct a public servant, appointed for that purpose by the minister of welfare and social services, to draw up and submit to the court, a report on the status of the person who was the victim of that crime (hereinafter: the victim) and the harm caused to the victim by that crime.

(B1) If the court convicts the defendant of a crime of violence that caused the death of a person, the court will be entitled to instruct a public servant, appointed for that purpose by the minister of welfare and social services, to draw up and submit a report to the court. That report will refer to the status of one or more of the members of the family of the person whose death was caused and the harm they incurred consequential to the crime, or the status of the family as a unit and the damage caused to that family unit as the consequence of the crime and all such will be at the discretion of the public servant.

(C) The report in accordance with this section will be drawn up only if the person drawing up the report has received consent for this from the victim.

(D) Consent from a victim who is a minor but has reached the age of fourteen years, or a legally incompetent person who is able to give such consent, will not require approval from a guardian.

(E) In reference to a minor who has not yet reached the age of fourteen years, or a legally incompetent person unable to give consent, the consent to the drawing up of the report will be a decision made by their legal guardian. If the legal guardian is the defendant or the partner of the defendant, or if the guardian refuses to grant consent and the court is of the opinion that such refusal is rooted in reasoning that is not to the benefit of the minor or legally incompetent person, the court will be entitled to approve the drawing up of the report.

(F) For the purposes of this section, the minister of welfare and social services will appoint an expert public servant to draw up the report as stipulated in Subsection (A). During the period of that appointment, the public servant will not draw up a report in accordance with sections 37 and 38 of the Penal Law, 1977.

(G) In this section:

“Crime of violence ” – an offence in accordance with sections 201, 202, 203, 203B, 214(B1), 305, 327, 329, 333, 335, 336 (final part), 367, 368B, 368C, 369, 370, 371, 372, 374, 374A, 375A, 376, 376B, 377A, 382(A), 402, 403, 404, 427, of the Penal Law, 1977 (in this section – the Penal Law);

“A crime of violence that caused the death of a person” – an offence in accordance with sections 298, 300 and 302 of the Penal Law;

“A crime of sex” – an offence in accordance with Article E of Chapter J of the Penal Law, with the exception of an offence under Section 352;

“Public servant” – an employee of the state or an employee of a local authority.

Modes of proof

188. (A) For the purposes of Section 187, in addition to all other ways of legal evidence, it will be permissible to accept in evidence a copy of the Crime Register kept by the police pertaining to court rulings or a court adjudicating criminal offences, as such pertain to the defendant, with the exception of acquittals –

(1) When the proceedings are conducted in the presence of the defendant – if the copy of the Crime Register was submitted to the court and the defendant did not deny its content;

(2) When the proceedings are conducted in the absence of the defendant – with the fulfillment of the following two conditions:

(A) The defendant or his defense attorney is given reasonable opportunity to inspect the Crime Register and make copies thereof before the date of the proceedings;

(B) The summons to attend the court states that if the defendant does not attend his trial in court, it will be possible to act as stipulated in this section, and the summons also states that the defendant and his defense attorney will be entitled to inspect and copy the Crime Register and states the place and times for such inspection;

The provisions of Article B of the Crime Register and Penitence Regulations, 1986, will not apply to the inspection of the Crime Register as stated in this section.

(B) When the offence is one of the offences listed in the First Addendum, it will also be permissible to receive as evidence, under the conditions stated in Subsection (A), a copy of the list maintained at the office of the minister responsible for the enforcement of the law determining the offence.

(C) With approval from the Knesset's Constitution, Law and Justice Committee, the regulations entitle the minister of justice to determine changes to the First Addendum.

Defendant's statement and evidence

189. If the prosecutor has completed his evidence in the matter of the penalty or has not presented any such evidence, the defendant is entitled to proceed with regard to the penalty as provided in Section 161 or make a statement without being examined, and he is also entitled to present evidence for mitigating his sentence.

Additional evidence for determination of penalty

190. Before passing sentence, the court is entitled, after giving the defendant an opportunity to be heard in the matter, to order that he be examined by a physician or other expert; and the court is entitled to order any other investigations which it deems expedient in determining the sentence.

Disclosure of report and results of examinations and investigations

191. A copy of the report of a probation officer under sections 37 and 38 of the Penal Law, 1977, and of the results of any other examinations and investigations will be delivered to the prosecutor and to the defense attorney, if the defendant is represented, and the court will hear any argument as to anything contained therein. But the court is entitled to order that a copy as stipulated be delivered also to the defendant and, on the reasoned proposal of the probation officer or on its own initiative, is entitled, for special reasons, to order that the whole or part of the contents not be disclosed to the parties.

Disclosure of a report in accordance with Section 187

191A. (A) A copy of the report drawn up in accordance with Section 187(B) will be sent to the litigants and the court will hear any claims pertaining to the contents of that report. The court will be entitled to decide for reasons beneficial to the victim, not to send the report or any part of it to the defendant, on condition that the defendant receives the abstract of the facts contained in the report, if the court is of the opinion that such is vital to conduct the defense.

(B) The court will be entitled to request from the person who drew up the report, an explanation or supplement to its contents. If the court is of the opinion that there is disagreement about the facts in the report, the court will be entitled to allow the litigants to submit questions to the person who drew up the report, for the purposes of clarifying the facts in dispute.

(C) A victim, concerning whom a report was drawn up in accordance with Section 187(B), will not be summoned to testify in reference to the report.

(D) A person revealing information from a report drawn up in accordance with Section 187(B), or revealing information that reached that person due to the drawing up of a report as stipulated, which was not for the purposes of the legal proceedings in connection with which the report was drawn up, or in contravention of a decision handed down by the court in accordance with Subsection (A) – will be sentenced to six months imprisonment.

Summations in the matter of the penalty

192. Upon completion of the proceedings referred to in sections 187 to 191, the prosecutor, and subsequently the defense attorney and the defendant, are entitled to state their argument in the matter of the penalty.

Revoking a conviction

192A. If the court convicts the defendant, but before passing sentence the court considers that there is reason to issue a probation order or a community service order, without a conviction, the court will be entitled to revoke the conviction and order as stipulated.

Sentence

193. Upon the completion of the arguments in the matter of the penalty, the court will pass sentence. The court will read the sentence in public, and will sign and date it as of the day of the reading.

Validity of laws

194. The provisions of this article will not derogate from the provisions of any law by which it is permitted not to convict the defendant even though his guilt has been proven or not to impose a penalty on him even though he has been convicted.

Judgment

195. The verdict and the sentence together constitute the judgment.

Explanation as to right of appeal

196. Upon completing the reading of the sentence, the court will explain to the defendant his right to appeal against the judgment and will notify him of the period for the filing of appeal.

Chapter F: Appeal

Interpretation.

197. In this chapter, "the lower court ", in relation to a further appeal, includes the instance of the first appeal.

Filing an appeal

198. An appeal, filed by either the defendant or the prosecutor, will be filed as a reasoned notice of appeal to the court before which appeals are heard (in this chapter – the court), whether directly or through the court that made the judgment against which the appeal is filed.

Period of appeal

199. The period for the filing of an appeal is forty-five days from the date of judgment or, where the ruling is given without reasons, from the date when the reasons are given. If leave to appeal is required, the request will be filed within the same period, and notice of appeal will be filed within thirty days from the date on which leave is granted.

Period of appeal where judgment given in absence of defendant

200. If the judgment, the reasons or leave to appeal are given in the absence of the defendant, the period referred to in Section 199 will, in respect of the defendant, begin on the day which the judgment, reasons or leave are served to him.

Extension of dates

201. The court will be entitled, at the appellant's request, to permit the filing of an appeal, or a petition for permission to file an appeal, after the periods stated in sections 199 and 200 have already passed.

Automatic appeal

202. A judgment imposing the penalty of death will be subject of appeal proceedings even if the defendant has not appealed against it.

Causes for appeal

203. Notice of appeal will specify the arguments, but if the notice does not include arguments, or does not explain those arguments satisfactorily, the court recorder will be entitled to instruct the appellant to submit arguments, or more detailed arguments, on a date to be determined. If the appellant does not comply with the recorder's instructions, with the start of the appeal proceedings, the court will be entitled to reject the appeal, solely for that reason.

Amendment of notice or grounds of appeal

204. At any stage of the appeal, the appellant is entitled, with the permission of the court, to amend the notice of appeal or the grounds thereof.

Hearing of appeal on application for leave

205. The court is entitled to deal with an application for leave to appeal as if it were a notice of appeal.

Withdrawal of appeal

206. An appellant is entitled to withdraw his appeal. However, when the parties have completed their arguments, he will not do so except with the permission of the court.

Joinder of appeals

207. If appeals by more than one party have been filed against a judgment, they will be combined and heard together; however, the court is entitled to hear them separately.

Hearing an appeal in the presence of the litigants

208. The appeal will be heard in the presence of the litigants. However, if a litigant is summoned, but does not attend, the court will be entitled to hear the appeal in the litigant's absence, or if the appellant is the absent litigant – to reject the appeal solely for that reason.

Annulment of appeal rejection

208A. (A) If an appeal filed by a defendant is rejected for reasons of absence, the court will annul the decision of appeal rejection and will hear the appeal if the court considers, at the appellant's request, that there was justifiable cause for the absence of the appellant or if the court considers that such is necessary in order to prevent a miscarriage of justice.

(B) A petition in accordance with this section will be submitted within fifteen days from the date on which notice of the rejection of the appeal was sent to the appellant or at a later date to which the court has agreed.

Plea of disqualification on appeal

209. At the commencement of the hearing of the appeal and before any other submission, a party is entitled to request that a particular judge disqualify himself from sitting in the case. The provisions of sections 146 to 148 will apply to a plea of disqualification under this section, with the requisite changes.

Sequence of contentions in appeal

210. (A) In an appeal, the appellant will be heard first and the appellee after him; the appellant is then entitled to respond to the arguments of the appellee.

(B) If appeals by a defendant and by a prosecutor have been combined, the defendant will be heard first unless the court otherwise directs. If appeals by several defendants have been combined, the court will determine the order in which they are to be heard.

(C) The court is entitled to permit each party to present additional arguments or to respond additionally to the arguments of another party.

(D) If the court is asked to decide on the punishment of the defendant, the defendant's defense attorney, and subsequently the defendant, will always be entitled to address the court last before the termination of the hearing.

Taking evidence

211. The court is entitled, if it considers it necessary to do so in the interest of justice, to take evidence or direct the lower court to take such evidence as it may direct.

Change of conclusions

212. From the evidence which was before it and before the lower court, the court is entitled to draw conclusions different from those drawn by the lower court, or it is entitled to decide that such evidence provides no basis for the latter's conclusions.

Powers of court of appeal

213. In its judgment, the court is entitled to –

(1) Allow the whole or part of the appeal and amend the judgment of the lower court or overturn it and give another judgment instead or remit the case, with directions, to the lower court; or

(2) Dismiss the appeal; or

(3) Issue, in regard to the judgment, any other decision which the lower court is authorized to issue.

Evidence in case remitted

214. If a case is remitted to the lower court, the latter is entitled, subject to the directives of the appellate court, to use the evidence taken by it originally without taking it again.

Dismissal of appeal although contention allowed

215. The court is entitled to dismiss the appeal even though it has allowed an argument that has been submitted if it is of the opinion that no miscarriage of justice has been caused.

Conviction of different offence

216. The court is entitled to convict the defendant of an offence of which he is shown to be guilty by the facts proven, even though it is different from that of which he was convicted by the lower court and even if those facts were not alleged in the lower court, as long as the defendant has been given a reasonable opportunity to defend himself. However, the court will not impose a heavier penalty than could have been imposed if the facts alleged in the indictment had been proven.

Condition for increase of penalty

217. The court will not increase the penalty imposed on the defendant except where the leniency of the sentence was appealed against.

Reading of judgment in appeal

218. The court will read the judgment, including its reasons, in public, will sign it and will mark it with the date of the reading. Instead of reading the judgment, the court is entitled to deliver a copy of it to the defendant and explain the main points of its contents in public. If the court acquits the defendant or dismisses an appeal against his acquittal, it will announce the fact at the beginning of the reading and it is entitled to –

(1) Set out the reasons forthwith or within thirty days from the date of the reading.

(2) Read the reasons in public or, with the consent of the parties, serve the same upon them in writing within thirty days after the reading of the judgment.

Explaining right of appeal

219. If the judgment in an appeal subject to a further appeal, the court will, upon completing the reading, explain to the defendant his right of further appeal and will notify him of the dates set for this.

Issuing other directives

220. In addition to the stipulations in this chapter, the court is entitled to issue any directions which the lower court is authorized to issue under any law, with the relevant adaptations.

Chapter G: Special Procedure for Finable Offences

Determination of finable offences

221. (A) The minister of justice is entitled to determine that an offence against a particular provision, other than a felony, will be a finable offence either generally or on such conditions or with such restrictions as he may determine. If the offence is created by or under any law that another minister is in charge of implementing, the minister of justice’s decision will require the consent of that minister (hereinafter referred to as "the minister in charge")

(B) If the minister of justice determines that a particular offence will be a finable offence, he will determine the amount of the fine, and he is entitled to determine different amounts for a recurrent or further offence or continuing offence committed by the person concerned or in regard to the circumstances under which the offence was

committed, provided that the fine will not exceed the amount prescribed for it in the statute creating the offence or NIS 730 for a first offence and NIS 1,400 for a recurrent or further offence, whichever is less.

(B1) Determining that an offence is fineable or fixing the amount of said fine, shall not be construed as changing the classification of the offence as stated in Subsection (A) of the Penal Code.

(C) If another law authorizes a minister to determine an offence as a finable offence that minister's determination will be subject to the agreement of the Minister of Justice and the powers vested in the Minister of Justice to determine conditions and restrictions as stated in Subsection (A), and the various rates of fines as stated in Subsection (B) will be given to that same Minister.

(D) Determination of an offence as a finable offence will be subject to approval by the Knesset's Constitution, Law, and Justice Committee.

Option of fine

222. If a police officer or a person empowered in that behalf by the minister of interior or the minister in charge, or an employee of a local authority empowered in that behalf by the head of the authority, as the case may be, has reason to believe that a particular person has committed a finable offence, he is entitled to deliver to him a summons in the specified wording. In the summons, the person summoned will be charged with that offence and will be given the option of paying a fine of the cited amount instead of being tried for that offence.

222A

222 A. When a fine for a continuing offence has been imposed according to Sections 222 or 228, the fine will not be levied unless it is accompanied by a summons to court according to Section 222 or a warning notification to pay the fine according to Section 228, stating that if the violation is not corrected by a specified date, a fine for continuing offence will be imposed on the violater. The warning must also include the amount of the fine that may be expected for a continuing offence. No fine will be imposed for a continuing offence until after the prescribed date in the warning has passed.

Payment of fine

223. (A) A person to whom a summons has been delivered under Section 222 is entitled, within fifteen days from the date of delivery, to pay the fine cited to the clearing account cited therein.

(B) If a person has paid the fine as stipulated in Subsection (A), he will be deemed to have pleaded guilty in court, convicted and served his punishment.

Non-payment of fine

224. If a person has not paid the fine as stipulated in Section 223, the summons delivered to him will be deemed a court summons issued and delivered under Article F of Chapter D. If the person is convicted of the offence in court and sentenced to a fine, the fine will not be less than the amount cited in the summons unless the court considers that special circumstances justify a reduction of the amount.

Indictment for finable offences

225. (A) Determination of an offence as a finable offence will not suffice to derogate from the prosecutor's authority to file an indictment for that offence, if the prosecutor is of the opinion that the circumstances of the offence necessitate clarification by trial, on condition that a summons in accordance with Section 222 has not yet been issued.

(B) In reference to offences in accordance with the Municipalities Ordinance, or in accordance with the Local Councils Ordinance, or in accordance with one of the laws listed in the Third Addendum to the Courts Law, a head of a local authority, a deputy of a local authority so authorized by the local council, or another employee of the local authority so authorized by the local council – will also be permitted to order the filing of charges, either as a general rule or in reference to particular offences.

Dates of service for finable offences

225A. (A) If a year has passed from the day on which a finable offence was committed, no indictment will be filed for that offence, and pertaining to that offence no summons will be issued in accordance with Section 222 or notice of payment of a fine in accordance with Section 228(B). However, for a finable offence that is a traffic offence as defined in the Traffic Ordinance, for which the owner of the vehicle has proven that he bears no responsibility in accordance with Section 27B of the Traffic Ordinance, it will be possible to file an indictment or to issue a summons to appear in court or issue notice of payment of fine, to the person who was driving the vehicle, if two years have not passed since the offence was committed.

(A1) If the offence was a traffic offence as defined in the Traffic Ordinance and if the suspicion that the offence was committed is based on a photograph of a vehicle as stipulated in Section 27A of the aforementioned ordinance, no indictment will be filed, and no summons or notice of payment of fine will be issued to the vehicle owner in reference to that suspicion, if the indictment, the summons or the notice of payment of fine were not yet sent and the periods listed below have passed:

(1) Four months from the date when the offence was committed, with the exception of a vehicle as stated in Paragraph (2).

(2) Six months from the date when the offence was committed, if the vehicle was new or a vehicle of a type determined by the minister of transportation, with approval from the Knesset's Economics Committee.

(A2) Notwithstanding the stipulations in paragraphs (1) and (2) of Subsection (A1), if the owner of a vehicle proves that criminal responsibility for an offence under Section 27B of the Traffic Ordinance does not apply to him, it will be possible to file charges or issue a summons or give notice of payment of fine, if one year has not passed from the date on which the offence was committed, or if 30 months have not passed from the date the vehicle owner proved that abovementioned responsibility does not apply to him, according to the latest date, provided that two years have not passed since the violation was committed.

(A3) In this section, "new vehicle" – a vehicle first issued a vehicle license by a person authorized for such by the Licensing Authority as defined in the Traffic Ordinance and thirty days have not passed since the execution of the

transaction that requires the registration of the vehicle and details of the owner of that vehicle with the Licensing Authority.

"Vehicle owner"- including possessing as defined in Section 27B of the Traffic Ordinance.

(B) Nothing stated in Subsection (A) will prevent the filing of charges against any person seeking to be brought to trial in accordance with Section 229, even if the dates determined in Subsection (A) have passed.

Non-applicability of the Youth Law

226. The Youth Law (Trial, Punishment and Modes of Treatment), 1971, with the exception of Chapter E of the law, will not apply to proceedings in accordance with this chapter.

Applicability

227. The authority granted in accordance with Section 221(A) will not apply to offences, when another law authorizes their definition as finable offences, but the other provisions in Chapter G will apply to those offences.

Option of trial

228. (A) A finable offence that is a traffic offence as defined in the Traffic Ordinance, and any other finable offence determined as such by the minister of justice in an order approved by the Knesset's Constitution, Law and Justice Committee, are option of trial offences and the provisions of this section and sections 229 and 230 will apply to those offences.

(B) If a police officer or any person authorized in accordance with Section 222 has reasonable grounds to assume that a particular individual has committed a option of trial offence, they will be entitled to issue a notice of payment of fine to that person. The notice will be issued on a form determined for that purpose and that form will state the offence and the fine to be paid for that offence.

(C) If a person authorized to issue a notice of payment of fine as stated in Subsection (B) has reason to assume that the offence was committed in circumstances which the prosecutor has determined must be clarified by trial, no notice of payment of fine will be issued and a summons to trial will be issued in its place.

If the offence committed is a traffic offence, and the person authorized to issue a notice of payment of fine has grounds to assume that the offence was committed in aggravated circumstances as stated in Section 29 of the Traffic Ordinance, no notice of payment of fine will be issued and a summons to trial will be issued in its place.

(D) Determination of a finable offence as a option of trial offence, will not derogate from the authority granted to a prosecutor to file an indictment for that offence, if the prosecutor considers that the circumstances in which the offence was committed require clarification by trial, on condition that such action will be taken before a notice of payment of fine was issued in accordance with Subsection (B).

Payment of fine.

229. (A) Anyone who receives a notice of payment of fine will pay the fine stipulated in the notice within ninety days from the date on which it was issued, into the bank account stipulated in the notice, unless if that person acts in one of the following ways:

(1) If a petition for annulment as stipulated in Subsection (C) is submitted to the prosecutor within thirty days from the issuance of the notice, and the said petition is regarding a traffic violation on the grounds that the violation was not committed by the person who received the notification, and the vehicle owner seeks to prove who drove the vehicle, positioned or parked it, while committing the violation, or to whom he gave possession of the vehicle, as stated in Section 27B of the Traffic Ordinance – if he submitted the request for cancellation to the prosecutor within 90 days from the date of issue ; the prosecutor's decision according to this section will be final, however, the person being fined may state that they desire to stand trial.

(2) Within ninety days from the issuance of the notice, the person gives notice in the manner determined in the ordinances, stating that he wishes to stand trial for the offence.

A person submitting a request for annulment as stipulated in Paragraph (1), will not be entitled to give notice of his wish to stand trial as stated in Paragraph (2), unless within thirty days from the date on which notice was issued of the prosecutor’s decision regarding the annulment.

(B) If a person does not pay the fine on time and does not give notice of his wish to stand trial for the offence, delay in payment charges will be added to the fine at the rate stipulated in Section 67 of the Penal Law, 1977. Collection of the fine will be performed in accordance with sections 68 and 70 of the Penal Law, 1977, and Section 69 of that law will not apply.

(C) The prosecutor will be entitled to annul the notice of payment of fine if he is convinced that no offence has been committed or that it was not committed by the person who received the notice, or if the prosecutor is of the opinion that in the circumstances of the case, there is no public interest in continuation of the proceedings. The prosecutor will draw up a record of the notices of payment of fine that he has annulled and will give reasons for his decisions. As pertains to this subsection, “prosecutor” – as defined in Section 12, if specially authorized for this matter by the attorney general.

(D) If the prosecutor decides not to annul the notice of payment of fine, the prosecutor will send the petitioner notice of such. However, the provisions of Subsection (B) will apply as if no request for annulment was submitted to the prosecutor.

(E) The prosecutor will be entitled to consider a request submitted after the dates stipulated in Subsection (A) if the prosecutor is convinced that the request was not submitted in time because of circumstances beyond the applicant's control, which prevented him from submitting in time and the request was submitted immediately after that impediment was removed.

(F) If a person has not given notice as stipulated in Subsection (A) that he wishes to stand trial, and has not paid the fine on time, at that person’s request the prosecutor will be entitled to absolve him from payment of the delay of payment addition stipulated in Subsection (B), in whole or in part, if the prosecutor is convinced that the cause for non-payment on time was one of the following:

(1) (Annulled);

(2) The applicant was unable to pay the fine on time for reasons not dependent upon him;

(3) The reason for the delay of payment addition was due to a fault caused by state authorities.

(G) A request made in accordance with Subsection (F) will be in writing and will be supported by a statement verifying the facts listed therein. The prosecutor will be entitled to make a decision on the request, based solely on the statement or solely in the presence of the applicant and there will be no appeal of that decision.

(H) If a person has paid the fine, that person will be considered as having admitted guilt before a court, convicted and served punishment. However, the provisions of this subsection will not apply to a person who has paid the fine and a prosecutor annulled the notice of payment of fine in accordance with Subsection (C) or for a person that the court decided to try even though they were late in announcing their wish to stand trial as provided in Section 230.

(H1) If a notice of payment of fine is annulled after the fine has been paid, the amount paid for the fine will be reimbursed.

(H2) If a person does not pay the fine and the dates for the submission of requests for the annulment of the notice of payment of fine or the notice of request to stand trial in accordance with Subsection (A) have passed and no requests as stipulated have been submitted. Alternatively, a request for the annulment of a notice for payment of fine was submitted in time and rejected; he will be considered as if convicted in a court and sentenced with the fine cited in the notice of payment of fine. Nevertheless, the provisions of this subsection shall not apply to a person whose request to cancel a penalty charge notification was not filed in time, but the prosecutor agreed to try the case by virtue of his authority under Subsection (E) and cancelled the fine notification, or for persons for whom the court decided to hear their case even though they petitioned too late to stand trial according to Section 230.

(I) The minister of justice, with approval from the Knesset's Constitution, Law and Justice Committee, will be entitled to institute regulations for the implementation of this section.

Designating fines for a local authority

229A. A fine for a fineable violation imposed by an inspector who is an employee of a local authority or that was imposed by a local affairs court, or in another court due to the local authority employee exerting his authority, shall be paid to the local authority

Summons to trial.

230. If in accordance with Section 229(A) a person gives notice of his wish to stand trial for the offence, a summons to trial will be sent to him within one year from the date on which his notice was received. The court is entitled, to hold the trial even if the person's request to stand trial was sent too late, provided that the conditions stipulated in Section 299(E) exist with the necessary changes, or for other special reasons that will be specified in the decision. If the person is convicted for the offence at that trial and sentenced to pay a fine, the fine will be no less than the sum cited in the notice of payment of fine, unless in the view of the court, special circumstances justify reduction of the fine.

Chapter H: Various Regulations

Stay of proceedings

231. (A) At any time after the filing of charges and before the verdict, the attorney general will be entitled, through reasoned notice to the court, to stay the proceedings. When such notice has been given, the court will stay the proceedings in that trial.

(B) The attorney general will be entitled to delegate his authority to stay proceedings as stipulated in Subsection (A) as a general rule, for particular issues or a particular issue as listed below:

(1) To the deputy attorney general;

(2) To any of the officials listed below, with the exception of an charge filed by a prosecutor as stipulated in Section 12(A)(1)(A):

(A) The state prosecutor or the deputy state prosecutor;

(B) The attorney appointed as director of the field of stay of proceedings at the State Prosecutor's Office – when the charge refers to a misdemeanor or contravention.

(C) The attorney appointed as director of the unit responsible for the enforcement of the laws of planning, building and land at the State Prosecutor's Office or an attorney at the level of department director at least – when the charge refers to an offence in the field of the laws of planning, building and land;

(D) The manager of the Fiscal Department at the State Prosecutor's Office – when the charge refers to a tax offence, including a charge of an offence associated with a tax offence. Pertaining to that matter:

"tax offence" – an offence according to the Customs Ordinance; the Income Tax Ordinance; the Purchase Tax Law (Goods and Services), 1952; the Property Tax and Compensation Fund Law, 1961; the Land Tax Law (Betterment, Sale and Purchase) 1963; the Value Added Tax Law, 1975; the Trade Levies Law, 1991.

"associated offence" – an offence that is a contravention or a misdemeanor committed during the committing of a tax offence or in connection with such an offence.

Resumption of proceedings

232. If proceedings have been stayed under Section 231, the attorney general is entitled, by written notice to the court, to reopen them as long as, in the case of a felony, five years, or in the case of a misdemeanor, one year, have not elapsed since the date on which they were stayed. If such notice has been given, the court will resume the proceedings, and it is entitled to continue them from the stage they had reached before the discontinuance. Proceedings stayed a second time will not be resumed.

Continuance of trial before other Judge

233. As long as the taking of evidence has not begun, another judge is entitled to continue the trial from the stage his predecessor has reached. If the taking of evidence has begun and for any reason whatsoever a judge is unable to complete the trial, another judge is entitled to continue the trial from the stage his predecessor has reached, and

he is entitled, after giving the parties an opportunity to be heard, to treat the whole or part of the evidence taken by his predecessor as if he himself had taken it, or take it again, in whole or in part.

Change in composition of bench

234. The provisions of Section 233 will also apply, with the requisite changes, if the court is composed of three or more judges.

Powers of judge and presiding judge

235. If the court sits as three or more judges, every power vested in the court by this law – including the power to perform any act which the court is required to perform – will, as long as the court has not been composed, vest in every judge of the court and will, when the court has been composed, vested in one of the sitting judges so designated by the presiding judge. An act under sections 15, 83, 105(A), 135, 140, 143, 145, 196 or 219 will be performed by the presiding judge or one of the sitting judges so designated by the presiding judge even when the court is sitting.

Death of defendant

236. When a person dies any criminal proceedings against them will cease.

Service of documents

237. (A) If a document is to be served upon a person under this law, service will be executed in one of the following ways:

(1) by delivery into his hands or, if he cannot be found at his place of residence or business, into the hands of a member of his family residing with him and is apparently over eighteenth years of age, in the case of a corporation or a body of persons, by delivery at its registered office or into the hands of a person duly authorized to represent it;

(2) by posting a registered letter, with certificate of delivery, to the address of the person, corporation or body of persons; the court is entitled to regard the date of the certificate of delivery as the date of service.

(B) Delivery of the document into the hands of the defendant's defense attorney or delivery thereof at the office of the defense attorney into the hands of his clerk, or the posting of a registered letter, with certificate of delivery, to the address of the office of the defense attorney, will be deemed to be service to the defendant unless the defense attorney notifies the court, within five days, that he is unable to bring the document to the knowledge of the defendant.

(C) If the court is convinced that service under this section was not executed due to a refusal to accept the document or letter or to sign the certificate of delivery, it is entitled to deem the document to have been duly served.

(D) If the court is convinced that it is impossible to serve the document as provided in subsections (A) or (B), it is entitled to direct that it be served in one of the following ways:

(1) By affixing a copy thereof in the courthouse in a conspicuous position, and at the addressee's last known place of residence or business;

(2) By publishing a notice in the Official Gazette or in a daily newspaper;

(3) In such other manner as it may deem fit.

Defects not impairing validity of proceedings

238. A technical flaw in the drawing up of a document drawn up under this law will not impair the validity of proceedings there under. However, if the court perceives that an injustice may thereby be caused to the defendant, it is entitled to adjourn the hearing to another date or issue any other directive in order to allay this concern.

Summoning for minor offences

239. For offences in accordance with the Traffic Ordinance or the regulations thereto, the Municipalities Ordinance or the Motor Vehicles Insurance Ordinance [New Version], 1970, for offences determined as finable offences, or in accordance with other legislation that the minister of justice, with approval from the Knesset's Constitution, Law and Justice Committee has determined for such, the minister of justice will be entitled to determine charging and service of documents procedures in the regulations, even if they deviate from the provisions of this law.

Serving notice of traffic offences

239A. (A) If a year has passed from the day on which an offence was committed under the Traffic Ordinance or the regulations thereto, or under the Motor Vehicles Insurance Ordinance [New Version], 1970, and that offence did not cause a traffic accident in which a person was injured or property damaged; no indictment will be filed for that offence, and no summons to trial will be issued in accordance with Ordinance 38 of the Criminal Procedure Ordinances, 1974, unless within that period, the person suspected of having committed that offence was summoned for interrogation, or a notice of the committing of an offence was sent to that person. However, if the owner of the vehicle suspected of having committed the offence proves that no responsibility for the offence lies with him in accordance with Section 27B of the Traffic Ordinance, it will be possible to file an indictment and issue a summons to trial to the person who drove the vehicle, if no more than two years have passed since the offence was committed.

(B) If the offence stated in Subsection (A) is an offence suspected of having been committed based on a photograph of the vehicle as stipulated in Section 27A of the Traffic Ordinance, no indictment will be filed and no summons to trial will be issued in reference to that offence unless the person suspected of having committed the offence was summoned for interrogation or notice of the committing of the offence was sent to that person within the periods listed in sections 225A(A1)(1) or (2) or that stated in Subsection (A2) occurred.

239B

239B. In the matter of a violation for driving with a suspended driving license, according to Section 67 of the Traffic Ordinance only the holder of the driving license will receive notification by registered mail of a decision to revoke the license or notification that the driving license has been revoked until the completion of proceedings. This notification is deemed equivalent to the driver being lawfully served, and as if notifying the recipient of the revocation in accordance with the aforesaid Section 67 even without the notification confirmation being signed, according to Section 237, even if the conditions of Section 237(C) were not fulfilled, only if the accused can prove that he did not receive the notification for reasons that were not under his control and not because he refused receipt, and if all of the following conditions exist:

(1) Fifteen days have passed from the date the notification was sent;

(2) The accused was summoned in writing to appear at a court hearing according to Section 237 or verbally according to Section 97;

(3) The summons to appear as said in Paragraph (2) included either a written or verbal warning respectively, stating that a decision to revoke the license may be given at the hearing, as well as a decision regarding the presumption of ownership, according to this section, if the accused does not appear for the hearing.

(4) The hearing regarding the matter in Paragraph (2) concluded at the appointed time, or the time of the hearing was changed at the request of the accused.

(5) The sender's name and address and the date it was delivered or the reason for non-delivery appears on the returned form for confirmation of undelivered mail.

Special procedures for light offences

240. (A) In offences under the Traffic Ordinance or under the Motor Vehicles Insurance Ordinance [New Version], 1970, which did not cause traffic accidents in which a person received actual injuries; in offences determined as finable offences or offences under other legislation, as determined by the minister of justice, with the approval of the Knesset’s Constitution, Law and Justice Committee, the following procedures will apply:

(1) The provisions of Section 123 will not apply to a person accused in accordance with this section, but such will not prevent that person from giving written notice to the court explaining his arguments regarding the punishment;

(2) If a defendant, summoned in accordance with this section, does not present himself in court, at the beginning of the trial or as it continues, he will be considered as having admitted all the facts as they were stated in the indictment, unless an attorney representing him attends the court hearing;

(3) In accordance with the provisions of Subsection (2), the court will be entitled to judge a defendant in absentia if the court considers that judging the defendant in that manner will not constitute a miscarriage of justice for the defendant and on condition that the court does not impose a sentence of imprisonment. None of the provisions of this paragraph will prevent the court from imposing a sentence of imprisonment instead of a fine, on condition that the summons to trial stated that it would be possible to impose a sentence of imprisonment as stipulated if the defendant does not attend the hearing. An arrest warrant for the execution of the imprisonment instead of a fine

issued in the absence of the defendant or his attorney, will be executed in accordance with the provisions of Section 129A(C).

(B) The provisions of sections 130 (H) and (I) will apply to a convicting judgment handed down in accordance with Subsection (A).

Investigators and prosecutors in accordance with other legislation

241. (A) The provisions of this law will not derogate from the power of a person authorized under another statute to investigate the offence or conduct the prosecution.

(B) An investigator, as stated, will transmit the investigation material to the district attorney; however, if the statute designates another person as competent to conduct the prosecution of the offence, he will transmit the investigation material to such other person.

The authority granted to the district attorney

242. All authority invested in the district attorney by law can be exercised by the state prosecutor or a deputy state prosecutor and with approval from the attorney general, the state prosecutor will be entitled to delegate that authority, with the exception of authority conferred upon the district attorney in accordance with any law, to another attorney from the State Prosecutor's Office.

Delegating the authority granted to the attorney general

242A. (A) As a matter of course, as pertains to types of matter or to a specific matter, the attorney general will be entitled to delegate to each of the officials listed in Column A of the Third Addendum, the powers invested in the attorney general in accordance with the provisions of the laws listed alongside them in Column B in that addendum, in whole or in part thereof.

(B) With approval from the Knesset's Constitution, Law and Justice Committee, the minister of justice will be entitled to issue an order amending the Third Addendum, on condition that no provisions of law will be added if they do not pertain to the matter of criminal proceedings.

Validity of laws.

243. Unless otherwise expressly provided, the provisions of this law will not derogate from the provisions of the Courts Law, 1957.

Implementation and regulation

244. (A) The minister of justice is charged with the implementation of this law and is entitled to enact regulations as to any matter relating to its implementation.

(B) The minister of justice is entitled, in consultation with the minister of the interior, to make rules for the coordination of the activities of the State Prosecutor's Office and the police.

Commencement

245. This version will apply from July 1, 1982, but sections 228 to 230 will apply from the January 1, 1983.

First Addendum - (Section 6(B) and 188(B))

(1) Offences under the Commodities and Services Control Law, 1957, committed in regard to foodstuffs;

(2) Offences under the Public Health (Food) Ordinances, 1935;

(3) Offences under the Standards Law 1953, committed in regard to food stuffs.

First Addendum A1 - (Section 60)

Part A: Misdemeanors under the State Attorney's Jurisdiction

(1) State security, international; relations, and official secrets according to Chapter Seven of the Penal Law-1977 (in this addendum – the Law);

(2) Seditious Publications according to Section 134 (c) of the Law;

(3) Unlawful military exercises according to Section 143 (b) of the Law;

(4) Offences with weapons according to Section 144 (b3) the last part of the Law;

(5) Incitement to racism, violence, or terror according to Article A1 in Chapter Eight of the Law;

(6) Advocating a prohibited association according to Section 146 of the Law;

(7) Member of prohibited association according to Section 147 of the Law;

(8) Contributions to prohibited association according to Section 148 of the Law;

(9) Publications of prohibited association according to Section 149 of the Law;

(10) Disturbance of labor relations according to Section 160 of the Law;

(11) Offences against public services according to Section 161 of the Law;

(12) Incitement to hostility against friendly state according to Section 166 of the Law;

(13) Damage to flag or emblem of friendly state according to Section 167 of the Law;

(14) Insult to foreign dignitaries according to Section 168 of the Law;

(15) Offences against religious sentiment and tradition according to Article Seven in Chapter Eight of the Law;

(16) Polygamy according to Article Eight in Chapter Eight of the Law;

(17) Prostitution and Obscenity according to Article Ten in Chapter Eight of the Law;

(18) Act likely to spread disease according to Section 218 the first part of the Law;

(19) Sale of adulterated food according to Section 219 of the Law;

(20) Possession of unclean food according to Section 220 of the Law;

(21) Pollution of water according to Section 221 of the Law;

(22) Pollution of air according to Section 222 of the Law;

(23) Offensive trades according to Section 223 of the Law;

(24) Accessory after the fact according to Section 262 of the Law (when the original offence is under the State Attorney's jurisdiction);

(25) Not preventing a crime according to Section 262 of the Law;

(26) Concealing a crime according to Article Two Chapter Nine of the Law;

(27) Assault on a police officer in the performance of his duty according to Section 262 of the Law;

(28) Pressure by a public servant according to Section 262 of the Law;

(29) Public servant who has private interest according to Section 278 of the Law;

(30) Abuse of office according to Section 280 of the Law;

(31) Fraud and breach of trust according to Section 284 of the Law;

(32) Violation of statutory duty according to Section 286 of the Law;

(33) Bribery offences according to Article Five, in Chapter Nine of the Law;

(34) Causing death by negligence according to Section 304 of the Law;

(35) Concealment of birth according to Section 311 of the Law;

(36) Use of dangerous poison according to Section 336 the first part of the Law;

(37) Violation of obligation of parent or of responsible person according to Section 337 of the Law;

(38) Rash and negligent acts according to Section 338 (a)(3) to (9) of the Law;

(39) Injury through negligence according to Section 341 of the Law;

(40) Sex offences in Chapter Ten of the Law;

(41) Offences against minors and invalids according to Article Six in Chapter Ten of the Law;

(42) Injury to minors and minors and helpless persons according to Article Six in Chapter Ten of the Law;

(43) Offences associated with theft according to Article Two in Chapter Eleven of the Law;

(44) Obtaining anything by deceit according to Section 415 the first part of the Law;

(45) Deception according to Section 416 of the Law;

(46) Witchcraft according to Section 417 of the Law;

(47) Forgery according to Section 418 of the Law except for the last part of the Law;

(48) Forgery that affects transactions according to Section 419 of the Law;

(49) Offences by managers and employees of a corporation according to Section 424(2) of the Law;

(50) Failure to disclose information or misleading publication by a ranking corporate office according to Section 424A of the Law;

(51) Deceit and breach of trust in a corporate body according to Section 425 of the Law;

(52) Deceitful concealment according to Section 426 of the Law;

(53) Extortion according to Section 431of the Law;

(54) Fraud according to Article Seven in Chapter Eleven of the Law except for the start of Section 441;

(55) Causing fire by negligence according to Section 449 of the Law;

(56) Forgery of money and stamps according to Chapter Twelve of the Law;

(57) Preparation of offence with dangerous substances according to Section 497 of the Law;

(58) Providing means for committing a felony according to Section 498 of the Law (when the original offence was under the jurisdiction of the State Attorney);

(59) Conspiracy to commit a misdemeanor according to Section 499(A)(2) of the Law (when the original offence was under the jurisdiction of the State Attorney);

(60) Law prohibiting money laundering, 2000;

(61) Law prohibiting libel-1965;

(62) Courts Law [Consolidated Version]-1984;

(63) Good Samaritan Law-1998;

(64) Prevention of Sexual Harassment Law-1998; (65) Computer Law-1995; (66) Patents and Design Law; (67) Prevention of Terror Ordinance-1948; (68) Performers Rights Law-1984;

(69) Trade Marks Ordinance [New Version]-1972;

(70) Copyright Law-2007;

(71) Causing death by negligent driving – Section 64 of the Traffic Ordinance.

Part 2: Criminal Offences to be transferred to police prosecution

(1) Commerce, manufacture, and import of knives according to Section 185 of the Law;

(2) Prohibition of sale of brass knuckle or knife to a minor according to Section 185A(a) of the Law;

(3) Unlawful possession of knife or brass knuckles according to Section 186(a) of the Law;

(4) Violation of lawful provision according to Section 287(b) of the Law;

(5) Grievous harm according to Section 333 of the Law, except for the previously mentioned crime against a minor;

(6) Wounding according to Section 334 of the Law, under aggravating circumstances according to Section 335 of the Law, except for the previously mentioned crime against a minor;

(7) Conveying a person in unsafe means of transport according to the last part of Section 343 of the Law

(8) Attacking elderly persons according to Section 368F of the Law, except for the previously mention offence against a helpless person as defined in Section 368A of the Law;

(9) False imprisonment according to Section 377 of the Law;

(10) Assault under aggravating circumstances according to Section 382 (a), (b)(1) and (c) of the Law;

(11) Theft under special circumstances according to Section 384A of the Law;

Second Addendum - (Section 68)

(1) Offences under sections 189, 190, 192, 194, 196, 223, 334, 336 opening passage, 379, 380, 447 unless the offence is committed while the offender is carrying a firearm or cold weapon, 452, 494 and 496 of the Penal Law, 1977, with the exception of offences as stipulated, committed upon a family member; in this matter, "family member" as defined in the Prevention of Family Violence Law, 1991;

(2) Offences in accordance with the Abatement of Nuisances Law, 1961, with the restrictions stipulated in Section 11E of the law;

(3) Crimes in accordance with Section 61 (C), (D) and (E) of the Copyrights Law, 2007;

(4) Offences under Section 3 of the Merchandise Marks Ordinance;

(5) Offences under Section 23(1) of the Consumer Protection Law, 1981, being infringements of sections 17 or 18 of that law or of an order under said Section 17;

(6) Offences under Section 60 of the Trade Marks Ordinance [New Version], 1972;

(7) Offences involving a transfer of possessions, assisting in obtaining possessions, and obtaining possessions under Section 108 of the Tenants' Protection Law [Consolidated Version] 1972;

(8) Offences under the Knesset Election Law [Consolidated Version], 1969;

(9) Offences under the Local Authorities (Election) Law, 1965;

(10) Offences under the Public Bodies Election Law, 1954;

(11) Offences under the Telegraphic Press Messages Ordinance;

(12) Offences under the Protection of Privacy Law, 1981;

(13)

Offences in accordance with the Maintenance of Cleanliness Law, 1984, with the restrictions stipulated in Section 21A of this law;

(14)

An offence in accordance with Section 2 of the Prevention of Sea Pollution from Land-Based Sources Law, 1988, with the exceptions listed in Section 8 of the stipulated law;

(15)

An offence in accordance with Article A1 of the Water Law, 1959;

(16)

An offence in accordance with the Collection and Disposal of Waste for Recycling Law, 1993, committed in the private domain of the complainant;

(17)

The Animal Welfare Law, 1994, with the restrictions listed in Section 15 of said law;

(18)

The Hazardous Materials Law, 1993, with the restrictions listed in Section 15B of said law;

(19)

An offence in accordance with Section 204 of the Planning and Building Law, 1965, in reference to the installation of a reception dish, as defined in Chapter 2B, Article B of the Bezeq Law, 1982, with the restrictions listed in Section 266B;

(20)

An offence in accordance with the Restriction of Advertising Tobacco for Smoking Law, 1983, with the restrictions listed in Section 11A; (20) An offence in accordance with Section 204 of the Planning and Building Law, 1965, in reference to the installation of wireless access, as defined in Chapter F, Article E of the Bezeq Law, 1982, with the restrictions listed in Section 266C of the Planning and Building Law.

Third Addendum - (Section 242A)

Column A

Column B

(1) The state prosecutor, the deputy state prosecutor and the director of the Criminal Department at the State Prosecutor's Office.

A. Sections 94(C) and 94A(C) of this law.

B. Section 21 of the Treatment of Mentally Ill Persons Law, 1991.

C. Section 14 of the Youth Law (Judging, Punishment and Modes of Treatment), 1971 (in this addendum – the Youth Law).

D. Sections 124(A), 291A(B) and 354(A) or (C) of the Penal Law, 1977 (in this addendum- the Penal Law).

E. Sections 17(B) and 35(D) of the Criminal Procedure Law (Powers of Enforcement – Arrest), 1996 (in this addendum – the Arrests Law).

F. Sections 14 and 15 of the Military Justice Law, 1955.

(2) The officials listed in Detail (1) and the district attorney

A. Sections 69 and 229(C) of this law.

B. Section 4(A) of the Youth Law

C. (Annulled).

D. Section 38(D) of the Dangerous Drugs Ordinance [New Version], 1973.

E. Section 8A(A) of the Administrative Offences Law, 1985.

F. Sections 9(B) and 123 of the Penal Law.

(3) The state prosecutor, the director of the International Department at the State Prosecutor's Office

A. Section 10(A) of the Penal Law.

B. Section 20 of the Extradition Law, 1954.

C. Section 10 of the Serving Prison Sentences in the Country of Citizenship Law, 1996.

(4) The officials listed in Detail (2) and the director of the Fiscal Department at the State Prosecutor's Office.

A. Section 58(B) of the Arrests Law.

(5) The state prosecutor and the deputy state prosecutor.

A. Section 8 of the law.

(6) The Deputy State Attorney and the Director of the department to enforce the Property Law for the State Attorney, subject to the Attorney General or State Attorney's instructions, if he has been delegated the authority specified in Section 12(C).

Article 12 (a) (1) (b) of the Law, regarding certifying prosecutors for the matter of offenses committed according to the Planning and Building Law-1965

Moshe Nissim

Minister of Justice

Reference: No Legal Frontiers, http://nolegalfrontiers.org/israeli-domestic-legislation/criminal-procedure/criminal01?lang=en