

THE PRESIDENT

No. 02/2021/L-CTN

THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

Hanoi, November 15, 2021

ORDER

On the promulgation of law¹

THE PRESIDENT OF THE SOCIALIST REPUBLIC OF VIETNAM

Pursuant to Articles 88 and 91 of the Constitution of the Socialist Republic of Vietnam;

Pursuant to Article 80 of the Law on Promulgation of Legal Documents,

PROMULGATES:

The Law Amending and Supplementing a Number of Articles of the Criminal Procedure Code,

which was passed on November 12, 2021, by the XVth National Assembly of the Socialist Republic of Vietnam at its 2nd session.

President of the Socialist Republic of Vietnam
NGUYEN XUAN PHUC

¹ *Công Báo Nos 1029-1030 (10/12/2021)*

LAW

**Amending and Supplementing a Number of Articles of the
Criminal Procedure Code**

Pursuant the Constitution of the Socialist Republic of Vietnam;

The National Assembly promulgates Law No. 101/2015/QH13 Amending and Supplementing a Number of Articles of the Criminal Procedure Code.

Article 1. To amend and supplement a number of articles of the Criminal Procedure Code

1. To amend and supplement Clause 3, Article 146 as follows:

“3. Public security offices of communes, wards and townships, and public security stations shall receive offense denunciations and reports, make written records of receipt, carry out preliminary examination and verification, and immediately transfer such denunciations and reports enclosed with related documents and objects to competent investigation bodies.”.

2. To add Point c below Point b, Clause 1, Article 148 as follows:

“c/ It fails to complete the examination and verification for issuing a decision to initiate or not to initiate a criminal case for the reason of a *force majeure* event due to a natural disaster or an epidemic.

The Procurator General of the Supreme People’s Procuracy shall assume the prime responsibility for, and coordinate with the Minister of Public Security, Minister of National Defense and heads of other related agencies in, providing in detail this Point.”.

3. To amend and supplement Clause 1, Article 155 as follows:

“1. Criminal cases involving the offenses prescribed in Clauses 1 of Articles 134, 135, 136, 138, 139, 141, 143, 155 and 156 of the Penal Code may only be initiated at the request of victims or representatives of victims who are aged under 18 years or have mental or physical defects or deceased.”.

4. To amend and supplement Clause 8, Article 157 as follows:

“8. For the offenses prescribed in Clauses 1 of Articles 134, 135, 136, 138, 139, 141, 143, 155 and 156 of the Penal Code, for which victims or their representatives do not request the initiation of a criminal case.”.

5. To add Point d below Point c, Clause 1, Article 229 as follows:

“d/ The investigation cannot be completed due to a *force majeure* event due to a natural disaster or an epidemic, while the investigation time limit has expired.

The Procurator General of the Supreme People’s Procuracy shall assume the prime responsibility for, and coordinate with the Minister of Public Security, Minister of National Defense and heads of other related agencies in, providing in detail this Point.”.

6. To add Point d below Point c, Clause 1, Article 247 as follows:

“d/ It is impossible to conduct proceedings to decide on prosecution for the reason of a *force majeure* event due to a natural disaster or an epidemic, while the time limit for deciding on prosecution has expired.

The Procurator General of the Supreme People’s Procuracy shall assume the prime responsibility for, and coordinate with the Minister of Public Security, Minister of National Defense and heads of other related agencies in, providing in detail this Point.”.

Article 2. Implementation provisions

1. To amend and supplement Article 44 of Law No. 99/2015/QH13 on Organization of Criminal Investigation Bodies as follows:

“Article 44. Responsibilities of public security offices of communes, wards or townships and public security stations

1. Public security offices of communes, wards and townships and public security stations shall receive offense denunciations and reports, make written records of receipt, carry out preliminary examination and verification, and immediately transfer such denunciations and reports enclosed with related documents and objects to competent investigation bodies.

2. In case public security offices of communes, wards and townships and public security stations detect, arrest or receive offenders caught red-handed or wanted persons, they shall confiscate or seize weapons and dangerous instruments and preserve relevant documents and objects, make minutes of arrest, take initial testimonies, and protect crime scenes in accordance with law;

and immediately escort arrested persons to immediate superior public security offices or promptly report thereon to competent investigation bodies.”.

2. This Law takes effect on December 1, 2021.

This Law was passed on November 12, 2021, by the XVth National Assembly of the Socialist Republic of Vietnam, at its 2nd session.-

Chairman of the National Assembly
VUONG DINH HUE