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Act no 52 of 11 June 1971 relating to Criminal Registration

§ 1. A Central Criminal Record which covers the entire realm shall include information on judgments, accepted writs of fine, probation and other judicial decisions which involve:

1. Sentence of deprivation of liberty, loss of rights or suspended sentence.
2. Fines for felonies.
3. Security measures, preventive detention or committal to forced labour institution.
4. Conditional waiver of prosecution in accordance with § 85 of the Criminal Procedures Act, second to fourth paragraphs, in felony cases.
5. Transfer of a felony case to a Juvenile Welfare Board pursuant to § 57 of Act no 14 of 17 July 1953 relating to Child Welfare.

The Central Criminal Record shall also contain information on judgments concerning committal to work training school pursuant to Act no 2 of 1 June 1928, judgments concerning committal to forced labour or curative institution pursuant to Act no 5 of 31 May 1900 or other statutes, waiver of prosecution pursuant to §§ 43 - 44 of Act no 1 of 6 June 1896 or §§ 57 - 58 of Act no 14 of 17 July 1953 and transfer of a felony case to a Juvenile Welfare Board pursuant to Chapter 1 of Act no 3 of 9 April 1965.

§ 2. For use in penal proceedings the Police, the Public Prosecution Authority and the Courts may require a certified copy of a criminal record containing information on judicial decisions entered in the Central Criminal Record.

Anyone may demand, in accordance with specific rules issued by the Ministry, to know whether the Central Criminal Record contains information about himself and what this information consists in.

Information from the Central Criminal Record shall be made available for the Central Bureau of Statistics and for research purposes to the extent and in the manner determined by the Ministry

§ 3. The police headquarters concerned shall keep a Record of Fines containing information on persons who have been sentenced to a fine by court judgment or other judicial decision. If

circumstances so indicate this record may be kept by a central authority.

The Record of Fines may also include information on other judicial decisions in penal cases.

Certified copies of the Record of Fines for use in penal proceedings shall be issued by the local police headquarters. The provisions in § 2 shall apply correspondingly.

In addition the local police headquarters shall keep such registers for the use of the Police as are deemed necessary.

§ 4. A record for the entire realm shall be kept by the central police authority containing personal data which may be of importance to the work of the police in investigating and solving crimes, including judicial decisions mentioned in § 1.

For the same purpose the police authority concerned issues an information bulletin on offenders and violations of the law etc. (Polititidende - Police Bulletin).

§ 5. On the basis of information in the Police Bulletin and in the records mentioned in § 3 and § 4, the Police may, for other uses than in penal proceedings, issue an attestation (police attestation) on whether a person has been subject to penal sanctions or other measures in connection with punishable offences he has committed. The application for such an attestation shall indicate what it is to be used for.

The attestation shall normally be issued by the police headquarters in the district where the person concerned lives or with which he has the strongest ties. Another police headquarters may also issue such an attestation when the circumstances make this seem natural.

When the police express an opinion on a person's conduct, this opinion shall be given in the form of a police attestation pursuant to this section and in accordance with the provisions in § 6.

§ 6. An attestation mentioned in § 5 shall not contain information on:

1. A waiver of prosecution in respect of misdemeanours, unconditional waiver of prosecution for felonies or the transfer of a misdemeanour case to a Juvenile Welfare Board pursuant to

chapter 1 of Act no 3 of 9 April 1965 relating to Penal Sanctions against Young Offenders or § 57 of Act no 14 of 17 July 1953 relating to Child Welfare.

2. A sentence of military arrest.
3. A fine for a misdemeanour, unless the police at their own discretion consider that the fine has an important bearing on the purpose of the attestation and that it is not older than 2 years from the date of the sentence or the acceptance of the writ of fine option.
4. A transfer of a felony case to the Juvenile Welfare Board pursuant to chapter 1 of Act no 3 of 9 April 1965 relating to Penal Sanctions against Young Offenders or § 57 of Act no 14 of 17 July 1953 relating to Child Welfare, if the transfer was decided more than 2 years before the attestation is issued.
5. A fine for a felony in accordance with a judgment rendered or a writ of fine option accepted more than 2 years before the attestation is issued.
6. A conditional waiver of prosecution for a felony when the waiver was notified or judgment rendered more than 2 years before the attestation is issued.
7. A suspended sentence, when the judgment was rendered more than 5 years before the attestation is issued. The same applies to a sentence of security measures if the sentence has not resulted in committal to an institution and the security period has expired, as well as to a judgment authorizing committal to forced labour or curative institution if the authorization has not been put into effect.
8. A sentence of unconditional imprisonment of up to 6 months, juvenile prison or work training school if the convicted person has been set free, either on probation or finally, more than 5 years before the attestation is issued. The same applies to judgment authorizing committal to forced labour or curative institution if the authorization has been put into effect.
9. A sentence of loss of rights for a set period if the judgment was rendered more than 10 years before the attestation is issued.

- 10. A sentence of unconditional imprisonment of over 6 months or preventive detention if the convicted person has been set free either on probation or finally, more than 10 years before the attestation is issued.
- 11. A sentence of security measures which has resulted in commitment to an institution if 10 years have elapsed since the security period expired.

If a person has had several sentences of unconditional imprisonment for 6 months or more, juvenile prison (work training school), forced labour, security measures or preventive detention, all those sentences shall be included in the attestation, even if only one of them had to be included pursuant to the provisions in the first paragraph. If a sentence has been pronounced at a time when no previous sentence of this kind had to be included pursuant to the provisions in the first paragraph, then the previous sentences shall not be included in the attestation.

In special cases the Ministry may decide that a greater or lesser number of judicial decisions than prescribed in this section shall be included.

The attestation shall indicate what it is to be used for.

§ 7. When the Police express an opinion on whether a person is considered suitable or should have the right to undertake an activity, they may base their opinion also on circumstances which do not have to be included in an attestation pursuant to §§ 5 and 6.

The provisions in §§ 5 and 6 are not applicable when the Police supply information for the purpose of preventing or solving crime, or preventing an activity from being conducted in an unwarranted manner.

§ 8. Public servants are subject to the pledge of secrecy in respect of unauthorized persons as regards information contained in the Central Criminal Record and the other Records mentioned in this Act.

§ 9. The Ministry decides, in cases of doubt, whether an application for an attestation, a copy or information shall be granted.

§ 10. The King may issue regulations for the implementation of this Act, as for example concerning:

1. The keeping of the Central Criminal Record and the police records, notifications to the Records and entries of other information than that specified in § 1.
2. The extent to which foreign judgments and other judicial decisions shall be entered in the Records.
3. The issue of attestations and furnishing of information from the Records for purposes other than for use in penal proceedings.
4. The issue of attestations and furnishing of information from the Records to prosecuting authorities and courts of law abroad for use in penal proceedings.
5. The fact that in an attestation, or when the Police furnish information otherwise, in special cases a greater or lesser amount of information than is prescribed in § 6, is to be included.
6. The fact that the Ministry may, in individual cases, decide that an attestation shall be issued of wider scope than that provided for in this Act.
7. The filing and destruction of attestations and copies from the Records.
8. The contents of the Police Bulletin and to whom it shall be sent.

§ 11. This Act enters into force on the date decided by the King.