
RSoW [petty offence case no]

G u i d a n c e
on the rights and obligations of a person against whom there are reasonable grounds
for the issuance of a motion for punishment

a person against whom there are reasonable grounds for the issuance of a motion for punishment has the right to:

- know the charges (Article 54 § 6 of the Petty Offences Procedure Code [*Kodeks postępowania w sprawach o wykroczenia - KPW*]);
- offer explanations (Article 54 § 6 of the KPW);
- refuse to offer explanations (Article 54 § 6 of the KPW);
- send the explanations to the competent authority within 7 days from the omission of the questioning if the questioning would be associated with considerable difficulties (Article 54 § 7 of the KPW);
- defence, including the assistance of one defence lawyer (Article 4 § 2 of the KPW);
- file motions for evidence (Article 54 § 6 of the KPW);
- provide a written statement (Article 40 of the KPW);
- apply to the authority conducting the discovery for the case to be directed to an institution or a person authorised to conduct mediation proceedings. The participation in mediation is voluntary and the consent for it to be conducted may be withdrawn until the conclusion of the mediation proceedings (Article 54 § 9 of the KPW in relation to Article 23a of the Code of Criminal Procedure (*Kodeks Postępowania Karnego - KPK*));
- view the files of the case's discovery stage, make transcripts and copies thereof and, for a fee, receive certified transcripts or copies thereof (Article 38 § 1 of the KPW in relation to Article 156 § 5 of the KPK).

a person against whom there are reasonable grounds for the issuance of a motion for punishment is under an obligation to:

- indicate a correspondence address in Poland; otherwise, any correspondence sent to the last known address in Poland, as well as in the case of lack of such an address, shall be deemed served (Article 38 § 2 of the KPW);
- submit themselves to an external examination of their body and other examinations not involving any infringement of bodily integrity, as well as examinations involving certain tests conducted upon their body, except surgical procedures, in particular, aimed at taking their blood, hair and bodily fluids, as well as to allow for their fingerprints to be taken, to be photographed and presented to other persons in order for their identity to be established (Article 54 § 5 of the KPW in connection to Article 74 § 3 and Article 308 § 1 of the KPK).

A person questioned under Article 54 § 6 of the KPW is under an obligation to inform the authority conducting the discovery of any change of their residence or domicile lasting for more than 7 days and to appear before that authority when requested, otherwise becoming subject to an arrest and compulsory appearance (Article 54 § 6a of the KPW).

I received this guidance before the first questioning on* (date)

Sent to the person against whom there are reasonable grounds for the issuance of a motion for punishment on (date) *

.....
legible signature of the officer

.....
legible signature of the person receiving this guidance

.....
* *delete or complete as appropriate.*