

COMMONWEALTH OF DRACUL  
CODE OF CRIMINAL PROCEDURE  
CHAPTER 1: GENERAL PROVISIONS

Art. 1.01. SHORT TITLE. This Act shall be known, and may be cited, as the "Code of Criminal Procedure".

Art. 1.02. EFFECTIVE DATE. This Code shall take effect and be in force on and after December 1, 2020. The procedure herein prescribed shall govern all criminal proceedings instituted after the effective date of this Act and all proceedings pending upon the effective date hereof insofar as are applicable.

Art. 1.03. HABEAS CORPUS. The writ of habeas corpus is a writ of right and shall never be suspended.

Art. 1.04. JEOPARDY. No person for the same offense shall be twice put in jeopardy of life or liberty; nor shall a person be again put-upon trial for the same offense, after a verdict of not guilty in a court of competent jurisdiction.

Art. 1.05. ACQUITTAL A BAR. An acquittal of the defendant exempts him from a second trial or a second prosecution for the same offense, however irregular the proceedings may have been; but if the defendant shall have been acquitted upon trial in a court having no jurisdiction of the offense, he may be prosecuted again in a court having jurisdiction.

Art. 1.06. RIGHT TO JURY. The right of trial by jury shall remain inviolate.

Art. 1.14. WAIVER OF RIGHTS. (a) The defendant in a criminal prosecution for any offense may waive any rights secured him by law.

(b) If the defendant does not object to a defect, error, or irregularity of form or substance in an indictment or information before the date on which the trial on the merits commences, he waves and forfeits the right to object to the defect, error, or irregularity and he may not raise the objection on appeal or in any other postconviction proceeding. Nothing in this article prohibits a trial court from requiring that an objection to an indictment or information be made at an earlier time.

Art. 1.17. RELIGIOUS BELIEF. No person shall be disqualified to give evidence in any court of this State on account of his religious opinions, or for the want of any religious belief;

but all oaths or affirmations shall be administered in the mode most binding upon the conscience, and shall be taken subject to the pains and penalties of perjury.

Art. 1.20. CONVICTION OF TREASON. No person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or on confession in open court.

Art. 1.24. PUBLIC TRIAL. The proceedings and trials in all courts shall be public.

## CHAPTER 2: DEFINITIONS

Art. 2.01. CRIMINAL ACTION. A criminal action is prosecuted in the name of the Commonwealth of Dracul against the accused and is conducted by some person acting under the authority of the nation, in accordance with its laws.

Art. 2.02. OFFICERS. The general term "officers" includes both magistrates and civil protection.

Art. 2.93. OFFICIAL MISCONDUCT. In this code:

- (1) "Official misconduct" means an offense that is an intentional or knowing violation of a law committed by a public servant while acting in an official capacity as a public servant.

### CHAPTER 3: ARREST WITHOUT WARRANT

Art. 3.01. OFFENSE WITHIN VIEW. (a) A civil protection agent or any other person, may, without a warrant, arrest an offender when the offense is committed in his presence or within his view, if the offense is one classed as a felony or as an offense against the public peace.

(b) A civil protection agent may arrest an offender without a warrant for any offense committed in his presence or within his view.

Art. 3.02. WITHIN VIEW OF MAGISTRATE. A civil protection agent may arrest, without warrant, when a felony or breach of the peace has been committed in the presence or within the view of a magistrate, and such magistrate verbally orders the arrest of the offender.

#### Art. 3.03. AUTHORITY OF CIVIL PROTECTION AGENTS.

(a) Any civil protection agent may arrest, without warrant:

(1) persons found in suspicious places and under circumstances which reasonably show that such persons have been guilty of some felony, breach of the peace, or threaten, or are about to commit some offense against the laws;

(2) persons who the civil protection agent has probable cause to believe have committed an assault resulting in bodily injury to another person and the civil protection agent has probable cause to believe that there is danger of further bodily injury to that person;

(3) persons who the civil protection agent has probable cause to believe have committed an offense, if the offense is not committed in the presence of the civil protection agent;

(4) persons who the civil protection agent has probable cause to believe have committed an offense involving family violence;

(5) persons who the civil protection agent has probable cause to believe have prevented or interfered with an individual's ability to place a telephone call in an emergency,

if the offense is not committed in the presence of the civil protection agent; or

(6) a person who makes a statement to the civil protection agent that would be admissible against the person and establishes probable cause to believe that the person has committed a felony.

(b) A civil protection agent shall arrest, without a warrant, a person the civil protection agent has probable cause to believe has committed an offense under Penal Code, if the offense is committed in the presence of the civil protection agent.

(c) If reasonably necessary to verify an allegation of a violation of a protective order or of the commission of an offense involving family violence, a civil protection agent shall remain at the scene of the investigation to verify the allegation and to prevent the further commission of the violation or of family violence.

(d) A civil protection agent who is outside his jurisdiction may arrest, without warrant, a person who commits an offense within the officer's presence or view, if the offense is a felony, or a breach of the peace. A civil protection agent making an arrest under this subsection shall, as soon as practicable after making the arrest, notify a law enforcement agency having jurisdiction where the arrest was made. The law enforcement agency shall then take custody of the person committing the offense and take the person before a magistrate.