

**Presidency of the Republic**  
**Office of the Chief of Staff**  
**Legal Affairs Subsection**

LAW No. 9613, OF MARCH 3, 1998,

provides for crimes involving laundering or concealing of assets, rights and valuables; prevention from using the financial system for committing crimes provided for in this law; creates the Council for Control of Financial Activities – COAF, and other provisions.

Compiled text

(Refer to Decree No. 2799, of 1998)

(Refer to Law No. 13964, of 2019) (In effect)

I, the **PRESIDENT OF THE REPUBLIC**, hereby make known that the National Congress decrees and I sanction the following Law:

**CHAPTER I**

**Crimes of Laundering or Concealment of Assets, Rights, And Valuables**

Article 1. To conceal or disguise the true nature, origin, location, disposition, movement. or ownership of assets, rights and valuables that result directly or indirectly from a criminal offense. (Wording by Law No. 12683, of 2012).

I - (Revoked); (Wording by Law No. 12683, of 2012)

II - (Revoked); (Wording by Law No. 12683, of 2012)

III - (Revoked); (Wording by Law No. 12683, of 2012)

IV - (Revoked); (Wording by Law No. 12683, of 2012)

V - (Revoked); (Wording by Law No. 12683, of 2012)

VI - (Revoked); (Wording by Law No. 12683, of 2012)

VII - (Revoked); (Wording by Law No. 12683, of 2012)

VIII - (Revoked); (Wording by Law No. 12683, of 2012)

Penalty: imprisonment from 3 (three) to 10 (ten) years, and a fine. (Wording by Law No. 12683, of 2012)

Paragraph 1. The same punishment shall apply to anyone who, in order to conceal or disguise the use of the assets, rights and valuables resulting from a criminal offense: (Wording by Law No. 12683, of 2012)

I - launders them into licit assets;

II - acquires, receives, exchanges, trades, gives or receives as guarantee, keeps, stores, moves, or transfers any such assets, rights and valuables;

III - imports or exports goods at prices that do not correspond to their true value;

Paragraph 2. The same penalty shall apply to anyone who: (Wording by Law No. 12683, of 2012)

I - through economic or financial activity, makes use of any assets, rights and valuables resulting from a criminal offense; (Wording by Law No. 12683, of 2012)

II - knowingly takes part in any group, association, or office set up for the main or secondary purpose of committing the crimes referred to in this Law.

Paragraph 3. Attempting to commit any of the crimes referred to in this Law is punishable in accordance with the provisions set forth in Article 14, Sole Paragraph, of the Penal Code.

Paragraph 4. The penalty shall be increased by one to two-thirds, when the crime follows a constant pattern or is committed by a criminal organization. (Wording by Law No. 12683, of 2012)

Paragraph 5. In the event that the perpetrator, co-perpetrator or their accomplices freely agree to cooperate with the authorities by providing information that lead to the detection of a crime and the identification of those responsible for it and their accomplices, or to the discovery of assets, rights and valuables that were the object of the crime, the penalty may be reduced by one or two-thirds. The perpetrator may also be allowed to serve time in open conditions or semi-open conditions. The judge may also decide whether to apply the penalty or substitute it, at any time, for restriction of rights. (Wording by Law No. 12683, of 2012)

Paragraph 6. For the investigation of the crime referred to in this Article, the use of controlled action and undercover agents is allowed. (Included by Law No. 13964, of 2019)

## **CHAPTER II**

### **Special Provisions for Proceedings**

Article 2. The judicial proceedings and penalties for crimes referred to in this Law:

I - shall be subject to the same provisions that apply to crimes punishable by extended imprisonment, which are under the jurisdiction of a judge of first instance;

II - are not dependent on the judicial proceedings and sentencing applicable to prior criminal offenses, even for crimes committed abroad, being the responsibility of the judge under the jurisdiction for the crimes referred to in this Law to decide on the proceedings and trial location: (Wording by Law No. 12683, of 2012)

III - shall be subject to federal court jurisdiction in the following instances:

a) in the event of crimes against the financial system and the economic-financial order or to the detriment of assets, services or interests of the Federal Government or any of its autonomous agencies or state-owned companies;

b) in the event the prior criminal offense is subject to federal court jurisdiction. (Wording by Law No. 12683, of 2012)

Paragraph 1. The complaint shall include sufficient indications of the existence of the prior criminal offense. The criminal acts referred to in this Law shall be punishable even when the perpetrator of the prior criminal offense is unknown or exempt from punishment, or the liability to prosecution for the prior criminal offense is annulled. (Wording by Law No. 12683, of 2012)

Paragraph 2. The provisions of Section 366 of Decree-Law No. 3689, October 3, 1941 (Code of Criminal Procedure) shall not apply to the judicial proceedings pertaining to the crimes referred to in this Law. Thus, the defendant who does not appear before Court or appoint a lawyer should be served by publication, and proceedings shall continue until trial, with the appointment of a defense counsel. (Wording by Law No. 12683, of 2012)

Article 3. (Revoked by Law No. 12683, of 2012)

Article 4. During investigations or judicial proceedings, upon request by the Prosecution Service or the Chief of Police, after consulting the Prosecution Service within 24 (twenty-four) hours,

having sufficient evidence of a criminal offense, the judge may order provisional measures to restrain assets, rights and valuables considered instruments or proceeds of crimes referred to in this Law or prior criminal offenses, and which belong to the person under investigation or the defendant or are registered under the name of an intermediary. (Wording by Law No. 12683, of 2012)

Paragraph 1. Anticipated sale of the assets shall take place to preserve the value of the assets whenever they are subject to any degree of deterioration or depreciation, or when there is difficulty in maintaining them. (Wording by Law No. 12683, of 2012)

Paragraph 2. The judge shall determine the total or partial release of the assets, rights and valuables when the lawfulness of their origin is proven, maintaining the restraint of the assets, rights and valuables necessary and sufficient to compensate the damages and payment of cash benefits, fines and costs arising from the criminal offense. (Wording by Law No. 12683, of 2012)

Paragraph 3. No claim for release shall be heard without the personal appearance of the defendant or an intermediary referred to in the head provision of this Article, and the judge may order acts necessary for the conservation of assets, rights or valuables, without prejudice to the provisions of Paragraph 1. (Wording by Law No. 12683, of 2012)

Paragraph 4. Provisional measures to restrain assets, rights or valuables may be ordered to compensate the damage resulting from the prior criminal offense or that provided for in this Law or to pay a cash benefit, fine and costs. (Wording by Law No. 12683, of 2012)

Article 4-A. The anticipated sale for the preservation of the value of restrained assets shall be ordered by the judge, *sua sponte*, at the request of the Federal Prosecution or the interested party, by means of an autonomous petition, which shall be filed in a separate record and whose proceedings shall be processed separately in relation to the main proceedings. (Included by Law No. 12683, of 2012)

Paragraph 1. The request for sale must contain a list of all other assets, with the description and specification of each one, and information on their owner and location. (Included by Law No. 12683, of 2012)

Paragraph 2. The judge shall determine the valuation of the assets, in separate records, and notify the Federal Prosecution. (Included by Law No. 12683, of 2012)

Paragraph 3. Once the valuation has been made and any differences on the respective report are resolved, the judge, through judgment, shall ratify the value assigned to the assets and determine

whether to sold them at auction or bidding, preferably electronic, for a value not less than 75% (seventy-five percent) of the valuation. (Included by Law No. 12683, of 2012)

Paragraph 4. Once the auction takes place, the amount raised shall be deposited in an interest-bearing judicial account, as follows: (Included by Law No. 12683, of 2012)

I - in the cases under the jurisdiction of the Federal Courts and the Federal District Courts: (Included by Law No. 12683, of 2012)

a) deposits shall be made at Caixa Econômica Federal or at a public financial institution, by means of an appropriate document for that purpose; (Included by Law No. 12683, of 2012)

b) deposits shall be transferred by Caixa Econômica Federal or by a public financial institution to the National Treasury Single Account, regardless of any formality, within 24 (twenty four) hours; and (Included by Law No. 12683, 2012)

c) the amounts returned by Caixa Econômica Federal or by a public financial institution shall be debited to the National Treasury Single Account, in a refund sub-account; (Included by Law No. 12683, of 2012)

II - in the case of adverse judgment under the State Courts' jurisdiction: (Included by Law No. 12683, of 2012)

a) deposits shall be made in a financial institution appointed by law, preferably public, of each State or, in their absence, in a public financial institution of the Federal Government; (Included by Law No. 12683, of 2012)

b) deposits shall be transferred to the single account of each State, in accordance with the respective legislation. (Included by Law No. 12683, of 2012)

Paragraph 5. Upon the judicial authority's order, the deposit amount, after the final unappealable sentence in the criminal action, shall be: (Included by Law No. 12683, of 2012)

I - in the case of adverse sentence in proceedings under the Federal Courts' and the Federal District Courts' jurisdiction, it shall be definitively incorporated into the assets of the Federal Government, and, in proceedings under the State Courts' jurisdiction, it shall be incorporated into the assets of the respective State; (Included by Law No. 12683, of 2012)

II - in the case of judgment of acquittal with termination of punishability, it shall be made available to the defendant by the financial institution, plus the interest earned through the judicial account. (Included by Law No. 12683, of 2012)

Paragraph 6. The depository financial institution shall keep track of the amounts deposited or returned. (Included by Law No. 12683, of 2012)

Paragraph 7. All taxes and fines levied on the sold asset shall be deducted from the amount raised in the auction, without prejudice to initiatives that, within the scope of the powers of each entity of the Federation, will release assets under judicial restraint. (Included by Law No. 12683, of 2012)

Paragraph 8. Once the deposit referred to in Paragraph of this Article is made, the selling records shall be attached to those in the main proceedings. (Included by Law No. 12683, of 2012)

Paragraph 9. Appeals filed against decisions rendered in the course of the proceedings provided for in this Article shall have a devolutive effect. (Included by Law No. 12683, of 2012)

Paragraph 10. In the case of unappealable judgment of conviction, the judge shall order the following, in favor of the Federal Government or the State, as the case may be: (Included by Law No. 12683, of 2012)

I - loss of the amounts deposited in the interest-bearing account and loss of the suretyship; (Included by Law No. 12683, of 2012)

II - loss of assets not previously sold and those to which no previous allocation was given; and (Included by Law No. 12683, of 2012)

III - the loss of unclaimed goods within 90 (ninety) days after the judgment has become final, with the exception of the right of the injured party or third party in good faith. (Included by Law No. 12683, of 2012)

Paragraph 11. The assets referred to in items II and III of Paragraph 10 of this Article shall be adjudicated or put up for auction, with the balance being deposited in the single account of the respective entity. (Included by Law No. 12683, of 2012)

Paragraph 12. The judge shall order the competent public registry to issue a document enabling the circulation and use of goods placed under the use and custody of the entities to which the head provision of this Article is referred. (Included by Law No. 12683, of 2012)

Paragraph 13. Funds arising from the anticipated sale of assets, rights and valuables resulting from illicit drug trafficking and which have been the subject of dissimulation and concealment under the terms of this Law remain subject to the provisions of specific Law. (Included by Law No. 12683, of 2012)

Article 4-B. The order of imprisonment of persons or the provisional measures to restrain assets, rights or valuables may be suspended by the judge, after hearing the Federal Prosecution, when their immediate execution may jeopardize the investigations. (Included by Law No. 12683, of 2012)

Article 5. Whenever the circumstances justify it, the judge, upon consulting with the Federal Prosecution, shall appoint a qualified individual or legal entity to manage the assets, rights or valuables that were subject to restraint, upon signing a deed of undertaking. (Wording by Law No. 12683, of 2012)

Article 6. The individual or legal entity responsible for the management of the assets shall: (Wording by Law No. 12683, of 2012)

I - be entitled to receive payment for their services, which shall be paid with proceeds of the assets under their management;

II - provide periodic information on the status of the assets under their management, as well as explanations and details about investment and reinvestment operations that they may have carried out;

Sole Paragraph The actions pertaining to the management of the assets subject to provisional measures for restraint shall be reported to the Federal Prosecution, who shall file any motion deemed appropriate. (Wording by Law No. 12683, of 2012)

### **CHAPTER III**

#### **The Effects of a Guilty Verdict**

Article 7. In addition to the provisions set forth in the Criminal Code, a guilty judgment entails the following:

I - forfeiture, in favor of the Federal Government – and the States, in the cases of State Courts' jurisdiction-, of any assets, rights and valuables which are directly or indirectly related to the crimes referred to in this Law, including those used for suretyship, due to provision being made for safeguarding the rights of a victim or a third party in good faith; (Wording by Law No. 12683, of 2012)

II - suspension of the right to take office of any nature in the public service, as directors, members of management councils or managers of any of the legal entities referred to in Article 9,

for a period equal to double the imprisonment term stipulated by the judicial penalty;

Paragraph 1. The Federal Government and the States, within the scope of their powers, shall regulate the form of destination of the assets, rights and valuables whose forfeiture has been declared, ensuring that, regarding the proceedings under Federal Courts' jurisdiction, it is used by federal agencies responsible for the prevention, combat, prosecution and judgment of the crimes provided for in this Law, and, with regard to the proceedings under State Courts' jurisdiction, preference shall be given to local bodies with the same function. (Included by Law No. 12683, of 2012)

Paragraph 2. Instruments of crime without economic value whose loss in favor of the Federal Government or the State is ordered shall be discarded or donated to a criminal museum or public entity, if there is interest in its conservation. (Included by Law No. 12683, of 2012)

#### **CHAPTER IV**

##### **Assets, Rights or Valuables Resulting From Crimes Committed Abroad**

Article 8. If there is an international treaty or convention dealing with the matters referred to in this Law and upon request of a competent foreign authority, the judge shall order provisional measures to restrain assets, rights and valuables resulting from crimes committed abroad defined in Article 1. (Wording by Law No. 12683, of 2012)

Paragraph 1. These provisional measures shall also apply, regardless of the existence of an international treaty or convention, provided that the government of the requesting authority undertakes to grant reciprocity to Brazil.

Paragraph 2. In the absence of an international treaty or convention, the private assets, rights or valuables subject to provisional measures or the proceeds resulting from their sale, upon request of a competent foreign authority, shall be evenly shared between the requesting State and Brazil, safeguarding the rights of the victims or third parties in good faith. (Wording by Law No. 12683, of 2012)

#### **CHAPTER V**

(Wording by Law No. 12683, of 2012)

##### **INDIVIDUALS AND ENTITIES SUBJECT TO THE CONTROL MECHANISM**

(Wording by Law No. 12683, of 2012)

Article 9 The obligations set forth in Articles 10 and 11 shall apply to any individual and legal entity that engages, on a permanent or temporary basis, as a principal or secondary activity, together or separately, in any of the following activities: (Wording by Law No. 12683, of 2012)

I - raising, brokerage, and investment of third parties' funds in Brazilian or foreign currency;

II - purchase and sale of foreign currency or gold as a financial asset;

III - custody, issuance, distribution, liquidation, negotiation, brokerage or management of securities;

Sole Paragraph. The same obligations shall apply to the following:

I - stock, commodities, futures exchanges, and organized over-the-counter trading systems: (Wording by Law No. 12683, of 2012)

II - insurance companies, insurance brokers, and institutions involved with private pension plans or social security;

III - payment or credit card administrators and purchase consortiums;

IV - administrators or companies that use cards or any other electronic, magnetic or similar means, that allow fund transfers;

V - companies that engage in leasing and factoring activities, and Simple Credit Companies (ESC); (Wording by Law No. 12683, of 2012)

VI - companies that distribute any kind of money, movable and immovable assets, goods, services or even give discounts for their acquisition, through lottery or similar methods;

VII - branches or representatives of foreign entities that engage in any of the activities referred to in this Article, which take place in Brazil, even if occasionally;

VIII - all other legal entities engaged in the performance of activities that depend upon an authorization from the agencies that regulate the stock, exchange, financial, and insurance markets;

IX - any and all Brazilian or foreign natural persons or legal entities, which operate in Brazil as agents, managers, representatives or proxies, commission agents, or represent in any other way the interests of foreign legal entities that engage in any of the activities referred to in this Article;

X - natural persons or legal entities that engage in activities pertaining to real estate, including the promotion, purchase and sale of properties; (Wording by Law No. 12683, of

2012)

XI - natural persons or legal entities that engage in the business of jewelry, precious stones and metals, works of art, and antiques;

XII - natural persons or legal entities that trade or mediate the trade of luxurious or high-priced goods or that perform activities that involve great amounts in cash. (Wording by Law No. 12683, of 2012)

XIII - boards of trade and public records offices; (Included by Law No. 12683, of 2012)

XIV - natural persons or legal entities that provide, even if eventually, advisory, consultancy, accounting, auditing, counseling or assistance services, of any nature, in operations of: (Included by Law No. 12683, of 2012)

a) purchase and sale of real estate, commercial or industrial establishments or shareholdings of any nature; (Included by Law No. 12683, of 2012)

b) management of funds, securities or other assets; (Included by Law No. 12683, of 2012)

c) opening or managing bank, savings, investment or securities accounts; (Included by Law No. 12683, of 2012)

d) creation, operation or management of companies of any nature, foundations, trust funds or similar structures; (Included by Law No. 12683, of 2012)

e) financial, corporate or real estate nature; and (Included by Law No. 12683, of 2012)

f) sale or purchase of rights in contracts related to professional sports or artistic activities; (Included by Law No. 12683, of 2012)

XV - natural persons or legal entities engaged in the promotion, intermediation, commercialization, or negotiation of transfer rights for athletes, artists or fairs, exhibitions or similar events; (Included by Law No. 12683, of 2012)

XVI - transportation and custody companies for valuables; (Included by Law No. 12683, of 2012)

XVII - natural persons or legal entities that sell high-value goods of rural or animal origin or mediate their sale; and (Included by Law No. 12683, of 2012)

XVIII – the premises of the entities mentioned in this Article, through its headquarters in Brazil, in relation to residents in the country. (Included by Law No. 12683, of 2012)

## **CHAPTER VI**

### **Customer Identification and Record Keeping**

Article 10. The legal entities referred to in Article 9 shall:

I - identify their customers and maintain updated records in compliance with the provisions set forth by the competent authorities;

II - keep up-to-date records of all transactions, in Brazilian and foreign currency, involving securities, bonds, credit instruments, metals, or any asset that may be converted into cash which exceeds the amount set forth by the competent authorities, and which is in accordance with the instructions issued by these authorities;

III - adopt policies, procedures and internal controls, compatible with the size and volume of operations, which allow them to comply with the provisions of this Article and in Article 11, in the form established by the competent bodies; (Wording by Law No. 12683, of 2012)

IV - register and keep their registration up-to-date with the regulatory or supervisory body and, in the absence of that, with the Council for Financial Activities Control (Coaf), in the form and conditions established by it; (Included by Law No. 12683, of 2012)

V - comply with the requests made by Coaf regarding established periodicity, form and conditions, being responsible for preserving, in accordance with the law, the confidentiality of the information provided. (Included by Law No. 12683, of 2012)

Paragraph 1. If the customer is a legal entity, the identification mentioned in item I of this Article shall include the natural persons legally authorized to represent it, as well as its owners.

Paragraph 2. The records mentioned in items I and II of this Article shall be kept during a minimum period of five years, beginning on the date the account is closed or the date the transaction is concluded. However, the competent authorities may decide, at their own discretion, to extend that period.

Paragraph 3. The records mentioned in item II of this Article shall also be made whenever an a natural person or a legal entity, or their associates carry out, during the same calendar month, transactions with the same natural person, legal entity, conglomerate or group that exceeds the limits set forth by the competent authorities.

Article 10-A. The Central Bank will keep centralized registries forming a general database with the current-account holders and financial institutions clients, as well as with their representatives. (Included by Law No. 10,701, of 2003)

## **CHAPTER VII**

### **Reports on Financial Transactions**

Article 11. The legal entities referred to in Article 9 shall:

I - pay special attention to any transaction that, in view of the provisions set forth by the competent authorities, may represent serious indications of or be related to the crimes referred to in this law;

II - report to Coaf, refraining from informing any person of this act, including the one to whom the information refers, within 24 (twenty four) hours, the proposal or carrying out of: (Wording by Law No. 12683, of 2012)

a) all transactions referred to in item II of Article 10, accompanied by the identification referred to in item I of the aforementioned Article; and (Wording by Law No. 12683, of 2012)

b) operations referred to in item I; (Wording by Law No. 12683, of 2012)

III - communicate to the regulatory or supervisory body of their activity or, in the absence of that, to Coaf, following the periodicity, form and conditions established by them, the non-occurrence of proposals, transactions or operations that shall be communicated under the terms of item II - (Included by Law No. 12683, of 2012)

Paragraph 1. The competent authorities referred to in Item I shall establish a list of transactions that, due to their characteristics or lack of economic or legal basis, could entitle the kind of operations mentioned therein, regarding the parties involved, the values, the form and instruments used.

Paragraph 2. Information provided in good faith, pursuant to the provisions set forth in this Article, shall not generate any civil or administrative liability.

Paragraph 3. Coaf shall make the communications received based on item II of the head provision available to the respective bodies responsible for regulating or inspecting the persons referred to in Article 9. (Wording by Law No. 12683, of 2012)

Article 11-A. International transfers and cash withdrawals must be previously communicated to the financial institution, under the terms, limits, timeline and conditions set by the Central Bank of Brazil. (Included by Law No. 12683, of 2012)

## **CHAPTER VIII**

### **Administrative Liability**

Article 12. The legal entities referred to in Article 9, as well as their managers, which fail to comply with the provisions set forth in Article 10 and 11 shall be subject to the sanctions defined below. Therefore, competent authorities shall apply, together or separately, the following sanctions:

I - warning;

II - variable pecuniary fine not exceeding: (Wording by Law No. 12.683, of 2012);

a) twice the value of the operation; (Included by Law No. 12683, of 2012)

b) twice the real profit obtained or that would presumably be obtained by carrying out the operation; or (Included by Law No. 12683, of 2012)

c) BRL 20,000,000.00 (twenty million reais); (Included by Law No. 12683, of 2012)

III - Temporary prohibition for up to 10 (ten) years on holding any management position in the legal entities referred to in the Sole Paragraph in Article 9;

IV - Revocation or suspension of authorization for the exercise of activity or operations. (Wording by Law No. 12683, of 2012)

Paragraph 1. The warning sanction shall be applied for failure to comply with the provisions set forth in items I and II of Article 10.

Paragraph 2. A fine shall be applied whenever any of the legal entities mentioned in Article 9, with or without intent: (Wording by Law No. 12683, of 2012)

I - fails to correct the irregularities which provoked the warning, within the time limit set forth by the competent authorities;

II - fails to comply with the provisions of items I to IV of Article 10; (Wording by Law No. 12683, of 2012)

III - fails to comply, within the stipulated time limit, with the requirements set forth in item V of Article 10; (Wording by Law No. 12683, of 2012)

IV - Disregards the prohibition or fails to provide the reports referred to in Article 11.

Paragraph 3. The penalty of temporary suspension of activities shall be applied to those responsible for serious violations of the provisions of this Law or whenever there is evidence of specific recidivism regarding violations previously punished by fines.

Paragraph 4. The penalty of revocation of the authorization to operate shall be applied in instances when there is specific recidivism regarding violations previously punished by the penalty provided for in Item III of the head provision of this Article.

Article 13 (Revoked by Law no, 13974, of 2020)

## **CHAPTER IX**

### **Council for Financial Activities Control**

Article 14. The Council for Financial Activities Control - Coaf is created, within the scope of the Ministry of Economy, with the purpose of regulating, applying administrative penalties, receiving, examining and identifying suspicious illegal activities provided for in this Law, without prejudice to the powers of other bodies and entities. (Wording by Provisional Measure No. 886, of 2019)

Paragraph 1. COAF shall issue the instructions set forth in Article 10 for the legal entities specified in Article 9, which are not subject to any specific monitoring or regulatory agency's supervision, In these cases, COAF shall also define the entities included in this category and apply the sanctions set forth in Article 12.

Paragraph 2. COAF shall also coordinate and suggest systems of cooperation and exchange of information designed to enable rapid and efficient responses in the struggle against the practice of concealment or disguise of assets, rights and valuables.

Paragraph 3. COAF may require Government's agencies to provide banking and financial registering information of people involved in suspicious activities. (Included by Law No. 10701, of 2003)

Article 15. COAF shall notify the competent authorities whenever it finds evidence of the crimes defined in this Law or of any other illicit activity, so as to enable such authorities to take the appropriate legal measures.

Article 16 (Revoked by Law No. 13974, of 2020)

Paragraph 1. (Revoked by Law No. 13974, of 2020)

Paragraph 2. Appeals against Coaf's decisions related to the enforcement of administrative penalties may be filed before the Appeals Council of the National Financial System. (Wording by Law No. 13506, of 2017) (See Decree No. 9889, of 2019) (Revoked by Law No. 13974, of 2020)

Article 17 (Revoked by Law No. 13974, of 2020)

## **CHAPTER X**

(Included by Law No. 12683, of 2012)

### **GENERAL PROVISIONS**

(Included by Law No. 12683, of 2012)

Article 17-A. The provisions of Decree-Law No. 3689, of October 3, 1941 (Code of Criminal Procedure) apply secondarily in so far as not incompatible with this Law. (Included by Law No. 12683, of 2012)

Article 17-B. Police authorities and the Federal Prosecution will have access, exclusively, to the investigated person's registration data, kept by the Electoral Courts, telephone companies, financial institutions, internet providers and credit card companies, which provides personal identification, affiliation and address, regardless of judicial authorization,. (Included by Law No. 12683, of 2012)

Article 17-C. The forwarding of financial and tax institutions in response to court orders for lifting or transferring secrecy must be, whenever determined, through electronic medium, and presented in files that allow the migration of information to the case files without retyping. (Included by Law No. 12683, of 2012)

Article 17-D. In the case of indictment of a public servant, they shall be removed from office, without prejudice to remuneration and other rights provided for by law, until the competent

judge authorizes, in a reasoned decision, their return. (Included by Law No. 12683, of 2012) (See ADIN 4911)

Article 17-E. The Secretariat of the Internal Revenue Service of Brazil shall keep tax data of the taxpayers for a minimum period of 5 (five) years, from the beginning of the year following the respective income tax return or the payment of the tax. (Included by Law No. 12683, of 2012)

Article 18 This Law shall come into force on the date of its publication.

Brasilia, March 3, 1998, the 177th Anniversary of the Independence and the 110th Anniversary of the Republic.

FERNANDO HENRIQUE CARDOSO

*Iris Rezende*

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This text does not replaced the one published in the Official Gazette on March 4, 1998