Presidency of the Republic

Office of the Chief of Staff

Legal Affairs Subsection

Law No. 12,850, OF AUGUST 2, 2013,

defines criminal organizations and provides regulations for criminal investigations, methods of collecting evidence, related criminal offenses and criminal procedures; it also alters Decree-Law No. 2,848 of December 7, 1940 (Penal Code), revokes Law No. 9,034, of May 3, 1995, and addresses other matters.

(In Effect)

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

CHAPTER I
CRIMINAL ORGANIZATIONS

Article 1. This Law defines criminal organizations and provides regulations for criminal investigations, methods of collecting evidence, related criminal offenses and the criminal procedures to be applied.

Paragraph 1. A criminal organization is the association of 4 (four) or more persons, organized in a structured manner and characterized by the distribution of tasks, even if informally, aimed to obtain advantages through the commission of criminal offenses, whether directly or indirectly, whose maximum penalty exceeds 4 (four) years, or present a transnational nature.

Paragraph 2. This Law also applies to:

I – criminal offenses provided for in international treaties or conventions when the crimes start in the country and the result of the crime takes place or should take place abroad, or reciprocally;

II – terrorist organizations, understood as those created for the practice of legally defined acts of terrorism. (Wording by Law No. 13,260, 2016).

Article 2. To promote, create, finance or integrate a criminal organization, personally or through the actions of intermediaries:

Penalty - imprisonment, from 3 (three) to 8 (eight) years, and a fine, regardless of the corresponding penalties related to other criminal offenses committed by the offender.

Paragraph 1. The same penalties shall apply to anyone who prevents or, in any manner, obstructs the investigation of a criminal offense involving a criminal organization, provided that the conduct does not constitute a more serious offense. ((Wording by Law No. 15,245, 2025).

Paragraph 2. The penalties shall be increased by half if the actions of the criminal organizations involve the use of firearms.

Paragraph 3. The penalty shall be increased for those heading the criminal organization, either individually or collectively, even when they have not personally carried out any acts.

Paragraph 4. The penalty shall be increased, from 1/6 (one sixth) to 2/3 (two thirds) if:

I – there is participation of a child or a teenager;

II – there is participation of a civil servant, and the criminal organization makes use of such a condition to commit the offense;

III – the proceeds or profit of the criminal offense is intended to be sent abroad, whether in its entirety or partially;

IV – the criminal organization is connected to other independent criminal organizations;

V – the circumstances of the fact evince the organization's transnational nature.

Paragraph 5. If there is enough evidence that the civil servant takes part in the criminal organization, the judge may determine the precautionary removal from their position or function, without losing remuneration when such measure proves necessary to the investigation or the criminal proceedings.

Paragraph 6. The final unappealable conviction shall result in loss of position, function, job or elective office for the civil servant convicted and impediment from performing in public positions or functions for 8 (eight) years subsequent to serving their sentence. (See ADI 5567)

Paragraph 7. If there is evidence of police participation in the crimes provided for in this Law, the Police Inspections Unit shall set up an investigation and communicate the Prosecution Service, which shall designate a member to follow the investigation until its conclusion. (See ADI 5567)

Paragraph 8. The heads of armed criminal organizations or those having arms available to them shall initiate the execution of the sentence in a maximum security prison. (Included by Law No. 13,964, 2019)

Paragraph 9. The defendant convicted of integrating a criminal organization or a crime committed through a criminal organization shall not be allowed downgrading incarceration conditions or parole or other prison benefits, should there be evidence of an ongoing relationship. (Included by Law No. 13,964, 2019)

CHAPTER II

INVESTIGATIONS AND METHODS OF COLLECTING EVIDENCE

Article 3. At any stage of the criminal prosecution, the following methods of collecting evidence shall be allowed, notwithstanding others already provided by Law:

I – plea bargain agreements;

II – recording of electromagnetic, optical or acoustic signals;

III – controlled action;

IV – access to the register of telephonic and telematics calls, to personal data from both public and private databases and to commercial or electoral information;

V – interception of telephone and telematics communications, pursuant to specific Law;

VI – lifting of bank, financial and fiscal secrecy, pursuant to specific Law;

VII – infiltration by police officers performing activities of investigation, pursuant to Article 11;

VIII – cooperation among institutions and federal, district, state, and municipal bodies in search of evidence and information of interest to the investigation or the evidentiary stage.

Paragraph 1. Should there be well-founded need to keep secrecy over the investigations, a bid for hiring specialized technical services, purchase or lease of equipment intended for the judicial police to track and obtain the evidence provided for in the items II and V may be discharged. (Included by Law No. 13,097, 2015).

Paragraph 2. In the case of Paragraph 1, the publication provided for in the Sole Paragraph of Article 61 of Law No. 8,666, of June 21, 1993, shall be dismissed and the internal control department shall be informed. (Included by Law No. 13,097, 2015).

Section I
Plea Bargains
(Wording by Law No. 13,964, 2019)

Article 3-A. The plea bargain agreement is a legal procedure transaction and a method of collecting evidence that presupposes utility and public interest. (Included by Law No. 13,964, 2019)

Article 3-B. Accepting the offer to enter into A plea bargain agreement is considered the beginning of negotiations and acknowledgment of the need for confidentiality. Disclosure of such initial negotiations or a document that formalizes them shall be considered breach of secrecy and trust and good faith, until lift of secrecy is ordered by judicial decision. Included by Law No. 13,964, 2019)

Paragraph 1. The offer to enter into A plea bargain agreement may be summarily denied, upon due reasons, and the interested party shall be informed. (Included by Law No. 13,964, 2019)

Paragraph 2. In the case there is not a summary denial, the parties shall enter into a Confidentiality Agreement for continuing the negotiations, which shall bind the bodies involved in the negotiations and shall bar future denials without just cause. (Included by Law No. 13,964, 2019)

Paragraph 3. Accepting the offer to enter into A plea bargain agreement or into a Confidentiality Agreement does not imply, in itself, suspension of the investigations, except for an agreement on the contrary as to the filing of preventive and precautionary criminal procedural measures, and civil procedural measures provided by the civil procedural legislation in effect. (Included by Law No. 13,964, 2019)

Paragraph 4. A plea bargain agreement may be preceded by an evidentiary stage, when there is need for identifying or complementing its object, the facts described, of its legal definition, relevance, utility and public interest. (Included by Law No. 13,964, 2019)

Paragraph 5. The documents accepting the offer to enter into a plea bargain or a confidentiality agreement shall be prepared by the body, and signed by the State, the collaborator and the lawyer or public defender holding specific powers. (Included by Law No. 13,964, 2019)

Paragraph 6. In the event that the agreement is not accepted by the State, it cannot avail itself of any information or evidence provided by the collaborator, of good faith, for any other purpose. (Included by Law No. 13,964, 2019)

Article 3-C. The offer for a plea bargain agreement shall have the interested party´s power of lawyer with specific powers to initiate the procedure of collaboration and its negotiations, or signed personally by the party who intends to collaborate or their lawyer or public defender (Included by Law No. 13,964, 2019)

Paragraph 1. No negotiation regarding a plea bargain agreement shall take place without the presence of a lawyer of record or a public defender. (Included by Law No. 13,964, 2019)

Paragraph 2. In the case of conflict of interest, or if the party cannot afford a lawyer, the State shall ask for the presence of a different lawyer or the participation of a public defender. (Included by Law No. 13,964, 2019)

Paragraph 3. In a plea bargain agreement, the collaborator shall state all the illicit facts to which he contributed which have a direct relation with the facts under investigation. (Included by Law No. 13,964, 2019)

Paragraph 4. The defense shall be responsible for preparing the offer for a plea bargain agreement and the annexes with the properly described facts, with all their circumstances, indicating the evidence and the confirming elements. (Included by Law No. 13,964, 2019)

Article 4. The judge may grant judicial forgiveness, reduce to up to 2/3 (two thirds) the imprisonment penalty or substitute imprisonment for a penalty of restriction of rights, at the parties' request, for the defendant who collaborates effectively and voluntarily with the investigation and the criminal proceedings, as long as such information results in one or more of the following:

I – identification of the other co-perpetrators or the other participants in the criminal organization or the criminal offenses committed by them;

II – revelation of the hierarchical structure and the distribution of tasks within the criminal organization;

III – prevention of criminal offenses resulting from the criminal organization's activities;

IV – full or partial recovery of the proceeds of crimes committed by the criminal organization;

V – location of victims with their physical integrity preserved.

Paragraph 1. In any case, the personality of the collaborator, the nature, the circumstances, the seriousness, and the social repercussion of the criminal action, as well as the efficiency of the information, shall be taken into consideration in order for the benefit to be granted.

Paragraph 2. Taking into account the relevance of the information given, the Prosecution Service, at any given time in the proceedings, and the chief police officer, during the police investigation, with the legal advice of the Prosecution Service, shall request the judge to grant judicial forgiveness in favor of the collaborator, even if such benefit has not been previously requested in the complaint, pursuant to Article 28 of Decree-Law No. 3,689, of October 3, 1941 (Code of Criminal Procedure).

Paragraph 3. The time limit for filing a complaint or an action, regarding the collaborator, may be suspended for 6 (six) months, extendable for an equal period, until all collaboration measures meet the requirements, in which case the statute of limitations shall be suspended.

Paragraph 4. In the same cases of the head provision of this Article, the Prosecution Service may refrain from filing a complaint if the offer for a plea bargain agreement refers to an offense not previously known by the body and the collaborator: (Wording by Law No. 13,964, 2019)

I – is not the head of the criminal organization;

II – is the first member of the criminal organization to collaborate with the authorities under the terms of this Article.

Paragraph 4-A. When the Prosecution Service or the police authority files an investigation or investigative proceedings for finding facts presented by the collaborator, previous knowledge shall be deemed present. (Included by Law No. 13,964, 2019)

Paragraph 5. If the plea bargain agreement takes place after the sentence, the penalty may be reduced up to half or the progression regime shall be admissible, even when the objective requisites are not met.

Paragraph 6. The judge shall not take part in the negotiations which take place between the parties for the signing of the plea bargain agreement, which shall take place between the chief police officer, the collaborator and their lawyer (or public defender) with the legal advice of the

Prosecution Service, or, as appropriate, between the Prosecution Service, the suspect and their lawyer (or public defender).

Paragraph 7. Once the agreement is executed according to Paragraph 6 of this Article, the judge shall receive the respective agreement for review, together with the collaborator´s statements and a copy of the investigation, and shall hear the collaborator in the presence of their lawyer in camera. At that moment, the judge shall evaluate the following aspects for ratification: (Wording by Law No. 13,964, of 2019)

I – regularity and legality; (Included by Law No. 13,964, 2019)

II – adequacy of the benefits agreed to those provided for in the **head provision** and in Paragraphs 4 and 5 of this Article; clauses that violate the criteria of initial prison conditions of Article 33 of Decree-Law No. 2,848, of December 7, 1940 (Penal Code), and the rules of each of the conditions provided for in the Penal Code and in Law No. 7210, of July 11, 1984 (Sentence Execution Act), as well as the requisites for downgrading incarceration conditions not established by Paragraph 5 of this Article are null; (Included by Law No. 13,964, 2019)

III – adequacy of the results of the collaboration to the minimal results required in the items I, II, III, IV and V in the **head provision** of this Article; (Included by Law No. 13,964, 2019)

IV – desire to collaborate in a voluntary manner, especially in the cases where the collaborator is observing precautionary measures. (Included by Law No. 13,964, 2019)

Paragraph 7- A. The judge or court shall carry out a well-founded evaluation of the merits of the complaint, the pardon of the judge and the first stages of enforcement of the penalty, pursuant to Decree-Law No. 2,848, of December 7, 1940 (Penal Code), and Decree-Law 3,689 of October 3, 1941 (Penal Code) before granting the benefits agreed, except when the agreement does not provide for the filing of a complaint in accordance with Paragraphs 4 and 4-A of this Article or the sentence has already been rendered. (Included by Law No. 13,964, 2019)

Paragraph 7-B. The provisions related to waiving the right to appeal the ratification decisions are null by operation of Law. (Included by Law No. 13,964, 2019)

Paragraph 8. The judge may refuse to approve any offer that does not meet the legal requirements, returning it to the parties for the necessary adjustments. (Included by Law No. 13,964, 2019)

Paragraph 9. After the agreement has been ratified, the collaborator may be heard, always in the presence of their defense lawyer or public defender, by a member of the Prosecution Service or by the chief police officer in charge of investigations.

Paragraph 10. The parties may choose to withdraw from the agreement, in which case the self-incriminating evidence produced by the collaborator shall not be exclusively used against them.

Paragraph 10-A. In all stages of the proceedings, the other defendant shall be given an opportunity to be heard after the collaborating defendant's period of time is over. (Included by Law No. 13,964, 2019)

Paragraph 11. The sentence shall take into account the terms of the ratified agreement and its efficiency.

Paragraph 12. The collaborator may be heard in court at the request of the parties or the judge, even if after pardon of the judge or not indicted.

Paragraph 13. The recording of the negotiations and the collaboration shall be done by magnetic recording, stenotype, digital or similar techniques, including audiovisual, designed to obtain accurate information, ensuring that the collaborator receives a copy. (Wording by Law No. 13,964, 2019).

Paragraph 14. During their testimony, collaborators shall waive their right to remain silent and shall be subject to the legal commitment to tell the truth, always in the presence of their defense lawyer or public defender.

Paragraph 15. The collaborator shall be assisted by their lawyer in all acts of negotiating, confirming and executing the agreement.

Paragraph 16. None of the following remedies shall be ordered based just on the collaborator's declarations. (Wording by Law No. 13,964, 2019).

I – real or personal provisional remedies; (Included by Law No. 13,964, 2019)

II – acceptance of the information; (Included by Law No. 13,964, 2019)

III – adverse judgment. (Included by Law No. 13,964, 2019)

Paragraph 17. The ratified agreement may be terminated in the case of intentional omission about the facts being investigated through the collaboration. (Included by Law No. 13,964, 2019)

Paragraph 18. A plea bargain agreement presupposes the end of involvement with illicit conducts related to the object of the collaboration, under penalty of termination. (Included by Law No. 13,964, 2019)

Article 5. The following are rights of the collaborator:

I - benefit from the protective measure provided for in the specific legislation;

II - have their name, identification, image, and other personal information preserved;

III - be taken to court separately from their fellow co-perpetrators and participants;

IV - take part in the hearing without eye contact from the other defendants;

V – not have their personal identity disclosed through the means of communications, not to be photographed or filmed, without prior written consent;

VI – serve sentence in a prison different from that of the other co-defendants or convicted persons. (Wording by Law No. 13,964, 2019).

Article 6. The plea bargain agreement shall be in writing and contain:

I – the report on the collaboration and its possible results;

II – the conditions of the Prosecution Service's or the chief police officer's offer;

III – the declaration of acceptance signed by the collaborator and their lawyer (or public defender);

IV – the signatures of the member of the Prosecution Service or the chief police officer, the collaborator and their lawyer (or public defender);

V – specifications of the protective measures to the collaborators and their families, whenever necessary.

Article 7. The request for the judge's acceptance shall be distributed in secrecy, containing only information that cannot identify the collaborator and their request.

Paragraph 1. The detailed information on the plea agreement is to be directly sent to the judge in the distribution procedure. The judge shall then rule within 48 (forty-eight) hours.

Paragraph 2. Access to the records is restricted to the judge, the Prosecution Service and the chief police officer, as a means to ensure the investigations' success. The defense lawyer, acting in the interest of their client, shall be granted unrestricted access to the evidence which is related to the right of defense, duly preceded by judicial authorization, with the exception of that regarding ongoing measures.

Paragraph 3. The plea bargain agreement and the collaborator´s testimonies shall be kept secret until the information is accepted, and the judge, under no circumstances, shall disclose them. (Wording by Law No. 13,964, 2019).

Section II
Controlled Action

Article 8. Controlled action is the act of delaying police or administrative intervention related to acts committed by the criminal organization or by those connected to it, as long as it is tracked down and kept under surveillance so that appropriate legal measures may take place at the most efficient moment for the production of evidence and collection of evidence.

Paragraph 1. Delay on the police or administrative intervention shall be previously communicated to the judge of competent jurisdiction who shall, if appropriate, establish its limits and communicate the Prosecution Service.

Paragraph 2. Such communication is to be distributed in a confidential manner so as not to contain information that may indicate the operation to be effected.

Paragraph 3. Access to the legal records shall remain restricted to the judge, the Prosecution Service, and the chief police officer until the end of the measure, as a mean to ensure the success of investigations.

Paragraph 4. By the end of the measure, a police report shall be prepared regarding the controlled action.

Article 9. If the controlled action involves border crossing, the delay on the police or administrative intervention shall only take place with the cooperation of the countries that might be the final destination of the suspect, so as to reduce the risks of fleeing and deviating the proceeds, object, instrument or profit of the crime.

Section III

Infiltration of Agents

Article 10. Infiltration of police agents in tasks of investigation shall be preceded by detailed, justified and confidential judicial authorization, which shall establish its limits. Such infiltration is to be requested by the chief police officer or the Prosecution Service after the chief police officer's technical opinion, when requested during the police inquiry.

Paragraph 1. When the infiltration is requested by the chief police officer, the judge of competent jurisdiction shall hear the Prosecution Service before allowing the infiltration to happen.

Paragraph 2. Infiltration shall only be allowed if there is evidence of the criminal offense referred to on Article 1, and if evidence cannot be produced by any other means available.

Paragraph 3. Infiltration shall be authorized for up to 6 (six) months, which may be extended, as long as there is evidence of the need for extension.

Paragraph 4. A police report shall be presented to the judge of competent jurisdiction upon termination of the period authorized for the infiltration, pursuant to Paragraph 3. The judge shall then immediately notify the Prosecution Service.

Paragraph 5. During the police inquiry, the chief police officer may determine their agents to prepare a report of infiltration at any given time. The Prosecution Service may request that report.

Article10-A. The actions of police agents virtually infiltrated on the Internet shall be allowed once the requirements in the **head provision** of Article 10 are met, aiming to investigate the crimes provided for in this Law and related to them, committed by criminal organizations, as long as there is a need and the scope of the police´s tasks is indicated, as well as the names or nicknames of the persons under investigation and, whenever possible, the data of connection or register which allow the identification of such persons. (Wording by Law No. 13,964, 2019).

Paragraph 1. For the purposes of this Law, the following definitions shall be considered: (Included by Law No. 13,964, 2019)

I – connection data: information concerning the time, beginning, end, duration, address of the Internet Protocol (IP) used and the terminal of origin; (Included by Law No. 13,964, 2019)

II – register data: information concerning the name and address of the subscriber or user registered or authenticated for connection to whom the IP address, identification or user or access code has been given at the time of connection. (Included by Law No. 13,964, 2019)

Paragraph 2. Should the chief police officer file for infiltration, the judge of competent jurisdiction, before deciding, shall hear the Prosecution Service. (Included by Law No. 13,964, 2019)

Paragraph 3. Infiltration shall be allowed if there is well-founded evidence of the criminal offense provided for in Article 1 of this Law and if the evidence cannot be produced by other available means. (Included by Law No. 13,964, 2019)

Paragraph 4. Infiltration shall be authorized for 6 (six) months, which may be renewed, by reasoned judicial order, as long as the total does not exceed 720 (seven hundred and twenty) days and there is evidence of the need for renewal. (Included by Law No. 13,964, 2019)

Paragraph 5. Once the time provided for in Paragraph 4 of this Article expires, the police report, together with all the electronic acts carried out during the operation, shall be registered, recorded, stored and presented to the judge of competent jurisdiction, who shall immediately notify the Prosecution Service. (Included by Law No. 13,964, 2019)

Paragraph 6. During the police inquiry, the chief police officer may determine that their agents prepare a report on the infiltration activities, and the Prosecution Service and the judge of competent jurisdiction may request that it be provided at any time. (Included by Law No. 13,964, 2019)

Paragraph 7. Evidence collected without compliance to the provisions of this Article shall be null. (Included by Law No. 13,964, 2019)

Article 10-B. Information on the infiltration operation shall be sent directly to the judge responsible for authorizing the measure, who shall ensure secrecy. (Included by Law No. 13,964, 2019).

Sole Paragraph. Before the end of the operation, access to the records shall be limited to the judge, the Prosecution Service and the chief police officer responsible for the operation, aiming to ensure secrecy of the investigations. (Included by Law No. 13,964, of 2019)

10-C. Policemen hiding their identities to, by means of the internet, collect evidence of the perpetrator and the probable cause of the crimes provided for in Article 1 of this Law shall not be considered a crime. (Included by Law No. 13,964, 2019)

Sole Paragraph. The undercover police officer who fails to comply with the strict object of the investigation shall be held accountable for the acts committed in excess. (Included by Law No. 13,964, 2019)

Article 10-D. Once the investigation is ended, all the electronic acts committed during the operation shall be registered, recorded, stored and sent to the judge and the Prosecution Service, together with the police report. (Included by Law No. 13,964, 2019)

Sole Paragraph. The recorded electronic acts mentioned in the **head provision** of this Article shall be brought together in separate records and attached to the proceedings together with the police inquiry, provided that the identity of undercover police officer and the intimacy of the people involved are preserved. (Included by Law No. 13,964, 2019)

Article 11. Both requests from the Prosecution Service and the chief police officer for agent infiltration shall contain a reason for the measure, the limits for the agents' tasks and, whenever possible, the names and nicknames of the persons under investigation, as well as the place of infiltration.

Sole Paragraph: In the case of undercover agents on the internet, registration agencies and public registries may include in the appropriate databases, by means of confidential procedure and at the request of the judicial authority, information necessary for the fake identity created to be effective. (Included by Law No. 13,964, 2019)

Article 12**.** The infiltration request shall be confidentially distributed so as not to contain information that may indicate the operation to be effected or identify the agent to be infiltrated.

Paragraph 1. Information regarding the need for the infiltration operation shall be directed only to the judge of competent jurisdiction, who shall decide within 24 (twenty-four) hours, after hearing the Prosecution Service in the case of a request from the chief police officer. All necessary measures shall be taken to achieve the success of the operation and to safeguard the integrity of the infiltrated agent.

Paragraph 2. Records containing the information on the infiltration operation shall be attached to the Prosecution Service's complaint. These shall be made available to the defense, as long as the identity of the infiltrated agent is preserved.

Paragraph 3. When there is reliable evidence that the infiltrated agent is under imminent risk, the operation shall be interrupted at request of the Prosecution Service or the chief police officer. Immediate communication shall be sent to the Prosecution Service and the judge.

Article 13. Agents not performing their duties in accordance with the purpose of the investigation shall respond for any acts committed in excess.

Sole Paragraph. The crime committed by the infiltrated agent during the infiltration is not punishable in situations when another conduct cannot be demanded of them.

Article 14. The agent has the following rights:

I – refuse to act in the infiltration or to bring it to a halt;

II – have a new identity, and provisions of Article 9, Law No. 9,807, of July 13, 1999 shall apply whenever possible, as well as to benefit from the witness protection measures;

III – have their name, identification, image, voice, and other personal information preserved during the investigation and the criminal proceedings, except for a contrary judicial decision;

IV – not have their identity disclosed, nor to be photographed or filmed by means of communications without their previous written consent.

Section IV
Access to Records, Personal Data, Documents, and Information

Article 15. The chief police officer and the Prosecution Service shall be granted access, regardless of judicial authorization, only to the suspect's personal data which exclusively inform their personal identification, their parents, and their home address as provided by the Electoral Courts, telephone companies, financial institutions, internet service providers, and credit card companies.

Article 16. Transport companies shall provide direct and permanent access to the judge, the Prosecution Service, and the chief police officer to the reservations and travel records database for up to 5 (five) years.

Article 17. The fixed or mobile telephone service providers shall keep available records of the origin and destination numbers of international, long-distance or local calls to the same authorities mentioned in Article 15 for a period of 5 (five) years.

Section V
Crimes Committed during the Investigation and the Collection of Evidence

Article 18. To disclose, film or photograph the identity of a collaborator, without prior written consent:

Penalty – imprisonment, for a term of 1 (one) to 3 (three) years, and a fine.

Article 19**.** To falsely attribute a criminal offense to a person that is innocent, under the pretext of cooperating with the Justice, or to reveal false information regarding the structure of the criminal organization:

Penalty – imprisonment, for a term of 1 (one) to 4 (four) years, and a fine.

Article 20. Not to comply with the confidentiality terms regarding the investigations which involve controlled action and agent infiltration:

Penalty – imprisonment, for a term of 1 (one) to 4 (four) years, and a fine.

Article 21. To refuse to provide or to omit personal data, records, documents, and information requested by the judge, the Prosecution Service or the chief police officer during the investigations or the proceedings:

Penalty – imprisonment, for a term of 6 (six) months to 2 (two) years, and a fine.

Sole Paragraph. The same penalty shall apply to anyone who unlawfully appropriates, disseminates, discloses, or makes use of the registration data referred to in this Law.

Obstruction of Actions against Organized Crime (Inserted by Law No. 15,245 of 2025)

Article 21-A. To solicit, by means of a promise or the granting of any advantage whatsoever, or to order another person to commit violence or a serious threat against a public official, attorney, court-appointed defense counsel, juror, witness, cooperating defendant, or expert witness, for the purpose of preventing, obstructing, or retaliating against the regular course of proceedings or the investigation of offenses committed by a criminal organization, or the adoption of any measure against organized crime. (Inserted by Law No. 15,245 of 2025)

Penalty – imprisonment for a term of 4 (four) to 12 (twelve) years, and a fine. (Inserted by Law No. 15,245 of 2025).

Paragraph 1. The same penalties provided for in this Article shall apply to any person who commits the acts described herein against the spouse, partner, child, or blood relative up to the third degree, or relative by affinity, of any of the persons referred to in the caput of this Article. (Inserted by Law No. 15,245 of 2025).

Paragraph 2. If the violence or serious threat is attempted or completed, the penalty prescribed for the corresponding offense shall also apply. (Inserted by Law No. 15,245 of 2025).

Paragraph 3. A person convicted of the offense provided for in this Article shall begin serving the sentence in a federal maximum-security correctional facility. (Inserted by Law No. 15,245 of 2025).

Paragraph 4. A pretrial detainee under investigation or criminal prosecution for the offense provided for in this Article shall be held in a federal maximum-security correctional facility. (Inserted by Law No. 15,245 of 2025).

Conspiracy to Obstruct Actions against Organized Crime (Inserted by Law No. 15,245 of 2025).

Article 21-B. Two or more persons who agree to commit violence or make a serious threat against a public official, attorney, court-appointed defense counsel, juror, witness, cooperating defendant, or expert witness, for the purpose of preventing, obstructing, or retaliating against the regular course of proceedings or the investigation of offenses committed by a criminal organization, or the adoption of any measure against organized crime. (Inserted by Law No. 15,245 of 2025).

Penalty – imprisonment for a term of 4 (four) to 12 (twelve) years, and a fine. (Inserted by Law No. 15,245 of 2025).

Paragraph 1. The same penalties provided for in this Article shall apply to any person who commits the acts described herein against the spouse, partner, child, or blood relative up to the third degree, or relative by affinity, of any of the persons referred to in the caput of this Article. (Inserted by Law No. 15,245 of 2025).

Paragraph 2. If the violence or serious threat is attempted or completed, the penalty prescribed for the corresponding offense shall also apply. (Inserted by Law No. 15,245 of 2025).

Paragraph 3. A person convicted of the offense provided for in this Article shall begin serving the sentence in a federal maximum-security correctional facility. (Inserted by Law No. 15,245 of 2025).

Paragraph 4. A pretrial detainee under investigation or criminal prosecution for the offense provided for in this Article shall be held in a federal maximum-security correctional facility. (Inserted by Law No. 15,245 of 2025).

CHAPTER III
FINAL PROVISIONS

Article 22. The crimes provided for in this Law and the criminal offenses related to them shall be investigated through ordinary proceedings under the terms of Decree-Law No. 3,689, of October 3, 1941 (Code of Criminal Procedure), observing the provisions in the Sole Paragraph of this Article

Sole Paragraph. The criminal investigation shall end in reasonable time, which is not to exceed 120 (one hundred and twenty) days when the defendant is in prison, which shall be extended for the same period, in accordance with a duly reasoned decision by the judge due to the complexity of the case or to a delaying fact caused by the defendant.

Article 23. Secrecy of the investigations may be determined by the judge of competent jurisdiction in order to guarantee the celerity and the efficiency of the investigative measures. The lawyer (or public defender) shall be granted full access to the evidence that concern the right to defense, duly preceded by judicial authorization, while acting in the interest of their clients, except for those concerning ongoing measures.

Sole Paragraph. Having set a date for the suspect's testimony, their lawyer (or public defender) shall be granted the right to see the records, even when they are classified. This evaluation shall happen within at least 3 (three) days before the testimony. This time shall be extended at the discretion of the authority responsible for the investigation.

Article 24. Article 288 of Decree-Law No. 2,848, of December 7, 1940 (Penal Code) enters into force with the following writing:

“Criminal Association

Article 288. To associate with 3 (three) or more persons with the specific aim to commit crimes:

Penalty – imprisonment, from 1 (one) to 3 (three) years.

Sole Paragraph. The penalty is increased up to a half if the association uses firearms or if there is the participation of a child or a teenager.” (Rewritten Text)

Article 25. Article 342 of Decree-Law No. 2,848, of December 7, 1940 (Penal Code) comes into force with the following writing:

“Article 342..

Penalty – imprisonment, of 2 (two) to 4 (four) years, and a fine.

....” (Rewritten Text)

Article 26. Law No. 9034, of May 3, 1995 is hereby revoked.

Article 27. This Law comes into force 45 (forty-five) days after its publication.

Brasília, August 2, 2013; the 192nd Anniversary of the Independence and the 125th Anniversary of the Republic.

DILMA ROUSSEFF

José Eduardo Cardozo

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