

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

**SUPPLEMENTARY LAW No. 75, OF MAY 20, 1993.**

provides for the organization, attributions and the statute of the Prosecution Service of the Union.

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

The National Congress decrees:

**TITLE I  
General Provisions**

**CHAPTER I  
Definition, Principles and Institutional Functions**

Article 1 The Prosecution Service of the Union, organized by this Supplementary Law, is a permanent institution, essential to the jurisdictional function of the State, responsible for defending the legal order, the democratic regime, social interests and unavailable individual interests.

Article 2 It is under the Prosecution Service's responsibility to take the necessary measures to ensure that Public Authorities and services of public relevance respect the rights guaranteed by the Federal Constitution.

Article 3 The Prosecution Service of the Union shall exercise external control of police activity for the following reasons:

- a) respect to the foundation of the Rule of Law, the fundamental objectives of the Federative Republic of Brazil, the informing principles of international relations, as well as the rights guaranteed by the Federal Constitution and the law;
- b) preservation of public order, the safety of persons and public property;
- c) prevention and correction of illegalities or abuse of power;
- d) unavailability of criminal prosecution;
- e) competence of the bodies responsible for public security.

Article 4 The following are institutional principles of the Prosecution Service of the Union: unity, indivisibility and functional independence.

Article 5 The institutional functions of the Prosecution Service of the Union are as follows:

I – defend the legal order, the democratic regime, social interests and unavailable individual interests, taking into account, among others, the following foundations and principles:

- a) sovereignty and popular representation;
- b) political rights;
- c) fundamental objectives of the Federative Republic of Brazil;
- d) indissolubility of the Union;
- e) independence and harmony of the Powers of the Union;
- f) autonomy of the States, the Federal District and the Municipalities;
- g) prohibitions imposed on the Union, the States, the Federal District and the Municipalities;
- h) legality, impersonality, morality and transparency, relating to the direct, indirect or foundational government, of any of the Powers of the Union;

II – ensure compliance with the constitutional principles related to:

- a) the tax system, limitations to the power of taxing, the distribution of taxing powers and tax revenues, and tax payer's rights;
- b) public finances;
- c) economic activity, urban, agricultural, land and agrarian reform policies and the national financial system;
- d) social security, education, culture and sport, science and technology, media and the environment;
- e) public safety;

III – defend the following assets and interests:

- a) national heritage;
- b) public and social patrimony;
- c) Brazilian cultural heritage;
- d) environment;
- e) collective rights and interests, especially of indigenous communities, the family, children, adolescents and the elderly;

IV – ensure effective respect from the Federal Government, services of public relevance and the media for the principles, guarantees, conditions, rights, duties and prohibitions provided for in the Federal Constitution and in the law, relating to social communications;

V – ensure the effective respect from the Government and services of public relevance related to:

- a) rights guaranteed by the Federal Constitution regarding health and education actions and services;
- b) principles of legality, impersonality, morality and transparency;

VI – perform other functions provided for in the Federal Constitution and in the law.

§ 1 The entities of the Prosecution Service of the Union shall ensure compliance with the Institution's principles and competences, as well as free exercise of their functions.

§ 2 Only a law may specify the functions assigned by the Federal Constitution and by this Supplementary Law to the Prosecution Service of the Union, observing the principles and norms established therein.

## **CHAPTER II** **Instruments for Action**

Article 6 The Prosecution Service of the Union is responsible for:

I – filing the direct action of unconstitutionality and the respective request for a precautionary measure;

II – filing the direct action of unconstitutionality by omission;

III – filing a complaint for non-compliance with a fundamental precept deriving from the Federal Constitution;

IV – filing a complaint for federal intervention in the States and the Federal District;

V – filing, following the reserved power, a public criminal action, in accordance with the law;

VI – filing the writ of *habeas corpus* and the writ of *mandamus*;

VII – filing civil investigations and public interest civil actions to:

- a) protect constitutional rights;
- b) protect public and social heritage, the environment, goods and rights of artistic, aesthetic, historical, tourist and landscaping value;
- c) protect unavailable, diffuse and collective individual interests, related to indigenous communities, the family, children, adolescents, the elderly, ethnic minorities and consumers;
- d) other unavailable, homogeneous, social, diffuse and collective individual interests;

VIII – filing other actions, including the writ of injunction whenever there is lack of regulation making the exercise of constitutional rights and freedoms and prerogatives inherent to nationality, sovereignty and citizenship unfeasible, and when the interests to be protected are diffused;

IX – filing actions aimed to cancel naturalization, due to activities harmful to the national interest;

X – holding executors or agents of the state of defense or the state of siege responsible for the illicit acts committed during the period of their duration;

XI – judicially defending the rights and interests of indigenous populations, including those related to lands traditionally inhabited by them, filing appropriate actions;

XII – filing collective civil actions to defend homogeneous individual interests;

XIII – filing actions to hold suppliers of products and services responsible;

XIV – filing other actions necessary for the exercise of its institutional functions, in defense of the legal order, the democratic regime and unavailable social and individual interests, especially regarding:

- a) the Rule of Law and democratic institutions;
- b) the economic and financial order;
- c) the social order;
- d) the Brazilian cultural heritage;
- e) statement of opinions, creations, expressions or information;
- f) administrative probity;
- g) the environment;

XV – expressing its opinion at any stage of the proceedings, accepting the judge's request or on its own initiative, when the institution understands that there is an interest that justifies the intervention;

XVI – (Vetoed)

XVII – filing appropriate actions regarding:

- a) loss or suspension of political rights, in the cases provided for in the Federal Constitution;
- b) declaration of nullity of acts or contracts resulting in external debt of the Federal Government, its agencies, foundations and other entities controlled by the Federal Government, or with direct or indirect impact on its finances;
- c) compulsory dissolution of associations, including political parties, in the cases provided for in the Federal Constitution;
- d) cancellation of concession or permission, in the cases provided for in the Federal Constitution;
- e) declaration of nullity of a contract clause violating consumer rights;

XVIII – filing motions/complaints before:

- a) the competent judicial body for lifting secrecy of correspondence and telegraphic communications, data and telephone communications, for the purposes of criminal investigations or producing evidence for the lawsuit, as well as expressing opinions on motions addressed to it for the same purposes;
- b) the National Congress aiming to have it or any of Houses or committees to exercise their duties;
- c) the Federal Court of Accounts to have it exercise its duties;
- d) the competent judicial body, aiming to apply penalties for violations committed against the norms of protection to children and youth, without prejudice to civil and criminal liability of the offender, when applicable;

XIX – bringing charges against the following:

- a) competent authorities, for not exercising their duties, constitutionally and legally imposed on the Federal Government, in defense of the environment, its preservation and its recovery;
- b) individuals or legal entities, due to the practice of activities harmful to the environment, aiming to apply criminal sanctions and to repair the damage caused;

XX – issuing recommendations, aiming to improve public services of public relevance, as well as to respect the interests, rights and goods whose defense is under the institution's responsibility, setting a reasonable period for the adoption of the appropriate measures.

§ 1 The participation of the Prosecution Service of the Union, as an observing institution, in the form and under the conditions established in any act of the Prosecutor General of the Republic, in any body of the direct, indirect or foundational government of the Union, which has duties related to the Institution's functions shall be ensured.

§ 2 The law shall ensure the participation of the Prosecution Service of the Union in state, federal or Federal District collegiate bodies, created to defend rights and interests related to the Institution's functions.

Article 7 The Prosecution Service of the Union, whenever necessary for the exercise of its institutional functions, shall: (See ADI 3806)

I – initiate a civil inquiry and other related administrative procedures;

II – request investigation steps and the opening of a police investigation and military police investigation, being able to follow the outcomes and present evidence;

III – request the competent authority to file administrative procedures, except for those of a disciplinary nature, being able to follow the outcomes and present evidence.

Article 8 In order to be able to exercise its attributions, the Prosecution Service of the Union, in the

proceedings within its competence, may:

I – notify witnesses and request that they be compelled to attend, in the event of unjustified absence; (See ADI 3806)

II – request information, examinations, expertise and documents from authorities of the direct or indirect Government; (See ADI 3806)

III – request the Government to make available temporary services by its civil servants and material resources necessary to carry out specific activities;

IV – request information and documents from private entities; (See ADI 3806)

V – carry out inspections and take investigation steps; (See ADI 3806)

VI – have free access to any public or private place, in compliance with the constitutional norms pertaining to the inviolability of the home;

VII – issue notifications and subpoenas necessary for the proceedings and inquiries filed; (See ADI 3806)

VIII – have unconditional access to any database of a public nature or relating to a service of public relevance;

IX – request the assistance of the police force. (See ADI 3806)

§ 1 Members of the Prosecution Service shall be held responsible in the civil and criminal spheres for the improper use of information and documents they request; the criminal action, in that case, may also be filed by the victim, secondarily, under the terms of the criminal procedure law.

§ 2 No authority may object the exception for secrecy to the Prosecution Service, under any pretext, without prejudice to the secrecy nature of the information, record, data or document provided.

§ 3 The unjustified absence and undue delay in complying with the requests of the Prosecution Service shall imply responsibility upon whoever gives rise to it.

§ 4 Any correspondence, notifications, requests and subpoenas from the Prosecution Service when addressed to the President of the Republic, the Vice-President of the Republic, a member of the National Congress, a Justice of the Federal Supreme Court, a Minister of State, a Justice of the Superior Court, a Minister of the Federal Court of Accounts or a head of a diplomatic mission of permanent nature shall be forwarded and carried out by the Prosecutor General of the Republic or another body of the Prosecution Service after delegation of that attribution. It is under the aforementioned authorities' responsibility to set the date, time and place to be heard, if that is the case.

§ 5. The requests made by the Prosecution Service shall be answered within a reasonable period of up to ten working days, which may be extended upon justified request.

### **CHAPTER III**

#### **External control of police activity**

Article 9 The Prosecution Service of the Union shall exercise external control of police activity

through judicial and extrajudicial measures and may:

I – have free access to police or prison establishments;

II – have access to any documents related to the core police activity;

III – file demands before the competent authority for the adoption of measures to remedy the undue omission, or to prevent or correct illegalities or abuse of power;

IV – request the competent authority to initiate a police investigation on omissions or unlawful acts taking place while in the exercise of police activity;

V – file criminal actions for abuse of power.

Article 10 The arrest of any person, by a federal authority or authority of the Federal District and Territories, must be immediately communicated to the competent Prosecution Service, indicating the place where the prisoner is and a copy of the documents proving the legality of the arrest.

#### **CHAPTER IV Defense of Constitutional Rights**

Article 11 Defense of constitutional rights of citizens aims to guarantee effective respect to the rights by the Government and by providers of services of public relevance.

Article 12 The Public Prosecutor for Citizens' Rights shall act *sua sponte* or through notifications, notifying the authority in question so that he/she can provide information, within the period he/she is signing.

Article 13 Regardless of information having already been received or been in the phase of production of evidence, if the Public Prosecutor for Citizens' Rights reaches the conclusion that constitutional rights have been or are being disrespected, he/she must notify the person in charge, so that he/she can take the necessary measures to prevent the recurrence or to order that the verified disrespect be suspended.

Article 14 If the notice provided for in the previous Article is not complied with, within the due period, the Prosecution Service shall demand before the competent power or authority to hold the parties responsible for the unconstitutional action or omission.

Article 15 It is forbidden for bodies defending the constitutional rights of citizens to file for the defense of injured individual rights in court.

§ 1 When legitimacy for the action resulting from violation to the Federal Constitution, verified by the Office of Federal Prosecution, belongs to another body of the Prosecution Service, the information elements shall be sent to that body.

§ 2 Whenever the injured party is not able to hire a lawyer and the appropriate action is not the responsibility of the Prosecution Service, the case, with the collected elements, shall be forwarded to the competent Public Defender's Office.

Article 16 The law shall regulate the procedures of the Prosecution Service's performance in the defense of the constitutional rights of the citizen.

## **CHAPTER V**

### **Guarantees and Prerogatives**

Article 17 Members of the Prosecution Service of the Union shall be entitled to the following guarantees:

- I – tenure for life, after two years of effective work, not subject to losing their office, except by a final court decision;
- II – irremovability, except for reasons of public interest, upon decision of the Superior Council, by vote of two thirds of its members, ensuring full defense;
- III – (Vetoed)

Article 18 The prerogatives of members of the Prosecution Service of the Union are as follows:

I – institutional:

- a) have a seat on the same plane and immediately to the right of the trial judge or president of the judiciary bodies to which they are assigned;
- b) wear talar garments;
- c) have free access and pass, due to service, to any public or private place, respecting the constitutional guarantee of the inviolability of the home;
- d) priority in any transport or communication service, public or private, in the national territory, when rendering urgent services;
- e) carry a weapon, regardless of authorization;
- f) have a special identification card, according to the model approved by the Prosecutor General of the Republic, issued by him/her, comprising the prerogatives of item I, subitems c, d and item II, subitems d, e and f, of this Article;

II – procedural:

- a) Prosecutor General of the Republic: to be prosecuted and tried, for common crimes, by the Federal Supreme Court and by the Federal Senate, for crimes of responsibility;
- b) Members of the Prosecution Service of the Union assigned to higher courts: to be prosecuted and tried, for common crimes and for crimes of responsibility, by the Superior Court of Justice;
- c) Members of the Prosecution Service of the Union assigned to trial courts: to be prosecuted and tried, for common crimes and for crimes of responsibility, by the Federal Regional Courts, except for the Electoral Justices jurisdiction;

d) be arrested or detained only by written order of the competent court or due to a non-bailable crime in *flagrante delicto*, in which case the authority shall immediately notify that court and the Prosecutor General of the Republic, under penalty of being held responsible;

e) be taken to a special prison or to a special room of the General Staff, with the right to privacy and be available to the competent court for the trial, when subject to arrest before the final decision; and to a separate room in the building where the sentence has to be served;

f) not to be indicted in a police investigation, in compliance with the provisions of the sole paragraph of this Article;

g) be heard, as a witness, on a day, time and place previously agreed with the magistrate or the competent authority;

h) be personally notified in the records in any case and degree of jurisdiction on the facts to which he/she has been assigned.

Sole paragraph. When, during the investigation, there is evidence of a criminal offense committed by a member of the Prosecution Service, the police, civil or military authority, shall immediately forward the case file to the Prosecutor General of the Republic, who shall appoint a member of the Prosecution Service to proceed with the investigation.

Article 19 The Prosecutor General of the Republic shall have the same honors and treatment as the Justices of the Federal Supreme Court; and other members of the institution, the same honors and treatment reserved for the magistrates of the courts they are assigned to.

Article 20 The bodies of the Prosecution Service of the Union shall have their presence and voice assured in all the sessions of the collegiate bodies to which they are assigned.

Article 21 The guarantees and prerogatives of the members of the Prosecution Service of the Union are inherent to the exercise of their functions and cannot be waived.

Sole paragraph. The guarantees and prerogatives provided for in this Supplementary Law do not exclude those established in other laws.

## **CHAPTER VI**

### **Autonomy of the Prosecution Service**

Article 22 The Prosecution Service of the Union is guaranteed functional, administrative and financial autonomy, being responsible for:

I – proposing to the Legislative Power the creation and extinction of its positions and auxiliary services, as well as the establishment of the salaries of its members and servants;

II – recruiting and selecting for the positions of their careers and auxiliary services;

III – organizing auxiliary services;

IV – practicing proper management acts.

Article 23 The Federal Prosecution Service shall prepare its budget proposal within the limits of the budget guidelines law.

§ 1 The resources corresponding to its budgetary allocations, including supplementary and special credits, shall be delivered until the 20<sup>th</sup> of each month.

§ 2 The accounting, financial, budgetary, operational and patrimonial inspection of the Prosecution Service of the Union shall be exercised by the National Congress, through external control, with the assistance of the Federal Court of Accounts, in accordance with the provisions of Title IV, Chapter I, Section IX, of the Federal Constitution, and by its own internal control system.

§ 3 The accounts referring to the previous fiscal year shall be provided, annually, within sixty days of the opening of the legislative session of the National Congress.

## **CHAPTER VII**

### **The structure**

Article 24 The Prosecution Service of the Union comprises:

I – The Federal Prosecution Service;

II – the Labor Prosecution Service;

III – the Military Prosecution Service;

IV – the Prosecution Service of the Federal District and Territories.

Sole paragraph. The basic structure of the Prosecution Service of the Union shall be organized by regulation, under the terms of the law.

## **CHAPTER VIII**

### **The Prosecutor General of the Republic**

Article 25 The Prosecutor General of the Republic is the head of the Prosecution Service, appointed by the President of the Republic among career members over thirty–five years of age, with reappointment being allowed preceded by a new decision by the Federal Senate.

Sole paragraph. The *sua sponte* dismissal of the Prosecutor General of the Republic, on the initiative of the President of the Republic, must be preceded by authorization of the absolute majority of the Federal Senate, in a secret ballot.

Article 26 The attributions of the Prosecutor General of the Republic, as Head of the Prosecution Service of the Union are as follows:

I – represent the institution;

II – propose to the Legislative Power bills related to the Prosecution Service of the Union;

III – present the budget proposal of the Prosecution Service of the Union, making the preliminary projects of the different branches of the Institution compatible, in the form of the budget guidelines law;

IV – appoint and swear in the Deputy Prosecutor General of the Republic, the Labor Prosecutor General, the Prosecutor General for Military Justice, as well as swear in the Justice Prosecutor General of the Federal District and Territories;

V – forward to the President of the Republic a list with three names for appointment of the Justice Prosecutor General of the Federal District and Territories;

VI – forward to the respective Chief Justices the lists with six names for the composition of the Federal Regional Courts, the Court of Justice of the Federal District and Territories, the Superior Court of Justice, the Superior Labor Court and the Regional Labor Courts;

VII – settle attribution conflicts between members of different branches of the Federal Prosecution Service;

VIII – carry out administrative, financial and personnel management acts;

XI – recruit, select and dismiss career positions in the Federal Prosecution Service and its auxiliary services;

X – arbitrate in the value of the advantages due to members of the Prosecution Service of the Union, in the cases provided for in this Supplementary Law;

XI – set the value of the payment to interns;

XII – exercise other duties provided for by law;

XIII – exercise regulatory power, within the scope of the Prosecution Service of the Union, except for the powers established in this Supplementary Law for other bodies established herein.

§ 1 The Prosecutor General of the Republic may delegate to other Prosecutors General the attributions provided for in items VII and VIII of this Article.

§ 2 This delegation may also go to the Director General of the Prosecution Service of the Union for administrative, financial and personnel management acts, only in relation to servants and auxiliary services.

Article 27 The Prosecutor General of the Republic shall appoint, among the members of the career, over thirty–five years old, the Deputy Prosecutor General of the Republic, who shall replace him/her in his/her impediments. In the event of a vacancy, the Vice President of the Superior Council of the Federal Prosecution Service shall hold the position, until the position is definitively filled.

## **CHAPTER IX**

### **The Superior Advisory Council of the Prosecution Service of the Union**

Article 28 The Superior Advisory Council of the Prosecution Service of the Union, under the presidency of the Prosecutor General of the Republic, shall comprise the Deputy Prosecutor General of the Republic, Labor Prosecutor General, and the Prosecutor General for Military Justice and the Justice

Prosecutor General of the Federal District and Territories.

Article 29 The meetings of the Superior Advisory Council of the Prosecution Service of the Union shall be convened by the Prosecutor General of the Republic, and any of its members may request them.

Article 30 The Superior Advisory Council of the Prosecution Service of the Union shall express its opinion on matters of general interest to the Institution, and in particular on:

I – bills of common interest to the Prosecution Service of the Union, including:

a) matters aimed at amending general rules of the Organic Law of the Prosecution Service of the Union;

b) the budget proposal of the Prosecution Service of the Union;

c) matters proposing fixing salaries for the career and auxiliary services;

II – the organization and operations of the General Board of Directors and Services of the Secretariat of the Prosecution Service of the Union.

Article 31 The Superior Advisory Council may propose to the Superior Councils of the different branches of the Prosecution Service of the Union measures to standardize acts resulting from its normative power.

## **CHAPTER X**

### **Careers**

Article 32 The careers of the different branches of the Prosecution Service of the Union are independent from each other, each having its own organization, in the form of this supplementary law.

Article 33 The functions of the Prosecution Service of the Union can only be performed by members of the respective career, who must reside at the location they are assigned to.

Article 34 The law shall establish the number of positions in the careers of the Prosecution Service of the Union and the units in which their functions shall be exercised.

## **CHAPTER XI**

### **Auxiliary Services**

Article 35 The Secretariat of the Prosecution Service of the Union is headed by its Director General, freely chosen by the Prosecutor General of the Republic who can dismiss him/her *ad nutum*. The Director General is responsible for the technical–administrative support for auxiliary services to the Institution.

Article 36 The auxiliary services staff shall be organized in their own career framework, under the statutory regime, for technical–administrative support appropriate to the specific activities of the Institution.

## **TITLE II**

## **Branches of the Prosecution Service of the Union**

### **CHAPTER I The Federal Prosecution Service**

#### **SECTION I Competence, Bodies and Career**

Article 37 The Federal Prosecution Service shall exercise its functions:

I – in cases within the jurisdiction of the Federal Supreme Court, the Superior Court of Justice, the Federal Regional Courts and Federal Judges, and the Electoral Courts and Judges;

II – in cases within the jurisdiction of any judges and courts, for the defense of rights and interests of Indians and indigenous populations, the environment, goods and rights of artistic, aesthetic, historical, tourist and scenic value, members of the national heritage;

III – (Vetoed).

Sole paragraph. The Federal Prosecution Service shall be a legitimate party to file extraordinary appeals against the decisions of the State Courts relating to unconstitutionality cases.

Article 38 The institutional functions of the Federal Prosecution Service are those provided for in Chapters I, II, III and IV of Title I. It is specifically responsible for:

I – initiating civil inquiries and other related administrative procedures; (See ADI 3806)

II – requesting investigation steps and the opening of a police investigation, being able to follow them and present evidence; (See ADI 3806)

III – requesting the competent authority to file administrative procedures, except for those of a disciplinary nature, being able to follow them and produce evidence; (See ADI 3806)

IV – exercising external control over the activity of the federal police, pursuant to Article 9;

V – participating in Penitentiary Councils;

VI – integrating the collegiate bodies provided for in § 2 of Article 6, when they are in the position of components of the administrative structure of the Union;

VI – supervising the execution of the sentence, in cases under jurisdiction of the Federal Courts and the Electoral Justice.

Article 39 It is under the Federal Prosecution Service's responsibility to defend the constitutional rights of the citizen, whenever related to respect:

I – from the Federal Public Authorities;

II – from direct or indirect federal government bodies;

III – from concession and license holders of federal public service;

IV – from entities that exercise another function delegated to the Union.

Article 40 The Prosecutor General of the Republic shall appoint, among the Associate Federal Prosecutors General of the Republic and upon prior approval of the name by the Superior Council, the Federal Ombudsman, to perform the duties of the office for a period of two years, reappointment allowed only once, preceded by of a new decision of the Superior Council.

§ 1º Whenever possible, that Prosecutor shall not accumulate those functions with others of the Federal Prosecution Service.

§ 2º The Prosecutor shall only be dismissed, before the end of his/her mandate, on the initiative of the Prosecutor General of the Republic, with authorization of the absolute majority of the Superior Council.

Article 41 In each state and in the Federal District, a body of the Federal Prosecution Service shall be designated, in the form of Article 49, III, to exercise the functions of the office of the Regional Ombudsman.

Sole paragraph. The Federal Ombudsman shall issue instructions for the exercise of the functions of the Office of the National Ombudsman, respecting the principle of functional independence.

Article 42 The execution of the measure provided for in Article 14 is under the Federal Ombudsman's responsibility.

Article 43 The following are bodies of the Federal Prosecution Service:

I – the Prosecutor General of the Republic;

II – the College of Federal Prosecutors;

III – the Superior Council of the Federal Prosecution Service;

IV – the Chambers of Coordination and Review of the Federal Prosecution Service;

V – the Internal Affairs Office of the Federal Prosecution Service;

VI – the Associate Federal Prosecutors General;

VII – the Federal Circuit Prosecutors;

VIII – the Federal Prosecutors.

Sole paragraph. The Chambers of Coordination and Review may work alone or together, being part of the Institutional Council, as provided for in their Internal Regulations.

Article 44 The career of the Federal Prosecution Service consists of the following positions: Associate Federal Prosecutor General, Federal Circuit Prosecutor and Federal Prosecutor.

Sole paragraph. The initial position of the career is that of Federal Prosecutor and the last level is that of Associate Federal Prosecutor General.

## **SECTION II**

### **Head of the Federal Prosecution Service**

Articles 45 The Prosecutor General of the Republic is the Head of the Federal Prosecution Service.

Article 46 It is under the Prosecutor General of the Republic's responsibility to exercise the functions of the Prosecution Service before the Federal Supreme Court, expressing his/her opinion in advance in all cases within its competence.

Sole paragraph. The Prosecutor General of the Republic shall file the following before the Federal Supreme Court:

I – the direct action of unconstitutionality of a federal or state law or normative act and the respective request for a precautionary measure;

II – the complaint for federal intervention in the states and in the Federal District, in the cases of Article 34, VII, of the Federal Constitution;

III – the applicable civil and criminal actions.

Article 47 The Prosecutor General of the Republic shall assign the Associate Federal Prosecutors General who shall exercise, by delegation, their functions before the different jurisdictional bodies of the Federal Supreme Court.

§ 1 The functions of the Federal Prosecution Service before the Higher Courts of the Union, where the institution has been assigned to, may only be exercised by a holder of the position of Associate Federal Prosecutor General.

§ 2 In the event of a vacancy or removal of an Associate Federal Prosecutor General, for a period exceeding thirty days, a Federal Circuit Prosecutor may be notified to replace him/her, by the vote of the majority of the Superior Council.

§ 3 The assigned Federal Circuit Prosecutor shall receive the difference in salary corresponding to the position of Associate Federal Prosecutor General, including transportation allowance, if applicable.

Article 48 It is under the Prosecutor General of the Republics responsibility to file the following before the Superior Court of Justice:

I – complaint for federal intervention in the states and the Federal District, in the event of refusal to enforce federal law;

II – criminal action, in the cases provided for in Article 105, I, "a", of the Federal Constitution.

Sole paragraph. The competence provided for in this Article may be delegated to an Associate Federal Prosecutor General.

Article 49 The duties of the Prosecutor General of the Republic, as Head of the Federal Prosecution Service, are as follows:

I – represent the Federal Prosecution Service;

II – be part of, as a natural member, and preside over the College of Federal Prosecutors, the Superior Council of the Federal Prosecution Service and the Entrance Exam Committee;

III – appoint the Federal Ombudsman and the holders of the Office of Federal Prosecution in the States and in the Federal District;

IV – appoint one of the members and the Coordinator of each of the Chambers of Coordination and Review of the Federal Prosecution Service;

V – appoint the Inspector General of the Federal Prosecution Service, according to the list prepared by the Superior Council;

VI – designate, observing the criteria of the law and those established by the Superior Council, the units in which the members of the Federal Prosecution Service shall exercise their functions;

VII – designate:

a) the Head of the Office of Federal Circuit Prosecution, among the Federal Circuit Prosecutors assigned to the respective Office of Federal Circuit Prosecution;

b) the Head of the Office of Federal Prosecution in the states and the Federal District, among the Federal Prosecutors assigned to the respective unit;

VIII – decide, on appeal, the conflicts of attributions between bodies of the Federal Prosecution Service;

IX – order the opening of fact–findings procedures, investigation or administrative inquiry;

X – order the opening of an investigation or filing of administrative proceedings against servants of auxiliary services;

XI – decide on disciplinary proceedings against a member of the career or servant of the auxiliary services, applying the appropriate sanctions;

XII – decide, given the need for the service, on:

a) removal on demand or by exchange;

b) partial alteration of the biennial list of designations;

XIII – authorize the removal of members of the Federal Prosecution Service, after hearing the Superior Council, in the cases provided for by law;

XIV – swear in the members of the Federal Prosecution Service;

XV – appoint a member of the Federal Prosecution Service to:

- a) work in bodies in which the Institution's participation is legally provided for, after hearing the Superior Council;
- b) be part of technical or scientific committees, related to the Institution's functions, after hearing the Superior Council;
- c) ensure the continuation of services, in case of vacancy, temporary removal, absence, impediment or suspension of the holder of the position, in case of inexistence or absence of the designated substitute;
- d) work before courts other than those provided for in item I of Article 37, of this supplementary law;
- e) monitor administrative procedures and police investigations initiated in areas outside its specific competence, as long as they are related to facts of interest to the Institution.

XVI – ratify, after hearing the Superior Council, the result of the exam to get into the career;

XVII – publish a notice of vacancy in the location and in the biennial list of designations;

XVIII – prepare the budget proposal of the Federal Prosecution Service, submitting it to the Superior Council for approval;

XIX – organize the rendering of accounts for the previous year;

XX – carry out administrative, financial and personnel management acts;

XXI – prepare the report on the activities of the Federal Prosecution Service;

XXII – coordinate activities of the Federal Prosecution Service;

XXIII – carry out other activities provided for by law.

Article 50 The attributions of the Prosecutor General of the Republic, provided for in the previous Article, may be delegated to:

I – a Coordinator of a Chamber Coordination and Review, those of subitems XV, subparagraph c and XXII;

II – the Heads of the Offices of Federal Circuit Prosecution and to the Heads of the Offices of Federal Prosecution in the states and in the Federal District, those of subitems I, XV, subparagraph c, XX and XXII.

Article 51 Criminal Prosecution against the Prosecutor General of the Republic, when in office, shall be the responsibility of the Associate Federal Prosecutor General appointed by the Superior Council of the Federal Prosecution Service.

### **SECTION III**

#### **The College of Federal Prosecutors**

Article 52 The College of Federal Prosecutors, chaired by the Prosecutor General of the Republic, comprises all career members working in the Federal Prosecution Service.

Article 53 It is under the College of Federal Prosecutors' responsibility to:

I – prepare, by means of a plurinominal, optional and secret vote, the sixfold list for the composition of the Superior Court of Justice, being eligible members of the Federal Prosecution Service, with over ten years in the career, being over than thirty–five and less than sixty–five years of age;

II – prepare, by means of a plurinominal, optional and secret vote, the sixfold list for the composition of the Federal Regional Courts, being eligible members of the Federal Prosecution Service, with over ten years in the career, being over thirty and less than sixty–five years of age, whenever possible located in the respective region;

III – elect, among the Associate Federal Prosecutors General and by means of a plurinominal, optional and secret vote, four members of the Superior Council of the Federal Prosecution Service;

II – express opinions on general matters of interest to the institution.

§ 1 For the purposes provided for items I, II and III of this Article, a meeting of the College of Prosecutors shall be waived, provided that the election follows its Internal Regulations and there is the vote of the absolute majority of voters.

§ 2° Exceptionally, in case of relevant interest of the Institution, the College of Federal Prosecutors shall meet in a place indicated by the Prosecutor General of the Republic, provided that it is convened by him/her or by the majority of its members.

§ 3 The Internal Regulations of the College of Federal Prosecutors shall provide for its operations.

### **SECTION IV**

#### **The Superior Council of the Federal Prosecution Service**

Article 54 The Superior Council of the Federal Prosecution Service, chaired by the Prosecutor General of the Republic, has the following composition:

I – the Prosecutor General of the Republic and the Deputy Prosecutor General of the Republic, who are part of it as natural members;

II – four Associate Federal Prosecutors General elected for a two–year term, pursuant to Article 53, III, reelection allowed;

III – four Associate Federal Prosecutors General elected for a two–year term, by their peers, by means of a plurinominal, optional and secret vote, reelection allowed.

§ 1° The other members voted, in descending order, shall be alternates for the members mentioned in items II and III, observing the general tie–breaking criteria.

§ 2° The Superior Council shall elect its Vice President, who shall substitute the President in his/her impediments and in case of vacancy.

Article 55 The Superior Council of the Federal Prosecution Service shall meet, ordinarily, once a month, on a previously scheduled date, and, extraordinarily, when convened by the Prosecutor General of the Republic, or by proposal of the majority of its members.

Article 56 Unless otherwise stated, the decisions of the Superior Council shall be taken by majority vote, with absolute majority of its members present.

§ 1 Should a tie occur, the President's vote shall prevail, except for sanctions, in which case the solution most favorable to the accused shall prevail.

§ 2 The decisions of the Superior Council shall be published in the *Gazeta da Justiça*, except when the Internal Regulations order secrecy.

Article 57 It is under the Superior Council of the Federal Prosecution Service's responsibility to:

I – exercise normative power within the scope of the Federal Prosecution Service, observing the principles of this Supplementary Law, especially to prepare and approve:

a) its Internal Regulations, those of the College of Federal Prosecutors and those of the Chambers of Coordination and Review of the Federal Prosecution Service;

b) the rules and instructions for the career entry exam;

c) the rules on the assignments for the different units of the Federal Prosecution Service;

d) the criteria for the distribution of inquiries, administrative procedures and any other made in the Federal Prosecution Service;

e) the criteria for promotion by merit, in the career;

f) the procedure for evaluating the fulfillment of the probationary requirements;

II – approve the name of the Federal Ombudsman;

III – appoint members of the Chambers of Coordination and Review;

IV – approve the dismissal of the Electoral Circuit Prosecutor;

V – dismiss, on the initiative of the Prosecutor General of the Republic and by the vote of two thirds of its members, before the end of the term of office, the Inspector General;

VI – prepare the threefold list for the Inspector General of the Federal Prosecution Service;

VII – prepare the threefold list for promotion by merit;

VIII – approve the seniority list of the members of the Federal Prosecution Service and decide on the complaints concerning it;

IX – appoint members of the Federal Prosecution Service for promotion by seniority, in compliance with the provisions of Article 93, II, item d, of the Federal Constitution;

X – appoint the Associate Federal Prosecutor General of the Republic to deal with inquiries, pieces of information or complaints on common crimes allegedly committed by the Prosecutor General of the Republic and, when appropriate, file criminal proceedings;

XI – express opinions on the appointment of a member of the Federal Prosecution Service to:

- a) work in bodies where the institution's participation is legally provided for;
- b) be part of technical or scientific committees related to the institution's functions;

XII – express opinions on the temporary removal of a member of the Federal Prosecution Service;

XIII – authorize the appointment, on an exceptional basis, of members of the Federal Prosecution Service, to exercise procedural duties before courts, tribunals or units other than those established for each category;

XIV – order the execution of fact-finding procedures and investigations and consider the corresponding reports;

XV – order the filing of administrative proceedings in which the accused is a member of the Federal Prosecution Service, examine his/her reports and propose the appropriate measures;

XVI – order the preventive removal from the exercise of their functions, of members of the Federal Prosecution Service, indicted or accused in disciplinary proceedings, and their return;

XVII – appoint the administrative procedure committee in which the accused is a member of the Federal Prosecution Service;

XVIII – decide on the fulfillment of the probationary period by a member of the Federal Prosecution Service, forwarding a copy of the decision to the Prosecutor General of the Republic, when applicable, to make the dismissal formal;

XIX – decide on the removal and availability of a member of the Federal Prosecution Service, for reasons of public interest;

XX – authorize, by absolute majority of its members, the Prosecutor General of the Republic to file a lawsuit for loss of office against a life tenure member of the Federal Prosecution Service, in the cases provided for in this law;

XXI – express opinions on requests for the return from retirement of a career member;

XXII – express opinions on the forwarding of a bill to increase the number of career positions;

XXIII – decide on having exams for entry into the career, appoint the members of the Exam Committee and express opinions on the approval of the results;

XXIV – approve the budget proposal that shall be part of the budget project of the Prosecution Service of the Union;

XVI – perform other functions established by law.

§ 1 The Prosecutor General and any member of the Superior Council are prevented from participating in its decisions in the cases provided for in the procedural laws for impediment and suspicion of a member of the Prosecution Service.

§ 2 The resolutions related to items I, subparagraphs a and e, IV, XIII, XV, XVI, XVII, XIX and XXI can only be taken with the favorable vote of two thirds of the members of the Superior Council.

## **SECTION V**

### **The Chambers of Coordination and Review of the Federal Prosecution Service**

Article 58 The Chambers of Coordination and Review of the Federal Prosecution Service are sectorial bodies for coordinating, integrating and reviewing the functional exercise of the institution.

Article 59 The Chambers of Coordination and Review shall be organized by function or by subject, through a normative act.

Sole paragraph. The Superior Council shall prepare the Internal Regulations, which shall provide for the operations of The Chambers of Coordination and Review.

Article 60 The Chambers of Coordination and Review shall be composed of three members of the Federal Prosecution Service, one appointed by the Prosecutor General of the Republic and two by the Superior Council, together with their alternates, for a term of two years, among members of the last level of the career, whenever possible.

Article 61 Among the members of the Chambers of Coordination and Review, one of them shall be appointed by the Prosecutor General for the executive role of Coordinator.

Article 62 It is under the responsibility of the Chambers of Coordination and Review to:

I – promote the integration and coordination of institutional bodies that work in units linked to the sector within their competence, observing the principle of functional independence;

II – maintain exchanges with bodies or entities that work in similar areas;

III – forward technical–legal information to institutional bodies operating in their sector;

IV – express its opinion on the dismissal of a police inquiry, parliamentary inquiry or pieces of information, except in cases of competence originating from the Prosecutor General;

V – resolve the special distribution of facts that, due to their continuous reiteration, should receive uniform treatment;

VI – resolve the special distribution of inquiries, facts and procedures, when the matter, by its nature or relevance, so requires;

VII – decide the conflicts of attributions between the bodies of the Federal Prosecution Service.

Sole paragraph. The competence established in items V and VI shall be exercised according to objective criteria previously established by the Superior Council.

## **SECTION VI**

### **The Office of Internal Affairs of the Federal Prosecution Service**

Article 63 The Office of Internal Affairs of the Federal Prosecution Service, headed by the Inspector General, is the supervisory body of the functional activities and conducts of the members of the Prosecution Service.

Article 64 The Inspector General shall be appointed by the Prosecutor General of the Republic among the Associate Federal Prosecutors General of the Republic, members of the threefold list prepared by the Superior Council, for a two-year term, renewable once.

§ 1° The members of the Superior Council shall not be able to be part of the threefold list.

§ 2 The other members of the threefold list shall be alternates to the Inspector General, in the order in which the Prosecutor General designates them.

§ 3 The Inspector General may be removed by the Prosecutor General's initiative, before the end of the term, by the Superior Council, under the terms of the provisions of item V of Article 57.

Article 65 It is under the Inspector General's responsibility to:

I – participate, without the right to vote, in the meetings of the Superior Council;

II – carry out, *sua sponte*, or as ordered by the Prosecutor General or the Superior Council, verifications and investigations, presenting the respective reports;

III – file an inquiry against a member of the career and propose to the Superior Council the filing of the consequent administrative proceedings;

IV – monitor the probationary period of the members of the Federal Prosecution Service;

V – propose to the Superior Council the dismissal of a member of the Federal Prosecution Service who does not meet the requirements of the probationary period.

## **SECTION VII**

### **Associate Federal Prosecutors General**

Article 66 Associate Federal Prosecutors General shall be appointed to have a seat before the Federal Supreme Court, the Superior Court of Justice, the Superior Electoral Court and the Chambers of Coordination and Review.

§ 1 In the Federal Supreme Court and in the Superior Electoral Court, the Associate Federal Prosecutors General shall act by delegation of the Prosecutor General of the Republic.

§ 2 Assigning an Associate Federal Prosecutor General to have a seat before jurisdictional bodies other than those provided for the category shall depend on authorization from the Superior Council.

Article 67 It is under the Associate Federal Prosecutors General's responsibility, exclusively, to exercise the functions of:

I – Deputy Prosecutor General of the Republic;

II – Deputy Prosecutor General before the Superior Electoral Court;

III – Inspector General of the Federal Prosecution Service;

IV – Federal Ombudsman;

V – Coordinator of the Chambers of Coordination and Review.

### **SECTION VIII Federal Circuit Prosecutors**

Article 68 Federal Circuit Prosecutors shall be appointed to have a seat before the Federal Regional Courts.

Sole paragraph. The appointment of Federal Circuit Prosecutors to have a seat before jurisdictional bodies other than those provided for the category shall depend on authorization from the Superior Council.

Article 69 Federal Circuit Prosecutors shall be assigned to units in the Offices of Federal Circuit Prosecution.

### **SECTION IX Federal Prosecutors**

Article 70 Federal Prosecutors shall be appointed to have a seat before Federal Judges and the Regional Electoral Courts, where the Office of Federal Circuit Prosecution does not have headquarters.

Sole paragraph. The appointment of Federal Prosecutors to have a seat before jurisdictional bodies other than those provided for the category shall depend on authorization from the Superior Council.

Article 71 Federal Prosecutors shall be assigned to units in the Offices of Federal Prosecution in the States and in the Federal District.

### **SECTION X Electoral Functions of the Federal Prosecution Service**

Article 72 It is under the Federal Prosecution Service's responsibility to exercise, as appropriate, together with the Electoral Court, the functions of the Prosecution Service, acting in all phases and instances of the electoral process.

Sole paragraph. The Federal Prosecution Service is entitled to file, before the competent court, actions to declare or order the nullity of legal transactions or acts of the government, violating legal prohibitions intended to protect the normality and legitimacy of elections, against the influence of the economic power or abuse of political or administrative power.

Article 73 The Prosecutor General before the Superior Electoral Court is the Prosecutor General of the Republic.

Sole paragraph. It is under the Prosecutor General before the Superior Electoral Court's responsibility to appoint, among the Associate Federal Prosecutors General, the Deputy Prosecutor General before the Superior Electoral Court, who shall replace him/her in his/her impediments and shall exercise the

position in case of vacancy, until the definitive appointment.

Article 74 It is under the Prosecutor General before the Superior Electoral Court's responsibility to exercise the functions of the Prosecution Service in cases within the competence of the Superior Electoral Court.

Sole paragraph. In addition to the Deputy Prosecutor General before the Superior Electoral Court, the Prosecutor General may designate, due to the need for service, members of the Federal Prosecution Service to have a seat, after his/her approval, before the Superior Electoral Court.

Article 75 It is under the Prosecutor General before the Superior Electoral Court's responsibility to:

I – appoint the Electoral Circuit Prosecutor in each state and in the Federal District;

II – monitor the procedures of the Electoral Inspector General;

III – settle attribution conflicts;

IV – call civil servants from the Union and its agencies, when needed for the service, without prejudice to the rights and advantages inherent to the exercise of their positions or jobs.

Article 76 The Electoral Circuit Prosecutor, together with his/her alternate, shall be appointed by the Prosecutor General before the Superior Electoral Court, among the Federal Circuit Prosecutors in the state and in the Federal District, or, if there is none, among the Prosecutors with life tenure, for a term of two years.

§ 1 The Electoral Circuit Prosecutor may be reappointed once.

§ 2 The Electoral Circuit Prosecutor may be removed, before the end of the term, on the initiative of the Prosecutor General before the Superior Electoral Court, authorized by absolute majority of the Superior Council of the Federal Prosecution Service.

Article 77 It is under the Electoral Circuit Prosecutor's responsibility to exercise the functions of the Prosecution Service in cases within the competence of the respective Regional Electoral Court, in addition to directing, in the state, the activities of the sector.

Sole paragraph. The Prosecutor General before the Superior Electoral Court may appoint other members of the Federal Prosecution Service to have a seat, under the coordination of the Federal Circuit Prosecutor, before the Regional Electoral Courts.

Article 78 The electoral functions of the Federal Prosecution Service before Judges and Electoral Boards shall be exercised by the Prosecutor before the Electoral Court.

Article 79 The Prosecutor before the Electoral Court shall be a member of the local Prosecution Service with a seat before the Court responsible for the electoral service of each Zone.

Sole paragraph. In the absence of a Prosecutor to work before the Electoral Zone, or in the event of impediment or justified refusal, the Head of the local Prosecution Service shall indicate a substitute to the Electoral Circuit Prosecutor.

Article 80 Affiliation to a political party prevents members of the Prosecution Service from exercising electoral functions to up to two years of its cancellation.

**SECTION XI**  
**Units for Administration and Placement of Members**

Articles 81 The units in the Office of the Prosecutor General, in the Offices of Federal Circuit Prosecution and in the Offices of Federal Prosecution in the states and in the Federal District are units for Administration and Placement of Members of the Federal Prosecution Service.

Sole paragraph. In the inner municipalities, where federal courts are based, the law shall create units of the Office of Federal Prosecution in the respective state.

Article 82 The basic structure of the units for administration and placement of members shall be organized by regulation, under the terms of the law.

**CHAPTER II**  
**The Labor Prosecution Service**

**SECTION I**  
**Competence, Bodies and Career**

Article 83 It is under the Labor Prosecution Service's responsibility to exercise the following duties before Labor Courts:

I – file actions assigned to it by the Federal Constitution and by labor laws;

II – express opinions about any stage of the labor process, accepting the judge's request or on its own initiative, when the entity understands that there is a public interest that justifies intervention;

III – file public-interest civil actions within the scope of Labor Courts, for the defense of collective interests, when constitutionally guaranteed social rights are not respected;

IV – file appropriate actions to declare the nullity of a contract clause, collective agreement or collective agreement that violates individual or collective freedoms or unavailable individual rights of workers;

V – file the necessary actions to defend the rights and interests of minors, incapable people and indigenous people, resulting from work relations;

VI – appeal against decisions of Labor Courts, when deemed necessary, both in the proceedings in which it is a party, as in those in which it participates as inspector of the law, as well as request a review of headings of Precedents of the Superior Labor Court;

VII – participate in the sessions of Labor Courts, giving oral opinions on the matter under discussion, whenever it deems necessary, being ensured the right to review cases being tried, being able to request measures deemed appropriate;

VIII – file proceedings in the event of a strike, when the defense of the legal order or the public interest so requires;

IX – participate in the investigation and mediation of disputes resulting from the interruption of services of any nature, being mandatory to have a member of the Labor Prosecution Service ,

expressing their agreement or disagreement, in any agreements signed before homologation, safeguarding the right to appeal in case of violation to the law and the Federal Constitution;

X – file a writ of injunction, within the scope of the Labor Courts' jurisdiction;

XI – act as an arbitrator, if requested by the parties, in disputes within the scope of the Labor Courts' jurisdiction;

XII – request the steps it deems convenient for the correct progress of the processes and for the best solution of labor disputes;

XIII – it is mandatory to intervene in all cases in the second and third degrees of jurisdiction of Labor Courts, when the party is a legal entity governed by Public Law, a foreign State or an international organization.

Article 84 It is under the Labor Prosecution Service's responsibility, within the scope of its attributions, to exercise the institutional functions provided for in Chapters I, II, III and IV of Title I, especially:

– being part of the collegiate bodies, provided for in § 1 of Article 6, relevant to them;

– filing civil investigation and other administrative procedures, whenever applicable, to ensure the observance of workers' social rights;

– requesting to the competent federal administrative authority, of the labor protection agencies, the establishment of administrative procedures, being able to follow them and produce evidence;

– being personally informed of the decisions rendered by Labor Courts, in cases in which the body has intervened or issued a written opinion;

– exercising other duties conferred upon it by law, provided they are compatible with its purpose.

Article 85 The bodies of the Labor Prosecution Service are:

I – the Labor Prosecutor General;

II – the College of Labor Prosecutors;

III – the Superior Council of the Labor Prosecution Service;

IV – the Chamber of Coordination and Review of the Labor Prosecution Service;

V – the Internal Affairs Office of the Labor Prosecution Service;

VI – the Associate Labor Prosecutors General;

VII – the Regional Labor Prosecutors;

VIII – Labor Prosecutors.

Article 86 The career of the Labor Prosecution Service shall consist of the positions of Associate Labor Prosecutors General, Regional Labor Prosecutor and Labor Prosecutor.

Sole paragraph. The initial position of the career is that of Labor Prosecutor and the last level is that of Associate Labor Prosecutors General;

## **SECTION II**

### **The Labor Prosecutor General**

Article 87 The Labor Prosecutor General is the Head of the Labor Prosecution Service.

Article 88 The Labor Prosecutor General shall be appointed by the Prosecutor General of the Republic, among members of the institution, over thirty–five years of age and five years in the career, member of a threefold list chosen by means of a plurinomial, optional and secret vote, by the College of Prosecutors for a term of two years. One reappointment permitted, subject to the same procedure. If there is not a sufficient number of candidates with over five years in their careers, those with over two years in their careers can apply for the threefold list.

Sole paragraph. The dismissal of the Labor Prosecutor General, before the end of the term, shall be proposed to the Prosecutor General of the Republic by the Superior Council, by means of a resolution obtained through secret voting of two thirds of its members.

Article 89 The Labor Prosecutor General shall appoint, among Associate Labor Prosecutor Generals, an Associate Labor Prosecutor General, who shall replace him/her in his/her impediments. In the event of vacancy, the Vice President of the Superior Council shall hold the position, until its definitive appointment.

Article 90 It is under the Labor Prosecutor General's responsibility to exercise the functions assigned to the Labor Prosecution Service before the Plenary of the Superior Labor Court, filing the appropriate actions and expressing opinions regarding cases within its competence.

Article 91 The duties of the Labor Prosecutor General are as follows:

I – represent the Labor Prosecution Service;

II – be part of, as a natural member, and preside over the College of Labor Prosecutors, the Superior Council of the Labor Prosecution Service and the Exam Committee;

III – appoint the Inspector General of the Labor Prosecution Service, according to the threefold list formed by the Superior Council;

IV – appoint one of the members and the Coordinator of the Chamber of Coordination and Review of the Labor Prosecution Service;

V – designate, observing the criteria of the law and those established by the Superior Council, the units in which the members of the Labor Prosecution Service shall exercise their functions;

VI – appoint the Head of the Regional Office of Labor Prosecution among the Regional Labor Prosecutors assigned to the respective Office of Federal Circuit Prosecution;

VII – decide, on appeal, the conflicts of attribution between the bodies of the Labor Prosecution Service;

VIII – order the opening of verification, investigation or administrative inquiry;

IX – order the opening of an inquiry or filing of administrative proceedings against servants of auxiliary services;

X – decide on disciplinary proceedings against a member of the career or servant of the auxiliary services, applying the sanctions within their competence;

XI – decide, given the need for the service, on:

- a) removal on demand or by exchange;
- b) partial alteration of the biennial list of designations;

XII – authorize the removal of members of the Labor Prosecution Service, after hearing the Superior Council, in the cases provided for by law;

XIII – swear in the members of the Labor Prosecution Service;

XIV – appoint a member of the Labor Prosecution Service to:

- a) work in bodies in which the Institution's participation is legally provided for, after hearing the Superior Council;
- b) be part of technical or scientific committees, related to the Institution's functions, after consulting the Superior Council;
- c) ensure that services continue, in case of vacancy, temporary removal, absence, impediment or suspicion of the member, when there is no alternate or the substitute is absent;

XV – ratify, after hearing the Superior Council, the result of the entry exam to get into the career;

XVI – publish a notice of vacancy, in the location and in the biennial list of appointments;

XVII – propose to the Prosecutor General of the Republic, after hearing the Superior Council, the creation and extinction of career positions and units in which they are going to work;

XVIII – prepare the budget proposal of the Labor Prosecution Service, submitting it to the Superior Council for approval;

XIX – forward to the Prosecutor General of the Republic the budget proposal of the Labor Prosecution Service, after its approval by the Superior Council;

XX – organize the rendering of accounts for the previous year, forwarding it to the Prosecutor General of the Republic;

XXI – carry out administrative, financial and personnel management acts;

XXII – prepare the report on the activities of the Labor Prosecution Service;

XXIII – coordinate the activities of the Labor Prosecution Service;

XXIV – exercise other duties provided for by law.

Article 92 The attributions of the Labor Prosecutor General, provided for in the previous Article, may

be delegated to:

I – the Coordinator of the Chamber of Coordination and Review, those of items XIV, subparagraph c, and XXIII;

II – the Heads of the Regional Labor Prosecution Services in the States and in the Federal District, those of items I, XIV, subparagraph c, XXI and XXIII.

### **SECTION III The College of Labor Prosecutors**

Article 93 The College of Labor Prosecutors, chaired by the Labor Prosecutor–General comprises all career members working in the Labor Prosecution Service.

Article 94 The attributions of the College of Labor Prosecutors are as follows:

I – prepare, by means of a plurinominal, optional and secret vote, the threefold list for the Labor Prosecutor General to choose;

II – prepare, by means of a plurinominal, optional and secret vote, the sixfold list for the composition of the Superior Labor Court, with members of the Labor Prosecution Service with over ten years in their careers being eligible, aged over thirty–five and less than sixty–five;

III – prepare, by means of a plurinominal, optional and secret vote, the sixfold list for the Regional Labor Courts, among Prosecutors with over ten years in the career;

IV – elect, among the Associate Labor Prosecutors General and by means of a plurinominal, optional and secret vote, four members for the Superior Council of the Labor Prosecution Service.

§ 1° For the purposes provided for in the items of this Article, the meeting of the College of Prosecutors shall be waived, taking place according to its Internal Regulations, requiring the vote of the absolute majority of voters.

§ 2° Exceptionally, in case of relevant interest to the Institution, the College of Prosecutors shall meet in a place designated by the Labor Prosecutor General, provided that it is convened by him/her or by the majority of its members.

§ 3 The Internal Regulations of the College of Labor Prosecutors shall provide for its operations.

### **SECTION IV The Superior Council of the Labor Prosecution Service**

Article 95 The Superior Council of the Prosecution Service of Labor, chaired by the Labor Prosecutor General, has the following composition:

I – the Labor Prosecutor General and the Associate Labor Prosecutors General, who are natural members;

II – four Associate Labor Prosecutors General, elected for a two–year term by the College of Labor Prosecutors, by means of a plurinominal, optional and secret vote, reelection allowed;

III – four Associate Labor Prosecutors General, elected for a two–year term, by their peers, by means of a plurinominal, optional and secret vote, reelection allowed.

§ 1º The other members voted, in descending order, shall be alternates for the members mentioned in items II and III, observing the general tie-breaking criteria.

§ 2º The Superior Council shall elect its Vice President, who shall substitute the President in his/her impediments and in case of vacancy.

Article 96 The Superior Council of the Labor Prosecution Service shall meet ordinarily, once a month, on a previously set day, and, extraordinarily, when convened by the Labor Prosecutor General or by proposal of the absolute majority of its members.

Article 97 Unless otherwise stated, the decisions of the Superior Council shall be taken by majority vote, with the absolute majority of its members present.

§ 1 In the event of a tie, the President's vote shall prevail, except in matters of sanctions, in which case the solution most favorable to the accused shall prevail.

§ 2º The decisions of the Superior Council shall be published in the *Gazeta da Justiça*, except when the Internal Regulations order secrecy.

Article 98 It under the Superior Council of the Labor Prosecution Service's responsibility to:

I – exercise normative power within the scope of the Labor Prosecution Service, observing the principles of this Supplementary Law, especially to prepare and approve:

a) its Internal Regulation, that of the College of Labor Prosecutors and that of the Chamber of Coordination and Review of the Labor Prosecution Service;

b) the rules and instructions for the career entry exam;

c) the rules on the designations for the different units of the Labor Prosecution Service;

d) the criteria for the distribution of administrative procedures and any other facts, in the Labor Prosecution Service;

e) the criteria for promotion by merit in the career;

f) the procedure to assess compliance with the probationary requirements;

II – appoint the members of the Chamber of Coordination and Review of the Labor Prosecution Service;

III – propose the dismissal of the Labor Prosecutor General;

IV – dismiss, on the initiative of the Labor Prosecutor General and by the vote of two thirds of its members, before the end of the term of office, the Inspector General ;

V – prepare the threefold list for promotion by merit;

VI – prepare the threefold list for the Inspector General of the Labor Prosecution Service;

VII – approve the list of seniority of the Labor Prosecution Service and decide on the complaints concerning it;

VIII – appoint Members of the Labor Prosecution Service for promotion by seniority, in compliance with the provisions of Article 93, II, item d, of the Federal Constitution;

XIX – express opinions on the appointment of a Labor Prosecution Service member to:

a) work in bodies where the Institution's participation is legally provided for;

b) be part of technical or scientific committees related to the Institution's functions;

X – express opinions on the temporary removal of a member of the Labor Prosecution Service;

XI – authorize the appointment, on an exceptional basis, of members of the Labor Prosecution Service, to exercise procedural duties before courts, tribunals or units other than those established for each category;

XII – order the execution of fact-finding procedures and investigations and consider the corresponding reports;

XIII – order the filing of administrative proceedings in which the accused is a member of the Labor Prosecution Service, examine his/her reports and propose the appropriate measures;

XIV – order the removal from their positions, of a member of the Labor Prosecution Service, indicted or accused in disciplinary proceedings, and their return;

XV – appoint the administrative proceeding committee in which the accused is a member of the Labor Prosecution Service;

XVI – decide on the fulfillment of the probationary period by a member of the Labor Prosecution Service, forwarding a copy of the decision to the Prosecutor General of the Republic, when applicable, for his/her dismissal to come into effect;

XVII – decide on the removal and availability of a member of the Labor Prosecution Service, for reasons of public interest;

XVIII – authorize, by the absolute majority of its members, the Prosecutor General of the Republic to file a lawsuit for loss of office against a life tenure member of the Labor Prosecution Service, in the cases provided for by law;

XIX – express opinions on requests for the return from retirement of a career member;

XX – approve the bill to increase the number of career and professional positions;

XXI – decide on having an entry exam into the career, appoint the members of the Exam Committee and express opinions on the approval of the results;

XXII – approve the budget proposal that shall be part of the budget project of the Prosecution Service of the Union;

XXIII – perform other functions provided for by law.

§ 1 The procedural rules in general, related to impediments and suspicion of members of the Prosecution Service, apply to the Prosecutor General and to the other members of the Superior

Council.

§ 2 The resolutions related to items I, subparagraphs a and e, XI, XIII, XIV, XV and XVII can only be taken with the favorable vote of two thirds of the members of the Superior Council.

## **SECTION V**

### **The Chamber of Coordination and Review of the Labor Prosecution Service**

Article 99 The Chamber of Coordination and Review of the Labor Prosecution Service is a body for coordination, integration and review of the functional exercise in the Institution.

Article 100 The Chamber of Coordination and Review of the Labor Prosecution Service shall be organized by a normative act and the Internal Regulations, which shall provide for its operations, and be prepared by the Superior Council.

Article 101 The Chamber of Coordination and Review of the Labor Prosecution Service shall be composed of three members of the Labor Prosecution Service, one being appointed by the Labor Prosecutor General and two by the Superior Council of the Labor Prosecution Service, together with their alternates, for a term of office of two years, whenever possible, among members of the last degree of the career.

Article 102 Among the members of the Chamber of Coordination and Review, one of them shall be designated by the Prosecutor General for the executive role of Coordinator.

Article 103 It is under the Chamber of Coordination and Review of the Labor Prosecution Service's service responsibility to:

I – promote the integration and coordination of institutional bodies of the Labor Prosecution Service, observing the principle of functional independence;

II – maintain exchanges with bodies or entities that work in similar areas;

III – forward technical–legal information to institutional bodies of the Labor Prosecution Service;

IV – resolve on the special distribution of cases and procedures, when the matter, by its nature or relevance, so requires;

V – resolve the special distribution of cases, which, due to their continuous reiteration, should receive uniform treatment;

VI – decide on attribution conflicts between the bodies of the Labor Prosecution Service.

Sole paragraph. The competence established in items IV and V shall be exercised according to objective criteria previously established by the Superior Council.

## **SECTION VI**

### **The Internal Affairs Office of the Labor Prosecution Service**

Article 104 The Internal Affairs Office of the Labor Prosecution Service, directed by the Inspector General, is the supervisory body of the functional activities and conduct of the members of the Prosecution Service.

Article 105 The Inspector General shall be appointed by the Labor Prosecutor General among the Associate Labor Prosecutors General, members of a threefold list prepared by the Superior Council, for a two-year term, renewable once.

§ 1° The members of the Superior Council shall not be able to be part of the threefold list.

§ 2 The other members of the threefold list shall be alternates for the Inspector General, in the order in which the Prosecutor General assigns them.

§ 3 The Inspector General may be removed, at the initiative of the Prosecutor General, before the end of the term, by the vote of two thirds of the members of the Superior Council.

Article 106 It is under the Prosecution Service's Inspector General's responsibility to:

I – participate, without the right to vote, in the meetings of the Superior Council;

II – carry out, *sua sponte* or by order of the Prosecutor General or the Superior Council, fact-finding procedures and investigations, presenting the respective reports;

III – initiate an inquiry against a member of the career and propose to the Superior Council the opening of the consequent administrative proceedings;

IV – monitor the probationary period of the members of the Labor Prosecution Service;

V – propose to the Superior Council the dismissal of a member of the Labor Prosecution Service who does not meet the requirements of the probationary period.

## **SECTION VII**

### **Associate Labor Prosecutors General**

Article 107 Associate Labor Prosecutors General shall be appointed to have a seat before the Superior Labor Court and in the units in the Chamber of Coordination and Review.

Sole paragraph. The designation of Associate Labor Prosecutors General to have a seat before jurisdictional bodies other than those established for the category shall depend on authorization from the Superior Council.

Article 108 It under the Associate Labor Prosecutors General's responsibility, privately, to exercise the functions of:

I – Inspector General of the Labor Prosecution Service;

II – Coordinator of the Chamber of Coordination and Review of the Labor Prosecution Service.

Article 109 The Associate Labor Prosecutors General shall be assigned to the units of the Office of the Labor Prosecutor General.

**SECTION VIII**  
**The Regional Labor Prosecutors**

Article 110 The Regional Labor Prosecutors shall be appointed to have a seat before Regional Labor Courts.

Sole paragraph. In the event of a vacancy or absence of an Associate Labor Prosecutor General for a period exceeding thirty days, the Prosecutor General may appoint a Regional Labor Prosecutor for replacement, with the approval of the Superior Council.

Article 111 The Regional Labor Prosecutors shall be assigned to the units of the Regional Labor Prosecution Services in the States and the Federal District.

**SECTION IX**  
**Labor Prosecutors**

Article 112 The Labor Prosecutors shall be appointed to work before the Regional Labor Courts and, as provided for in procedural laws, in labor disputes involving, especially, the interests of minors and incapable persons.

Sole paragraph. The appointment of a Labor Prosecutor to have a seat before jurisdictional bodies other than those provided for the category shall depend on authorization from the Superior Council.

Article 113 The Labor Prosecutors shall be assigned to the units of the Regional Labor Prosecutors in the States and the Federal District.

**SECTION X**  
**Placement and Administration Units**

Article 114 The units in the Office of the Labor Prosecutor General and in the Regional Labor Prosecution Services in the States and the Federal District are the Placement and Administration Units of the Labor Prosecution Service.

Article 115 The basic structure of the Placement and Administration Units shall be organized by regulation, under the terms of the law.

**CHAPTER III**  
**The Military Prosecution Service**

**SECTION I**  
**Competence, Bodies and Career**

Article 116 It is under the Military Prosecution Service's responsibility to carry out the following duties before the Military Justice bodies:

I – privately file public criminal action;

II – prepare the declaration of unworthiness or incompatibility for the position;

III – express opinions at any stage of the process, accepting the judge's request or on his/her own initiative, when he/she understands that there is a public interest that justifies the intervention.

Article 117 It is under the Military Prosecution Service's responsibility to:

I – request investigation steps and the opening of a police–military inquiry, being able to follow them and present evidence;

II – exercise external control over the activity of the military judicial police.

Article 118 The following are bodies of the Military Prosecution Service:

I – the Prosecutor General of the Military Justice;

II – the College of the Military Justice Prosecutors;

III – the Superior Council of the Military Prosecution Service;

IV – the Chamber of Coordination and Review of the Military Prosecution Service;

V – the Internal Affairs Office of the Military Prosecution Service;

VI – the Associate Prosecutors General of the Military Justice;

VII – the Military Justice Prosecutors;

VIII – the Attorneys of the Military Justice.

Article 119 The career of the Military Prosecution Service comprises the positions of Associate Prosecutors General of the Military Justice, Military Justice Prosecutors and Attorneys of the Military Justice.

Sole paragraph. The initial position of the career is that of the Attorneys of the Military Justice and the last level is that of Associate Prosecutor General of the Military Justice.

## **SECTION II**

### **The Prosecutor General of the Military Justice**

Article 120 The Prosecutor General of the Military Justice is the Head of the Military Prosecution Service.

Article 121 The Prosecutor General of the Military Justice shall be appointed by the Prosecutor General of the Republic, among members of the Institution, over thirty–five years of age and five years in the career, chosen from a threefold list by means of a plurinomial, optional and secret vote, by the College of Prosecutors, for a term of two years, one reappointment permitted, subject to the same procedure. If there is not a sufficient number of candidates with over five years in their careers, those with over two years in their careers can apply for the threefold list.

Sole paragraph. The dismissal of the Prosecutor General of the Military Justice, before the end of the term, shall be proposed by the Superior Council to the Prosecutor General of the Republic, by means of authorization on the basis of a secret vote of two thirds of its members.

Article 122 The Prosecutor General of the Military Justice shall appoint, among the Associate Federal Prosecutors General, the Deputy Prosecutor General for the Military Justice, who shall replace him/her in his/her impediments. In the event of a vacancy, the Vice President of the Superior Council shall

hold the position, until its definitive appointment.

Article 123 It is under the Prosecutor General of the Military Justice's responsibility to exercise the functions assigned to the Military Prosecution Service before the Superior Military Court, filing the appropriate actions and expressing opinions on the proceedings within its competence.

Article 124 The powers of the Prosecutor General of the Military Justice are:

I – represent the Military Prosecution Service;

II – be part of, as a natural member, and preside over the College of the Military Justice Prosecutors, the Superior Council of the Prosecution Service of the Military Justice and the Exam Committee;

III – appoint the Inspector General of the Military Prosecution Service, according to a threefold list prepared by the Superior Council;

IV – appoint one of the members and the Coordinator of the Chamber of Coordination and Review of the Military Prosecution Service;

V – designate, observing the criteria of the law and those established by the Superior Council, the units in which the members of the Military Prosecution Service shall exercise their functions;

VI – decide, on appeal, the conflicts of attributions between the bodies of the Military Prosecution Service;

VII – order the opening of fact-finding procedures, investigations or administrative inquiries;

VIII – order the opening of an inquiry or filing of administrative proceedings against servants of auxiliary services;

XIX – decide on disciplinary proceedings against a member of the career or servant of the auxiliary services, applying the sanctions that are within their competence;

X – decide, given the need for the service, on:

a) removal on demand or by exchange;

b) partial alteration of the biennial list of designations;

XI – authorize the removal of members of the Military Prosecution Service, after hearing the Superior Council, in the cases provided for by law;

XII – swear in the members of the Military Prosecution Service;

XIII – appoint a member of the Military Prosecution Service to:

a) work in bodies in which the institution's participation is legally provided for, after hearing the Superior Council;

b) be part of technical or scientific committees, related to the Institution's functions, after hearing the Superior Council;

c) ensure the continuation of services, in case of vacancy, temporary removal, absence, impediment or suspicion of the member, when there is no alternate or the substitute is absent;

XIV – ratify, after hearing the Superior Council, the result of the entry exam into the career;

XV – publish the notice of vacancy, in the location and in the biennial list of designations;

XVI – propose to the Prosecutor General of the Republic, after hearing the Superior Council, the creation and extinction of career positions and units in which their functions must be exercised;

XVII – prepare the budget proposal of the Military Prosecution Service, submitting it to the Superior Council;

XVIII – forward to the Prosecutor General of the Republic the budget proposal of the Military Prosecution Service, after its approval by the Superior Council;

XIX – organize the rendering of accounts for the previous year, forwarding it to the Prosecutor General of the Republic;

XX – practice administrative, financial and personnel management acts;

XXI – prepare the report of activities of the Military Prosecution Service;

XXII – coordinate the activities of the Military Prosecution Service;

XXIII – exercise other duties provided for by law.

Article 125 The attributions of the Prosecutor General of the Military Justice, provided for in the previous Article, may be delegated to:

I – the Coordinator of the Chamber of Coordination and Review, those of items XIII, subparagraph c, and XXII;

II – the Military Justice Prosecutor, those of items I and XX.

### **SECTION III**

#### **The College of the Military Justice Prosecutors**

Article 126 The College of the Military Justice Prosecutors, chaired by the Prosecutor General of the Military Justice, comprises all career members working in the Prosecution Service of the Military Justice.

Article 127 It is under the College of the Military Justice Prosecutors' responsibility to:

I – prepare, by means of a plurinomial, optional and secret vote, a threefold list for the choice of the Prosecutor General of the Military Justice;

II – express opinions on general matters of interest to the Institution.

§ 1 For the purposes established in item I, a meeting of the College of Prosecutors shall be waived,

according to its internal regulations, requiring the vote of the absolute majority of voters.

§ 2° Exceptionally, in case of relevant interest of the Institution, the College of Prosecutors shall meet in a place designated by the Prosecutor General of the Military Justice, as long as convened by him/her or by the majority of its members.

§ 3 The Internal Regulations of the College of Military Prosecutors shall provide for its operations.

#### **SECTION IV**

##### **The Superior Council of the Military Prosecution Service**

Article 128 The Superior Council of the Military Prosecution Service, chaired by the Prosecutor General of the Military Justice, has the following composition:

I – the Prosecutor General for Military Justice and the Deputy Prosecutor General of the Military Justice;

II – the Associate Prosecutors General of the Military Justice.

Sole paragraph. The Superior Council shall elect its Vice President, who shall replace the President in the event of his/her impediments and in the event of a vacancy.

Article 129 The Superior Council of the Military Prosecution Service shall meet, ordinarily, once a month, on a day previously set, and, extraordinarily, when convened by the Prosecutor General of the Military Justice or by proposal of the absolute majority of its members.

Article 130 Unless otherwise stated, the decisions of the Superior Council shall be taken by majority vote, with absolute majority of its members present.

§ 1 In the event of a tie, the President's vote shall prevail, except for sanctions, in which case the solution most favorable to the accused shall prevail.

§ 2 The decisions of the Superior Council shall be published in the *Diário da Justiça*, except when the internal regulations order secrecy.

Article 131 It is under the Superior Council of the Military Prosecution Service's responsibility to:

I – exercise normative power within the scope of the Military Prosecution Service, in compliance with the principles of this Supplementary law, especially to prepare and approve:

- a) its Internal Regulations, that of the College of the Military Justice Prosecutors and that of the Chamber of Coordination and Review of the Military Prosecution Service;
- b) the rules and instructions for the career entry exam;
- c) the rules on the designations for the different units of the Military Prosecution Service;
- d) the criteria for distributing inquiries and any other facts, in the Military Prosecution Service;
- e) the criteria for promotion by merit in the career;

f) the procedure for evaluating the fulfillment of the probationary requirements;

II – appoint the members of the Chamber of Coordination and Review of the Military Prosecution Service;

III – propose the dismissal of the Prosecutor General of the Military Justice;

IV – dismiss, on the initiative of the Prosecutor General of the Military Prosecution Service and by the vote of two thirds of its members, before the end of the term of office, the Inspector General;

V – prepare the threefold list, intended for promotion by merit;

VI – prepare the threefold list for the Inspector General of the Military Prosecution Service;

VII – approve the list of seniority of the Military Prosecution Service and decide on the complaints concerning it;

VIII – appoint Members of the Military Prosecution Service for promotion by seniority, in compliance with the provisions of Article 93, II, item d, of the Federal Constitution;

XIX – express opinions on the appointment of a member of the Military Prosecution Service to:

a) work in bodies where the Institution's participation is legally provided for;

b) be part of technical or scientific committees related to the Institution's functions;

X – express opinions on the temporary removal of a member of the Military Prosecution Service;

XI – authorize the appointment, on an exceptional basis, of a member of the Military Prosecution Service, for the exercise of procedural attributions before courts, tribunals or units other than those established for each category;

XII – order the execution of fact-finding procedures and investigations and consider the corresponding reports;

XIII – order the opening of administrative proceedings in which the accused is a member of the Military Prosecution Service, review his/her reports and propose the appropriate measures;

XIV – order the preventive removal from the exercise of their functions, of a member of the Military Prosecution Service, indicted or accused in disciplinary proceedings, and their return;

XV – appoint the administrative procedure committee in which the accused is a member of the Military Prosecution Service;

XVI – decide on the fulfillment of the probationary period by a member of the Military Prosecution Service, forwarding a copy of the decision to the Prosecutor General of the Republic, as the case may be, in order to effect his/her dismissal;

XVII – decide on the removal and availability of a member of the Military Prosecution Service, for reasons of public interest;

XVIII – authorize, by the absolute majority of its members, the Prosecutor General of the Republic to

file a lawsuit for loss of office against a life tenure member of the Military Prosecution Service, in the cases provided for in this supplementary law;

XIX – express opinions on requests for the return from retirement of a career member;

XX – approve bill to increase the number of career and professional positions;

XXI – decide on the holding of a entry exam into the career, appoint the members of the Exam Committee and express opinions on the approval of the results;

XXII – perform other functions assigned by law.

§ 1 The procedural rules in general, regarding impediments and suspicion of members of the Prosecution Service, apply to the Prosecutor General and to the other members of the Superior Council.

§ 2 The resolutions related to items I, subparagraphs a and e, XI, XIII, XIV, XV and XVII can only be taken with the favorable vote of two thirds of the members of the Superior Council.

## **SECTION V**

### **The Chamber of Coordination and Review of the Military Prosecution Service**

Article 132 The Chamber of Coordination and Review of the Military Prosecution Service is the body for coordinating, integrating and reviewing the functional exercise of the Institution.

Article 133 The Chamber of Coordination and Review of the Military Prosecution Service shall be organized by normative act and the Internal Regulations, which shall provide for its functioning, be prepared and approved by the Superior Council.

Article 134 The Chamber of Coordination and Review of the Military Prosecution Service shall be composed of three members of the Military Prosecution Service, one being appointed by the Prosecutor General of the Military Justice and two by the Superior Council of the Military Prosecution Service, together with their alternates, for a term of two years, whenever possible, among members of the last degree of the career.

Article 135 Among the members of the Chamber of Coordination and Review, one of them shall be designated by the Prosecutor General for the executive role of Coordinator.

Article 136 It is under the Chamber of Coordination and Review of the Military Prosecution Service's responsibility to:

I – foster integration and coordination of the institutional bodies of the Military Prosecution Service, observing the principle of functional independence;

II – maintain exchanges with bodies or entities that work in similar areas;

III – forward technical–legal information to institutional bodies of the Military Prosecution Service;

IV – express opinions on the filing of a military police investigation, except in cases of original competence of the Prosecutor General;

V – resolve on the special distribution of inquiries and any other cases, when the matter, by its nature or relevance, so requires;

VI – decide the conflicts of attribution between the bodies of the Military Prosecution Service.

Sole paragraph. The competence established in item V shall be exercised according to objective criteria previously established by the Superior Council.

## **SECTION VI**

### **The Internal Affairs Office of the Military Prosecution Service**

Article 137 The Internal Affairs Office of the Military Prosecution Service, directed by the Inspector General, is the supervisory body of the functional activities and conducts of the members of the Prosecution Service.

Article 138 The Inspector General of the Military Prosecution Service shall be appointed by the Prosecutor General of the Military Justice among the Associate Prosecutors General of the Military Justice, members of a threefold list prepared by the Superior Council, for a two-year term, renewable once.

§ 1° The other members of the threefold list shall be alternates of the Inspector General, in the order in which the Prosecutor General appoints them.

§ 2° The Inspector General may be removed, at the initiative of the Prosecutor General, before the end of the term, by the vote of two thirds of the members of the Superior Council.

Article 139 It is under the Inspector General of the Prosecution Service's responsibility to:

I – carry out, *sua sponte*, or by order of the Prosecutor General or the Superior Council, fact-finding procedures and investigations, presenting the respective reports;

II – open an inquiry against a member of the career and propose to the Council the opening of the consequent administrative proceedings;

III – monitor the probationary period of the members of the Military Prosecution Service;

IV – propose to the Superior Council the dismissal of a member of the Military Prosecution Service who does not fulfill the requirements of the probationary period.

## **SECTION VII**

### **The Associate Prosecutors General of the Military Justice**

Article 140 The Associate Prosecutors General of the Military Justice shall be appointed to have a seat before the Superior Military Court and the Chamber of Coordination and Review.

Sole paragraph. The appointment of a Military Associate Prosecutor General to have a seat in jurisdictional bodies other than those provided for the category shall depend on authorization from the Superior Council.

Article 141 It is under the Associate Prosecutors General of the Military Justice's responsibility, privately, to exercise the functions of:

I – Inspector General of the Military Prosecution Service;

I – Coordinator of the Chamber of Coordination and Review of the Military Prosecution Service.

Article 142 The Associate Prosecutors General for Military Justice shall be assigned to the units of the Office of the Prosecutor General for Military Justice.

### **SECTION VIII The Military Justice Prosecutors**

Article 143 The Military Justice Prosecutors shall be appointed to have a seat before the Military Audits.

§ 1 In the event of a vacancy or removal of the Associate Prosecutor General of the Military Justice for a period exceeding thirty days, a Military Justice Prosecutor may be called by the Prosecutor General, upon approval by the Superior Council, and, if they do not accept, an Attorney of the Military Justice may be called for replacement.

§ 2 The Military Justice Prosecutor, or the Attorney of the Military Justice, shall receive the difference in salaries, corresponding to the position of Associate Prosecutor General of the Military Justice, including *per diems* and transportation, if applicable.

Article 144 The Military Prosecutors shall be assigned to the units in the Military Prosecutors' Offices.

### **SECTION IX The Attorneys of the Military Justice**

Article 145 The Attorneys of the Military Justice shall be appointed to have a seat before the Military Audits.

Sole paragraph. In the event of a vacancy or removal of a Military Justice Prosecutor for a period exceeding thirty days, the Prosecutor General may call an Attorney of the Military Justice for replacement, with the approval of the Superior Council.

Article 146 The Attorneys of the Military Justice shall be assigned to the units of the Military Justice Prosecution Services.

### **SECTION X The Placement and Administration Units**

Article 147 The units in the Office of the Prosecutor General for Military Justice and in the Offices of Prosecution in the Military Justice are placement and administration units of the Military Prosecution Service.

Article 148 The structure of the placement and administration units shall be organized by regulation, under the terms of the law.

## **CHAPTER IV The Prosecution Service of the Federal District and Territories**

### **SECTION I**

## **Competence, Bodies and Career**

Article 149 The Prosecution Service of the Federal District and Territories shall exercise its functions in cases within the jurisdiction of the Court of Justice and the Judges of the Federal District and Territories.

Article 150 It is under the Prosecution Service of the Federal District and Territories' responsibility to:

- I – open a civil inquiry and file other related administrative procedures; (See ADI 3806)
- II – request investigative measures and the opening of a police investigation, being able to follow them and produce evidence; (See ADI 3806)
- III – request the competent authority to file administrative procedures, except for those of a disciplinary nature, being able to follow them and produce evidence; (See ADI 3806)
- IV – exercise external control over the activity of the Federal District and Territories' police;
- V – participate in the Penitentiary Councils;
- VI – participate, as an observing institution, in the manner and under the conditions established in an act of the Prosecutor General of the Republic, in any body of the direct, indirect or foundational government of the Federal District, which has attributions related to the functions of the Institution;
- VII – supervise the execution of the sentence, in proceedings under the Federal District and Territories Courts' jurisdiction.

Article 151 It is under the Prosecution Service of the Federal District and Territories' responsibility to defend constitutional rights of citizens, ensuring that they are respected by:

- I – the Government of the Federal District and the Territories;
- II – the direct or indirect government bodies of the Federal District and the Territories;
- III – concession and permit holders of the public service of the Federal District and the Territories;
- IV – entities that exercise other functions delegated to the Federal District and the Territories.

Article 152 The Prosecutor General of Justice shall appoint, among the Prosecutors of Justice and upon prior approval of the name by the Superior Council, the District Prosecutor for Citizens' Rights, to serve for a period of two years, with the possibility of reappointment, preceded by a new decision of the Superior Council.

§ 1º Whenever possible, the District Prosecutor shall not accumulate the exercise of his/her functions with others of the Prosecution Service.

§ 2º The District Prosecutor shall only be dismissed, before the end of his/her term, on the initiative of the Prosecutor General of Justice, with approval of the absolute majority of the Superior Council.

Article 153 The following are bodies of the Prosecution Service of the Federal District and Territories:

- I – the Prosecutor General of Justice;

I – the College of Prosecutors and Attorneys of Justice;

III – the Superior Council of the Prosecution Service of the Federal District and Territories;

IV – the Internal Affairs Office of the Prosecution Service of the Federal District and Territories;

V – the Chambers of Coordination and Review of the Prosecution Service of the Federal District and Territories;

VI – the Justice Prosecutors;

VII – the Attorneys of Justice;

VIII – the Assistant Prosecutors.

Article 154 The career of the Prosecution Service of the Federal District and Territories consists of the positions of Prosecutor of Justice, Attorney of Justice and Assistant Prosecutor.

Sole paragraph. The initial position of the career is that of Assistant Prosecutor and the last position is that of Justice Prosecutor.

## **SECTION II**

### **The Prosecutor General of Justice**

Article 155 The Prosecutor General of Justice is the Head of the Prosecution Service of the Federal District and Territories.

Article 156 The President of the Republic shall appoint the Prosecutor General of Justice among members of the threefold list prepared by the College of Prosecutors and Attorneys of Justice, for a two-year term, one reappointment permitted, preceded by a new threefold list.

§ 1 Members of the Prosecution Service of the Federal District with over five years in their career functions and who have not faced, in the last four years, any final conviction or who are not responding to criminal or administrative proceedings shall compete for the threefold list.

§ 2° The Prosecutor General may be removed, before the end of the term, upon authorization of the absolute majority of the Federal Senate, through complaint of the President of the Republic.

Article 157 The Prosecutor General shall appoint, among the Prosecutors of Justice, the Deputy Prosecutor General of Justice, who shall replace him/her in his impediments. In the event of a vacancy, the Vice-President of the Superior Council shall hold the position, until its definitive appointment.

Article 158 It is under the Prosecutor General of Justice's responsibility to perform the functions assigned to the Prosecution Service in the Plenary of the Court of Justice of the Federal District and Territories, filing the appropriate actions and giving opinion on the processes within the court's competence.

Article 159 It is under the Prosecutor General's responsibility, as Head of the Prosecution Service, to:

I – represent the Prosecution Service of the Federal District and Territories;

II – be part of, as a natural member, the College of Prosecutors and Attorneys of Justice, the Superior Council and the Exam Committee;

III – appoint the District Prosecutor for Citizens' Rights;

IV – appoint one of the members and the Coordinator of each of the Chambers of Coordination and Review of the Prosecution Service of the Federal District and Territories;

V – appoint the Inspector General of the Prosecution Service of the Federal District and Territories;

VI – decide, on appeal, the conflicts of attributions between bodies of the Prosecution Service of the Federal District and Territories;

VII – order the opening of fact-finding procedures, investigations or administrative inquiries;

VIII – order the opening of investigations or administrative proceedings against servants of auxiliary services;

IX – decide on disciplinary proceedings against a member of the career or servant of the auxiliary services, applying the sanctions within his/her competence;

X – decide, given the need for the service, on:

a) removal on demand or by exchange;

b) partial alteration of the biennial list of designations;

XI – authorize the removal of members of the Prosecution Service of the Federal District and Territories, after hearing the Superior Council, in the cases provided for by law;

XII – swear in the members of the Prosecution Service of the Federal District and Territories;

XIII – appoint a member of the Prosecution Service of the Federal District and Territories to:

a) work in bodies in which the Institution's participation is legally provided for, after hearing the Superior Council;

b) be part of technical or scientific committees, related to the Institution's functions, after consulting the Superior Council;

c) ensure the continuation of services, in case of vacancy, temporary removal, absence, impediment or suspicion of the member, when there is no alternate or the substitute is absent;

d) monitor administrative procedures and police investigations, in areas outside its specific competence, as long as they are related to facts of interest to the Institution;

XIV – ratify, after hearing the Superior Council, the result of a career entry exam;

XV – publish the notice of vacancy, in the location and in the biennial list of designations;

XVI – propose to the Prosecutor General of the Republic, after hearing the Superior Council, the

creation and extinction of career positions and units in which their functions must be exercised;

XVII – prepare the budget proposal of the Prosecution Service of the Federal District and Territories, submitting it to the Superior Council;

XVIII – forward to the Prosecutor General of the Republic the budget proposal of the Prosecution Service of the Federal District and Territories, after its approval by the Superior Council;

XIX – organize the rendering of accounts for the previous year, forwarding it to the Prosecutor General of the Republic;

XX – carry out administrative, financial and personnel management acts;

XXI – prepare the report on the activities of the Prosecution Service of the Federal District and Territories;

XXII – coordinate the activities of the Prosecution Service of the Federal District and Territories;

XXIII – exercise other duties provided for by law.

Article 160 The attributions of the Prosecutor General of Justice, provided for in items XIII, subparagraphs c, d, XXII and XXIII, of the previous Article, may be delegated to the Coordinator of the Chamber of Coordination and Review.

### **SECTION III**

#### **The College of Prosecutors and Attorneys of Justice**

Article 161 The College of Prosecutors and Attorneys of Justice, chaired by the Prosecutor General of Justice, comprises all career members working in the Prosecution Service of the Federal District and Territories.

Article 162 It is under the College of Prosecutors and Attorneys of Justice's responsibility to:

I – prepare, by means of a plurinominal, optional and secret vote, the threefold list for the position of Prosecutor General;

II – express opinions on general matters of interest to the Institution;

III – prepare, by means of a plurinominal, optional and secret vote, a sixfold list for the composition of the Court of Justice of the Federal District and Territories, with members of the Prosecution Service of the Federal District and Territories with more than ten years of career being eligible;

IV – elect, among the Prosecutors of Justice and by means of a plurinominal, optional and secret vote, four members of the Superior Council of the Prosecution Service of the Federal District and Territories;

V – prepare, by means of a plurinominal, optional and secret vote, a sixfold list for the composition of the Superior Court of Justice, with members of the Prosecution Service of the Federal District and Territories, with over thirty–five and less than sixty–five years of age.

§ 1 For the purposes established in items I, II, III, IV and V, a meeting of the College of Prosecutors and Attorneys of Justice shall be waived, according to its Internal Regulations, requiring the vote of

the absolute majority of voters.

§ 2° Exceptionally, in case of relevant interest of the Institution, the College of Prosecutors and Attorneys of Justice shall meet in a place indicated by the Prosecutor General of Justice, provided that it is convened by him/her or by the majority of its members.

§ 3 The Internal Regulations of the College of Prosecutors and Attorneys of Justice shall provide for its operations.

#### **SECTION IV**

##### **The Superior Council of the Prosecution Service of the Federal District and Territories**

Article 163 The Superior Council of the Prosecution Service of the Federal District and Territories, chaired by the Prosecutor General of Justice, has the following composition:

I – the Prosecutor General of Justice and the Deputy Prosecutor General of Justice, who are part of it as natural members;

II – four Prosecutors of Justice, elected, for a term of office of two years, pursuant to item IV of the previous Article, reelection permitted;

III – four Prosecutors of Justice, elected for a two-year term, by their peers, by means of a plurinominal, optional and secret vote, reelection permitted.

§ 1° The others voted, in descending order, shall be alternates for the members mentioned in items II and III, observing the general tie-breaking criteria.

§ 2° The Superior Council shall elect its Vice President, who shall substitute the President in his/her impediments and in case of vacancy.

Article 164 The Superior Council of the Prosecution Service of the Federal District and Territories shall meet, ordinarily, once a month, on a day previously established, and, extraordinarily, when convened by the Prosecutor General of Justice or by proposal of the absolute majority of its members.

Article 165 Unless otherwise stated, the decisions of the Superior Council shall be taken by majority vote, with absolute majority of its members present.

Article 166 It is under the Superior Council of the Prosecution Service of the Federal District and Territories' responsibility to:

I – exercise normative power within the scope of the Prosecution Service of the Federal District and Territories, observing the principles of this Supplementary law, especially to prepare and approve:

a) its internal regulations, those of the College of Prosecutors and Prosecutors of the Federal District and Territories and those of the Chambers of Coordination and Review of the Prosecution Service of the Federal District and Territories;

b) the rules and instructions for the career entry exam;

c) the rules on the designations for the different units of the Prosecution Service of the Federal District and Territories;

- d) the criteria for the distribution of inquiries, administrative procedures and any other cases filed in the Prosecution Service of the Federal District and Territories;
- e) the criteria for promotion by merit, in the career;
- f) the procedure to assess compliance with the probationary requirements;
- II – approve the name of the District Prosecutor for Citizens' Rights;
- III – appoint the members of the Chambers of Coordination and Review;
- IV – dismiss, by initiative of the Prosecutor General and by the vote of two thirds of its members, the Inspector General;
- V – prepare the threefold list for promotion by merit;
- VI – prepare the threefold list for the Inspector General of the Prosecution Service of the Federal District and Territories;
- VII – approve the list of seniority of the Prosecution Service of the Federal District and Territories and decide on the complaints concerning it;
- VIII – appoint members of the Prosecution Service of the Federal District and Territories for promotion by seniority, in compliance with the provisions of Article 93, II, item d, of the Federal Constitution;
- XIX – express opinions on the appointment of a member of the Prosecution Service of the Federal District and Territories to:
  - a) work in bodies where the Institution's participation is legally provided for;
  - b) be part of technical or scientific committees related to the Institution's functions;
- X – express opinions on the temporary removal of a member of the Prosecution Service of the Federal District and Territories;
- XI – order the opening of fact-finding procedures and investigations and consider the corresponding reports;
- XII – order the filing of administrative proceedings in which the accused is a member of the Prosecution Service of the Federal District and Territories, review his/her reports and propose the appropriate measures;
- XIII – order the preventive removal from the exercise of their functions, of a member of the Prosecution Service of the Federal District and Territories, indicted or accused in disciplinary proceedings, and their return;
- XIV – authorize the appointment, on an exceptional basis, of members of the Prosecution Service of the Federal District and Territories, to exercise procedural duties before courts, tribunals or units other than those established for each category;
- XV – appoint the administrative proceeding committee in which the accused is a member of the

Prosecution Service of the Federal District and Territories;

XVI – decide on the fulfillment of the probationary period by a member of the Prosecution Service of the Federal District and Territories, proposing to the Prosecutor General of the Republic, when applicable, his/her dismissal;

XVII – decide on the removal and availability of a member of the Prosecution Service of the Federal District and Territories, for reasons of public interest;

XVIII – authorize, by absolute majority of its members, the Prosecutor General of the Republic to file a lawsuit for loss of office against a life tenure member of the Prosecution Service of the Federal District and Territories, in the cases provided for by law;

XIX – express opinions on requests for the return from retirement of a career member;

XX – approve a bill to increase the number of career positions and trades;

XXI – resolve on the holding of an entry exam into the career, appoint the members of the Exam Committee and express opinions on the approval of the results;

XXII – approve the budget proposal that shall be part of the budget project of the Prosecution Service of the Union;

XXIII– perform other functions provided for in the law.

Sole paragraph. The Justice Prosecutor General and the members of the Superior Council shall be prevented from participating in its decisions in the cases provided for in the procedural laws for the impediment and suspicion of members of the Prosecution Service.

## **SECTION V**

### **The Chambers of Coordination and Review of the Prosecution Service of the Federal District and Territories**

Article 167 The Chambers of Coordination and Review of the Prosecution Service of the Federal District and Territories are sectorial bodies for coordination, integration and review of the functional exercise in the institution.

Article 168 The Chambers of Coordination and Review shall be organized by function or by subject, through a normative act.

Sole paragraph. The Internal Regulations, which shall provide for the operations of the Chambers of Coordination and Review, shall be prepared and approved by the Superior Council.

Article 169 The Chambers of Coordination and Review of the Prosecution Service of the Federal District and Territories shall comprise three members of the Prosecution Service of the Federal District and Territories, one appointed by the Prosecutor General of Justice and two by the Superior Council of the Prosecution Service of the Federal District and Territories, together with their alternates, for a term of office of two years, whenever possible, among members of the last degree of the career.

Article 170 Among the members of the respective Chamber of Coordination and Review, one shall be appointed by the Prosecutor General for the executive role of Coordinator.

Article 171 It is under the Coordination and Review Boards\ responsibility to:

I – foster integration and coordination of institutional bodies that work in units linked to their sectorial activity, observing the principle of functional independence;

II – maintain exchanges with bodies or entities that work in similar areas;

III – forward technical–legal information to institutional bodies operating in their sector;

IV – ratify dismissal of civil investigations or pieces of information or designate another body of the Prosecution Service to do so;

V – express opinions on the dismissal of a police inquiry, parliamentary inquiry or pieces of information, except in cases of original competence of the Prosecutor General;

VI – resolve on the special distribution of inquiries, cases and procedures, when the matter, by its nature or relevance, so requires;

VII – resolve on the special distribution of cases, which, due to their continuous reiteration, should receive uniform treatment;

VIII – decide the conflicts of attribution between the bodies of the Prosecution Service of the Federal District and Territories.

Sole paragraph. The competence established in items VI and VII shall be exercised according to objective criteria previously established by the Superior Council.

## **SECTION VI**

### **The Internal Affairs Office of the Prosecution Service of the Federal District and Territories**

Article 172 The Internal Affairs Office of the Prosecution Service of the Federal District and Territories, directed by the Inspector General, is the supervisory body of the functional activities and conduct of the members of the Prosecution Service of the Federal District and Territories.

Article 173 The Inspector General of the Prosecution Service of the Federal District and Territories shall be appointed by the Prosecutor General among the Prosecutors of Justice part of the threefold list prepared by the Superior Council, for a two–year term, renewable once.

§ 1° The members of the Superior Council shall not be able to be part of the threefold list.

§ 2 The other members of the threefold list shall be alternates for the Inspector General, in the order in which the Prosecutor General assigns them.

§ 3 The Inspector General may be removed on the Prosecutor General's initiative, before the end of the term, by the Superior Council, in compliance with the provisions of item IV of Article 166.

Article 174 It is under the Inspector General of the Prosecution Service of the Federal District and Territories\ responsibility to:

I – participate, without the right to vote, in the meetings of the Superior Council;

II – carry out, *sua sponte* or by order of the Prosecutor General or the Superior Council, fact-finding procedures and investigations, presenting the respective reports;

III – initiate an inquiry against a member of the career and propose to the Superior Council the opening of the consequent administrative proceedings;

IV – monitor the probationary period of the members of the Prosecution Service of the Federal District and Territories;

V – propose to the Superior Council the dismissal of a member of the Prosecution Service of the Federal District and Territories who does not meet the requirements of the probationary period.

## **SECTION VII**

### **The Prosecutors of Justice**

Article 175 The Prosecutors of Justice shall be appointed to have a seat before the Court of Justice and the Chambers of Coordination and Review.

Sole paragraph. The appointment of a Prosecutor of Justice to have a seat before jurisdictional bodies other than the one provided for the category shall depend on authorization from the Superior Council.

Article 176 It is under the Prosecutor of Justice's responsibility to, privately, exercise the functions of:

I – Inspector General of the Prosecution Service of the Federal District and Territories;

II – District Prosecutor for Citizens' Rights;

III – Coordinator of the Coordination and Review Board.

Article 177 The Prosecutors of Justice shall be assigned to the units in the Office of the Prosecutor General of the Federal District and Territories.

## **SECTION VIII**

### **The Attorneys of Justice**

Article 178 The Attorneys of Justice shall be appointed to have a seat before the Courts of Justice of the Federal District and Territories.

Sole paragraph. The Attorneys of Justice shall be assigned to the units provided for the Offices of Justice.

## **SECTION IX**

### **The Assistant Prosecutors**

Article 179 The Assistant Prosecutors shall be appointed to have a seat before the Courts of Justice of the Federal District and Territories.

Sole paragraph. The Assistant Prosecutors shall be assigned to the units provided for the Offices of Justice.

## **SECTION X**

## **The Placement and Administration Units**

Article 180 The units in the Office of the Prosecutor General of the Federal District and Territories and in the District Prosecution Services shall be placement and administration units of the Prosecution Service of the Federal District and Territories.

Article 181 The basic structure of the Office of the Prosecutor General of Justice shall be organized by regulation, in accordance with the law.

### **TITLE III Special Statutory Provisions**

#### **CHAPTER I The Career**

##### **SECTION I Provisions**

Article 182 The positions of the Prosecution Service of the Union, with the exception of those of Prosecutor General of the Republic, Prosecutor General of Labor, Prosecutor General of the Military Justice and Prosecutor General of Justice of the Federal District and Territories, are for life tenure and constitute independent careers of each branch.

Article 183 The positions of the initial classes shall be provided by appointment, on a life tenure basis, through a specific public entrance exam for each branch.

Article 184 Tenure for life shall only be achieved after two years of effective exercise.

Article 185 It is forbidden to transfer or use the positions of the Prosecution Service of the Union, even from one of its branches to another.

##### **SECTION II The Entry Exam**

Article 186 The entry exam with tests and presentation of degrees for each career of the Prosecution Service of the Union shall have a national scope, intended to fill all existing vacancies and those that open within the period it is valid.

Sole paragraph. The exam shall be held, mandatorily, when the number of vacancies exceeds ten percent of the respective staff and, optionally, at the discretion of the competent Superior Council.

Article 187 Those with a degree of Bachelor of Law for at least two years and proven moral integrity may apply for the entry exam.

Article 188 The exam shall comply with the regulation prepared by the competent Superior Council, observing the provisions of Article 31.

Article 189 The Exam Committee shall be composed of the Prosecutor General, its President, two members of the respective branch of the Prosecution Service and a jurist of unblemished reputation, appointed by the Superior Council and by a lawyer appointed by the Federal Council of the Brazilian Bar Association.

Article 190 The public notice for the opening of the entry exam shall contain the list of vacant positions, with the respective location, and shall establish a period of not less than thirty days for applications, counted from its publication in the Official Gazette.

Article 191 Candidates approved in the exam, who have completed sixty-five years of age or who shall be considered unfit for the position in an examination of physical and mental health, shall not be appointed.

Article 192 The competent Prosecutor General, after hearing the Superior Council, shall decide on the approval of the exam, within thirty days, counted from the publication of the final result.

Article 193 The validity of the exam, for the purpose of appointments, shall be two years from the publication of the homologation act, extendable once for the same period.

Article 194 The appointment of qualified candidates after the exam shall obey the ranking order.

§ 1 The approved candidates, in the order of classification, shall choose the location of their preference, in the list of vacancies that the Superior Council decides should be filled initially after the result of the exam.

§ 2 The approved candidate may waive appointment corresponding to his/her classification. This might take place before or by the end of the period that he/she should take office, in which case he/she shall be moved to the last place in the ranking.

### **SECTION III Taking Office and Beginning Activities**

Article 195 The period for taking office in the Prosecution Service of the Union is thirty days, counted from the publication of the appointment, which may be extended for another sixty days, upon communication by the appointed candidate, before the end of the first period.

Sole paragraph. The person sworn in shall make a commitment to properly fulfill the duties of the position, in a solemn act, presided over by the Prosecutor General.

Article 196 To begin the activities of the position, the person sworn in shall have a period of thirty days, extendable for an equal period, by means of communication, before the end of the initial period.

### **SECTION IV The Probationary Period**

Article 197 The Probationary period is the period of the first two years of effective work in the position as members of the Prosecution Service of the Union.

Article 198 The members of the Prosecution Service of the Union, during the probationary period, may only lose their position by decision of the absolute majority of the respective Superior Council.

### **SECTION V Promotions**

Article 199 Promotions shall take place, alternately, by seniority and merit.

§ 1 promotions must be carried out within thirty days of the vacancy; if not decreed within the legal period, the promotion shall take effect from the end of the period.

§ 2 For all purposes, a member of the Prosecution Service of the Union who dies or retires without having carried out, within the legal term, the promotion that was due by seniority, or by virtue of § 3 of the subsequent Article, shall be considered promoted.

§ 3 Waiving promotion is permitted, without prejudice to the criterion for filling the refused vacancy.

§ 4 Waiving promotion is permitted at any time, as long as there is a vacancy in the immediately preceding category.

Article 200 Merit, for the purpose of promotion, shall be reviewed by objective criteria, established in a regulation prepared by the Superior Council of the respective branch, observing the provisions of Article 31 of this supplementary law.

§ 1° Promotion by merit may only apply to members of the Prosecution Service of the Union with at least two years of experience in the category and members of the first fifth part of the seniority list, unless there is no one with such requirements who accepts the vacant position; in case of refusal, the fraction shall be completed by including other members of the category, in the order of seniority.

§ 2. In case of censorship, a person responding to a penalty of censorship or suspension, in the period of one year immediately prior to the occurrence of the vacancy, shall not be able to compete for promotion by merit; or two years in the event of suspension.

§ 3° Anyone appearing for three consecutive times, or five alternate times, in the threefold list prepared by the Superior Council shall be mandatorily promoted.

Article 201 A member of the Prosecution Service of the Union cannot compete for promotion by merit until one day after his/her return after being removed due to:

I – holding an elective position or running for one;

II – taking another public office permitted by law.

Article 202 (Vetoed).

§ 1 The seniority list shall be organized in the first quarter of each year, approved by the Superior Council and published in the Official Gazette until the last day of the following month.

§ 2 The deadline for complaints against the seniority list shall be thirty days from the date of publication.

§ 3° The tiebreaker for the classification by seniority shall be determined, successively, according to time working in the respective career of the Prosecution Service of the Union, the time of federal public service, the time of public service in general and according to the age of the candidates, in favor of the oldest; in the initial ranking, the first tiebreaker shall be determined by the ranking in the exam.

§ 4 Regarding appointment for promotion by seniority, the Superior Council can only refuse the oldest by the vote of two thirds of its members, repeating the vote until the nomination is fixed.

## **SECTION VI**

### **Leaves**

Article 203 Without prejudice to salaries, advantages, or any rights, a member of the Prosecution Service of the Union may leave his/her duties:

I – up to eight consecutive days, due to marriage;

II – up to eight consecutive days, due to death of a spouse or partner, ascendant or descendant, sibling or person living under their economic dependence;

III – up to five working days, to attend meetings or congresses, within the scope of the institution or promoted by the class entity to which he/she belongs, provided the need for the service is met.

Article 204 A member of the Prosecution Service of the Union may leave his/her duties to:

I – attend training courses and studies, in the country or abroad, for a period not exceeding two years, renewable, at most, for an equal period;

II – attend seminars or congresses, in the country or abroad;

III – give courses and seminars aiming to improve the institution's members;

IV – hold an elective position in the cases provided for by law or run for one, subject to the following:

a) the leave shall be optional and without remuneration, during the period between the choice as a candidate for an elective position in a party convention and the eve of the registration of the candidacy in the Electoral Court;

b) the leave shall be mandatory from the day of registration of the candidacy by the Justice;

c) being absent from the country on an official mission.

§ 1 Leaves, except in the case of item IV, shall only take place with authorization of the Prosecutor General, after hearing the Superior Council and meeting the need for service.

§ 2 The cases of leaves provided for in this Article shall take place without prejudice to salaries, advantages or any right inherent to the position, ensuring, in the case of item IV, the choice of preferred remuneration, with the period of leave being considered as effective exercise. for all legal purposes and effects.

§ 3 The period of leave of a member of the Prosecution Service of the Union is not considered effective exercise, for the purposes of the probationary period.

§ 4 A member of the Prosecution Service of the Union removed from his/her duties for the purpose provided for in item I shall not be granted authorization or leave to deal with private interests before a period equal to the leave period, except in the event of reimbursement of what he/she received as wages and benefits as a result of the leave.

## **SECTION VII**

### **Reinstatement**

Article 205 Reinstatement, which shall result from a final court decision, is the re-entry of a member of the Prosecution Service of the Union in the career, with reimbursement of the salaries and advantages not received due to dismissal, counting the time of service corresponding to the removal.

§ 1 The holder of the position in which the reinstatement must take place shall be reappointed to the one he/she previously held, the same happens with the holder of the position for which the reappointment must occur; if the position for reinstatement or reappointment is of the initial class, its holder shall become available, with earnings identical to the remuneration that he/she would earn, if he/she were in activity.

§ 2 Availability provided for in the previous paragraph shall cease with compulsory call for the first vacancy that may occur in the initial class.

§ 3 The reinstated person, if promoted by merit, shall be entitled to promotion in the first vacancy provided by the same criterion. He/she shall be granted the same effects of his/her previous promotion in terms of seniority in the class.

§ 4 The reinstated person shall be submitted to medical examination required for entry into the career, and, if he/she is unfit for the position, he/she shall be retired, with the advantages to which he/she would be entitled, if the reinstatement took place.

## **SECTION VIII**

### **Return from Retirement and Readmission**

Article 206 (Vetoed).

Article 207 (Vetoed).

## **CHAPTER II**

### **Rights**

## **SECTION I**

### **Life Tenure and Immovability**

Article 208 Members of the Prosecution Service of the Union, after two years of effective exercise, may only be dismissed after a final court decision.

Sole paragraph. The filing of an action for loss of position, when resulting from a proposal by the Superior Council after the administrative proceedings has been considered, shall result in the removal of member of the Prosecution Service of the Union from the exercise of their functions, with loss of salaries and pecuniary advantages of the respective office.

Article 209 Members of the Prosecution Service of the Union are irremovable, except for reasons of public interest, under the terms of this supplementary law.

Article 210 Transfer, for the purposes of this supplementary law, is any change in location.

Sole paragraph. Transfer shall be made *sua sponte*, upon a single request or by exchange.

Article 211 Transfer *sua sponte*, on the initiative of the Prosecutor General, shall only take place for reasons of public interest, upon decision of the Superior Council, by the vote of two thirds of its members, ensuring full defense.

Article 212 Transfer upon a singular request shall be at the convenience of the service, by means of a request submitted within fifteen days of the publication of notice of the existence of a vacancy; or, once this period has elapsed, up to fifteen days after the publication of the decision of the Superior Council to hold an entry exam.

§ 1 The notice shall be published in the Official Gazette, within fifteen days of the vacancy.

§ 2 If there is more than one candidate for transfer, at the end of the first period provided for in the head provision of this Article, the one with the greatest seniority shall be transferred; after the expiry of this period, the chronological order of delivery of requests shall prevail.

Article 213 Transfer by exchange shall be granted upon request of the interested parties.

## **SECTION II Designations**

Article 214 A designation is the act that describes the functions compatible with those provided for in this Supplementary law, for each class of the different careers.

Sole paragraph. The appointment to perform functions different from those provided for each class, in the respective careers, shall only be allowed in the interest of the service, requiring authorization of the designated person and the authorization of the Superior Council.

Article 215 Designations shall be made observing the criteria of the law and those established by the Superior Council:

I – for the exercise of a function defined by this Supplementary law;

II – for the exercise of a function in the units defined by law.

Article 216 Designations, unless otherwise established by this supplementary law, shall be made by list, in the last month of the year, to be in force for a biennium, with the possibility of renewal. (See ADI 5052)

Article 217 The list may be amended, before the deadline, in the interest of the service, provided that there is: (See ADI 5052)

I – a position;

II – dismissal of position;

III – creation of a unit;

IV – extinction of office;

V – request of the designated person;

VI – exchange request.

Article 218 Partial alteration of the list, before expiry of the period, when the function of the designated person changes, without their consent, shall only be allowed in the following cases: (See ADI 5052)

I – extinction, by law, of the function or office for which it was designated;

II – new location, as a result of:

- a) promotion; and
- b) reappointment;

III – leave or availability;

IV – approval by the Superior Council of a proposal by the Prosecutor General, by the secret vote of two thirds of its members.

Sole paragraph. The guarantee established in this Article does not prevent the eventual accumulation of units or the expansion of the functions of the designated person.

Article 219 (Vetoed).

### **SECTION III Vacations and Leaves**

Article 220 Members of the Prosecution Service shall be entitled to sixty-day vacations per year, continuous or split into two equal periods, unless accrued due to need for service and for a maximum of two years.

§ 1 The vacation periods of members of the Prosecution Service of the Union, who have a seat before Courts, must be simultaneous with those of their collective vacations, except for a relevant reason or the interest of the service.

§ 2° Regardless of the request, members of the Prosecution Service of the Union shall be paid, for vacations, an amount corresponding to one third of the remuneration of the period in which they must be taken.

§ 3 The payment of vacation shall be made up to two days before the start of the respective period, with the possibility of converting one third of the vacation pay into a cash allowance, as long as requested at least sixty days in advance, considering the increase provided for in the previous paragraph.

§ 4 In case of dismissal, members of the Prosecution Service of the Union shall be compensated for the vacation period to which he/she is entitled and for the incomplete period, in the proportion of one twelfth per month of effective service, or fraction greater than fourteen days, calculated based on the remuneration of the month in which the dismissal act is published.

Article 221 The right to vacation shall be granted after the first year of service.

Article 222 Members of the Prosecution Service of the Union shall be granted a leave:

I – due to illness of a family member;

II – due to transfer of a spouse or partner;

III – as an award for service time;

IV – to deal with private interests;

V – for the performance of a class mandate.

§ 1 The leave provided for in item I shall be preceded by an examination by a doctor or official medical board, the following considered family members: spouse or partner, stepfather, stepmother, ascendant, descendant, stepchild, consanguineous collateral or similar up to the second civil degree. The leave shall also be subject to the following conditions:

I – it shall only be granted if the direct assistance of members of the Prosecution Service of the Union is indispensable and cannot be given simultaneously with the exercise of the position;

II – it shall be granted without prejudice to salaries, advantages or any right inherent to the position, except for counting service time in a probationary period, up to ninety days, and may be extended for an equal period under the same conditions. Exceeded the extension period, the leave shall be considered one to deal with private interests.

§ 2 The leave provided for in item II may be granted when the spouse or partner is transferred to another part of the national territory, abroad or to exercise an elective mandate of the Executive and Legislative Powers; it shall be for an indefinite period and without remuneration, unless members of the Prosecution Service of the Union can be temporarily assigned to a vacant office in the location to which he/she has moved and compatible with his/her position, in which case the leave shall be converted into provisional transfer.

§ 3 The leave provided for in item III shall be due after each uninterrupted five–year period of service, for a period of three months, subject to the following conditions:

a) it shall be converted into cash in favor of the beneficiaries of the deceased member of the Prosecution Service of the Union who did not enjoy it;

b) it shall not be due to anyone who has faced a suspension penalty during the vesting period or who took the leaves provided for in items II and IV;

c) it shall be granted without prejudice to salaries, advantages or any right inherent to the position;

d) for retirement purposes, the period not taken shall be doubled.

§ 4 The leave provided for in item IV may be granted to a member of the Prosecution Service of the Union with life tenure, for a period of up to two consecutive years, without remuneration, subject to the following conditions:

a) it may be interrupted, at any time, at the request of the interested party or in the interest of the service;

b) no new leave shall be granted until two years have elapsed from the expiry of the previous one.

§ 5 The leave provided for in item V shall be due to members of the Prosecution Service of the Union taking office in a confederation, federation, national class association or representative union of the category, subject to the following conditions:

- a) only those elected to management positions or representatives in said entities shall be entitled to the leave, up to a maximum of three per entity;
- b) the leave shall have the same duration as the term of office, and may be extended in the event of re-election, and for a single time;
- c) it shall be granted without prejudice to salaries, advantages or any right inherent to the position.

§ 6 The exercise of remunerated activity during the period of leave provided for in item I is prohibited.

§ 7 The leave granted within sixty days of the expiration of another one of the same kind shall be considered as an extension.

Article 223 Members of the Prosecution Service of the Union shall be granted, in addition to those provided for in the previous Article, the following leaves:

I – for health treatment, upon request or *sua sponte*, based on medical expertise, subject to the following conditions:

- a) the leave shall be granted without prejudice to the salary and advantages of the position;
- b) the examination shall be carried out by a doctor or official medical board, if necessary, at the examinee's residence or at the hospital where he/she is hospitalized;
- c) if there is no official doctor, a certificate issued by a private doctor shall be accepted;
- d) at the end of the leave period, the member shall be submitted to an official medical inspection, which shall conclude on the person returning to service, extending the leave or retiring;
- e) the existence of signs of organic or functional lesions is reason for medical inspection;

II – for accident in service, subject to the following conditions:

- a) the physical or mental damage that is related, mediately or immediately, with the functions performed, constitutes an accident in service;
- b) the damage resulting from unprovoked aggression and experienced in service, as well as the damage suffered in transit that pertains to it, is equivalent to the accident in service;
- c) the leave shall be granted without prejudice to the salaries and advantages inherent to the exercise of the position;
- d) the person injured in service, who needs specialized treatment, not available in a public institution, may be treated in a private institution, at the expense of public resources, provided that the treatment is recommended by an official medical board;
- e) proof of the accident must be provided within ten days from the date it happens, which may be extended when circumstances so require;

III – to the pregnant woman, for one hundred and twenty days, subject to the following conditions:

- a) it may start on the first day of the ninth month of pregnancy, except if advanced by medical prescription;
- b) in the case of premature birth, the leave shall start from the birth;
- c) in the case of stillbirth, thirty days after the event, the mother shall undergo a medical examination and, if deemed fit, shall resume her duties;
- d) in the case of an abortion certified by an official doctor, the leave shall be granted for thirty days from the date it takes place;

IV – for the birth or adoption of a child, the father or adopter, up to five consecutive days;

V – for the adoption or obtaining legal custody of a child up to one year of age, the term of the adopter's or guardian's leave shall be thirty days.

## **SECTION IV Salaries and Benefits**

Article 224 Members of the Prosecution Service of the Union shall receive a salary, representation and bonuses provided for by law.

§ 1 The additional bonus for length of service shall apply to salaries, at the rate of one percent per year of effective public service, including the time spent in the legal profession, up to a maximum of fifteen years, provided that it is not cumulative with time of public service.

§ 2 (Vetoed).

§ 3 Salaries shall be fixed with a difference of not more than ten percent from one to the other of the classes of each career.

§ 4 Associate Prosecutors General of the Prosecution Service of the Union shall have the same salaries and advantages.

Article 225 Salaries of the Prosecutor General of the Republic are those of the Associate Federal Prosecutors General of the Republic, plus twenty percent, and cannot exceed the amounts perceived as remuneration, in kind, in any location, by Justices of the Federal Supreme Court.

Sole paragraph. The increase provided for in this Article is not incorporated to the salary of the Prosecutor General of the Republic after retirement.

Article 226 (Vetoed.)

Article 227 Members of the Prosecution Service of the Union shall also be entitled to the following advantages:

I – allowance in case of:

- a) reappointment of an office, promotion or appointment that results in a change in the legal domicile, to meet the expenses of moving to the new registered office in an amount corresponding to up to three months of salary;

b) service outside the office, for a period of more than thirty days, in an amount corresponding to one-thirtieth of the salaries, for the days in which the service lasts, without prejudice to the perception of *per diem*;

II – *per diem*, for occasional service outside the headquarters, of a minimum value equivalent to one-thirtieth of the salaries to meet the expenses of locomotion, food and lodging;

III – transportation:

a) for personal use and of dependents, as well as furniture, in the event of transfer, promotion or appointment, provided for in subparagraph a of item I;

b) for personal use, in the case of any other trip, outside the headquarters;

IV – sick pay, in the amount of one month of salary, when there is leave for health treatment for more than twelve months, or declared disability during this period;

V – family allowance;

VI – *pro labore* for the teaching activity, per class-hour given in courses, seminars or other events intended for the improvement of the institution's members;

VII – medical-hospital assistance, extended to inactive, pensioners and dependents, understood as the set of activities related to the prevention, conservation or recovery of health, covering professional medical, paramedical, pharmaceutical and dental services, as well as the supply and application of means and essential health care;

VII – housing allowance, in case of location in a place where housing conditions are particularly difficult or expensive, as defined in act of the Prosecutor General of the Republic;

VIII – Christmas bonus, corresponding to one twelfth of the remuneration to which he/she is entitled in the month of December, per month of service in the respective year, considering as a full month the fraction equal to or greater than fifteen days.

§ 1 The Christmas bonus shall be paid until the twentieth day of December of each year.

§ 2° In case of dismissal before December, the Christmas bonus shall be proportional to the months of service and calculated based on the remuneration of the month in which the dismissal takes place.

§ 3 The Christmas bonus shall not be considered for the calculation of any pecuniary advantage.

§ 4 In case of appointment, the advantages provided for in items I, subparagraph a, and III, subparagraph a, are extended to members of the Prosecution Service of the Union with no immediately preceding statutory bond, provided that his/her last voluntary domicile dates from more than twelve months ago.

§ 5 (Vetoed).

§ 6 The medical-hospital assistance referred to in item VII shall be provided by the Union, preferably through its services, in accordance with rules and conditions regulated by act of the Prosecutor General of the Republic, without prejudice to the assistance due by social security.

§ 7 (Vetoed).

§ 8 The family of members of the Prosecution Service of the Union who dies within a period of one year from mandatory transfer, promotion or appointment resulting in a change of legal domicile shall be entitled to a subsistence allowance and transportation to the place of origin, within one year of death.

Article 228 Except by legal imposition, or court order, no discount shall be applied to the remuneration or earnings and the pension due to members of the Prosecution Service of the Union or to their beneficiaries.

§ 1° Upon authorization of the debtor, there may be the payroll on consignment in favor of a third party.

§ 2 The replacements and indemnities in favor of the treasury shall be discounted in monthly installments of an amount not exceeding one-tenth of the remuneration or earnings, in updated amounts.

Article 229 Members of the Prosecution Service of the Union who, being in debt to the treasury, are dismissed or have their retirement or availability revoked, shall have a period of sixty days to settle the debt.

Sole paragraph. If the debt is not paid within the period established in this Article, it must be registered as an active debt.

Article 230 The remuneration, earnings and pension of members of the Federal Prosecution Service and their beneficiaries shall not be subject to arrest, seizure or attachment, except in the case of alimony debt resulting from a court decision.

## **SECTION V Retirement and Pension**

Article 231 Members of the Prosecution Service of the Union retire, compulsorily, due to disability or at the age of seventy, and optionally after thirty years of service, and after five years of effective service in the career.

§ 1 The time of service practicing law shall be counted as time of service for retirement, not cumulatively, up to the limit of fifteen years.

§ 2 Members of the Prosecution Service of the Union may also retire, voluntarily, at sixty-five years of age, if male, and at sixty, if female, with earnings proportional to the length of service.

§ 3 Female members of the Federal Prosecution Service are entitled to retirement, with proportional benefits, after twenty-five years of service. (See ADIN 994-0)

§ 4 Retirement due to disability shall be preceded by leave for health treatment for a period not exceeding twenty-four months, except when a medical report concludes by the definitive capacity to exercise their functions.

§ 5 Members of the Prosecution Service who, after twenty-four continuous months of leave for health treatment, considered unfit for the exercise of their functions, shall retire. Any period of exercise of functions of less than thirty days shall not have an interrupting effect on this period.

Article 232 Retirement benefits shall be full.

Sole paragraph. For the calculation of retirement earnings, the salary of the position immediately superior to the last time of service by the retiree shall be considered; if the retirement takes place at the last level of the career, the salaries shall be increased by the percentage of twenty percent.

Article 233 Retirement earnings shall be reviewed in the same proportion and date on which the remuneration of active members of the Prosecution Service is modified, and any new benefits and advantages granted to the career shall also be extended to inactive employees, even if due to transformation or reclassification of the position.

Article 234 The retiree shall retain the prerogatives provided for in Article 18, item I, subparagraph e and item II, subparagraph e, as well as a special identification card, in accordance with the model approved by the Prosecutor General of the Republic and issued by him/her, expressly containing such prerogatives and the record of the retired status.

Article 235 The pension for death, due by the social security agency to the dependents of members of the Prosecution Service of the Union, shall correspond to the total of salaries or earnings of the deceased, ensuring the review of the benefit, as provided for in Article 233.

### **CHAPTER III Discipline**

#### **SECTION I Duties and Prohibitions**

Article 236 Members of the Prosecution Service of the Union, in respect of the dignity of their functions and that of Justice, must observe the rules that govern the institution's exercise, especially:

I – comply with procedural deadlines;

II – keep secret matters of a confidential nature that are known because of the position or function;

III – ensure institutional and procedural prerogatives;

IV – provide information to higher administration bodies of the Prosecution Service, when requested;

V – attend forensic situations and participate in the judicial acts, when their presence is mandatory; or assist others, when convenient to the interest of the service;

VI – declare themselves suspected or impeded, under the terms of the law;

VII – adopt appropriate measures when faced with irregularities taking place in the services under their responsibility;

VIII – treat people with whom they have contact with in a polite manner due to the service;

IX – perform their duties with zeal and probity;

X – keep personal decorum.

Article 237 Members of the Prosecution Service of the Union are prohibited from:

I – receiving, in any location and under any pretext; fees, percentages or procedural costs;

II – practicing law;

III – trading or participating in a business, except as a quota holder or shareholder;

IV – exercising, even if available, any other public function, except for teaching;

V – carrying out political–party activities, except for membership and the right to leave to exercise or run for an elective position.

## **SECTION II Impediments and Suspicions**

Article 238 Impediments and suspicions of members of the Prosecution Service are those provided for by law.

## **SECTION III Sanctions**

Article 239 Members of the Prosecution Service are subject to the following disciplinary sanctions:

I – warning;

II – censorship;

III – suspension;

IV – dismissal; and

V – cancellation of retirement or availability.

Article 240 The sanctions provided for in the previous Article shall apply as follows:

I – warning, privately and in writing, in case of negligence in the exercise of functions;

II – censorship, privately and in writing, in case of recidivism of a problem previously punished with a warning or failure to comply with a legal duty;

III – suspension, for up to forty–five days, in case of recidivism of a problem previously punished with censorship;

IV – suspension, from forty–five to ninety days, in case of non–observance of the prohibitions imposed by this supplementary law or of recidivism of a problem previously punished with suspension of up to forty–five days;

V – dismissal, in cases of:

- a) damage to public coffers, dilapidation of national patrimony or assets entrusted to their care;
- b) administrative improbity, pursuant to Article 37, § 4, of the Federal Constitution;
- c) conviction for a crime committed with abuse of power or violation of duty towards the Government, when the penalty applied is equal to or greater than two years;
- d) public and scandalous behavior that seriously jeopardizes the Institution's dignity;
- e) abandonment of position;
- f) disclosure of a subject of a confidential nature, known to them by reason of their position or function, compromising the dignity of their functions or of justice;
- g) illegal acceptance of public office or function;
- h) recidivism of non-compliance with legal duty, previously punished with the suspension provided for in the previous item;

VI – cancellation of retirement or availability, in cases of acts punishable by dismissal, practiced while exercising the position or function.

§ 1 The suspension means, while it lasts, loss of salaries and pecuniary advantages inherent to the exercise of the position, its conversion into a fine is prohibited.

§ 2 For the purposes of this supplementary law, recidivism is considered to be practicing a new violation, within four years after the violator has been informed of the act that has resulted in the disciplinary sanction.

§ 3° The absence of a member of the Prosecution Service from the exercise of his/her functions, without justifiable cause, for more than thirty consecutive days, is considered abandonment of the position.

§ 4 Unjustified absence for more than sixty days in a period of twelve months is equivalent to abandonment of position.

§ 5 The dismissal may be converted, only once, into suspension, in the cases provided for in subparagraphs a and h of item V, when the fact is minor or the damage caused is irrelevant, in compliance with the provisions of Article 244.

Article 241 In the application of disciplinary penalties, the offender's background, the nature and seriousness of the offense, the circumstances in which it was committed and the resulting damage to the service or dignity of the Institution or Justice shall be taken into account.

Article 242 Disciplinary violations shall be determined by administrative proceedings; when penalties of dismissal, forfeiture of retirement or availability are imposed on them, their imposition shall also depend on a judicial decision with a final and unappealable decision.

Article 243 It is under the Prosecutor General of each branch of the Prosecution Service of the Union's responsibility to apply the penalties of warning, censorship and suspension to its members.

## **SECTION IV Statute of Limitations**

Article 244 The following shall be barred by the Statute of Limitations:

I – within one year, the offense punishable by warning or censure;

II – within two years, the offense punishable by suspension;

III – within four years, the absence punishable by dismissal and annulment of retirement or availability.

Sole paragraph. The act, provided for in the criminal law as a crime, shall prescribe with the crime.

Article 245 Time barring starts:

I – the day on which the act is committed; or

II – the day on which the continuation or permanence ceased, in the case of continued or permanent acts.

Sole paragraph. The beginning of administrative proceedings and the service of process for the action for loss of office interrupt the Statute of Limitations.

## **SECTION V Investigations**

Article 246 Investigations are procedures whose subject matter is the summary collection of data for the establishment, if necessary, of an administrative inquiry.

## **SECTION VI Administrative Investigations**

Article 247 The Inspector General shall begin administrative investigations, which shall be of a confidential nature, by means of an ordinance, in which he/she shall appoint a committee of three members to carry it out, whenever he/she becomes aware of a disciplinary infraction.

§ 1 The committee, which may be chaired by the Inspector General, shall be composed of life tenure career members, and of a class equal to or higher than the person being investigated.

§ 2 Publications relating to administrative investigations shall contain the respective number, omitting the name of the accused, who shall be informed personally.

Article 248 The deadline for completing the investigation and submitting the final report is thirty days, extendable, at most, for an equal period.

Article 249 The committee shall proceed with the production of evidence, being able to hear the accused and witnesses, request expertise and documents and carry out measures, authorized to exercise

the prerogatives granted to the Prosecution Service of the Union, by this supplementary law, to produce evidence to administrative proceedings.

Article 250 Once the investigation has been completed, the defendant shall be given the opportunity to have access to the case file, so that he/she can express his/her opinion within a period of fifteen days.

Article 251 The committee shall forward the investigation to the Superior Council, accompanied by its conclusive report, for the dismissal or the opening of an administrative proceeding.

§ 1 The report that reaches the conclusion for the opening of the administrative proceeding shall contain a summary of the accusation, with the alleged fact, with all the circumstances and the legal classification of the offense.

§ 2 The investigation shall be submitted to the decision of the Superior Council, which may:

I – order new steps, if it deems evidence to be insufficient;

II – order its dismissal;

III – start administrative proceedings, in case the summary of accusation is accepted;

IV – forward it to the Inspector General, to provide a summary of the accusation, in case he/she does not accept the proposal for dismissal.

## **SECTION VII**

### **Administrative Proceedings**

Article 252 The administrative proceedings, started by decision of the Superior Council, shall be adversary, ensuring the accused the right to a fair hearing.

§ 1 The decision to initiate an administrative proceeding shall appoint a committee composed of three members chosen among the members of the career, with life tenure, and of a class equal to or higher than that of the accused, appoint the president and mention the reasons for its constitution.

§ 2° Anyone who has been a member of the previous investigation committee cannot participate in the administrative proceedings committee.

§ 3 Publications related to administrative proceedings shall contain the respective number, omitting the name of the accused, who shall be personally informed.

Article 253 The deadline for the conclusion of the administrative proceedings and presentation of the final report is ninety days, extendable, at most, for thirty days, counted from the publication of the decision establishing it.

Article 254 Service of process shall be in person, with delivery of a copy of the ordinance, the final report of the investigation and the summary of the accusation, informing the accused of the day, time and place of the interrogation.

§ 1. If the accused is not found at his/her domicile, service of process shall be served by public notice, published in the Official Gazette, within a period of fifteen days.

§ 2 The accused may offer a prior defense through himself/herself or a lawyer, within a period of

fifteen days, counting from the interrogation. He shall be ensured the right to have access to the file at the place where the committee operates.

§ 3° If the accused does not present a defense, the committee shall appoint a defender, among the members of the career and of an equal or higher class, reopening the period established in the previous paragraph to him/her.

§ 4 In prior defense, the accused may request the production of oral, documentary and expert evidence, including request the repetition of those already produced in the investigation.

§ 5 The committee may reject, presenting its reasons, unnecessary evidence or that requested with clear intention to delay procedures.

Article 255 Once the production of evidence is over, the committee shall grant access to the case file to the accused, to offer final reasons, within a period of fifteen days.

Article 256 If there is more than one accused, the deadlines for defense shall be common and doubled.

Article 257 At any stage of the proceedings, the defense shall receive a copy of the records.

Article 258 After the deadline for final reasons, the committee shall send the proceedings, within fifteen days, to the Superior Council, accompanied by a report of its work.

Article 259 The Council of the Prosecution Service, considering the administrative proceedings, may:

I – order new steps, it considers evidence to be insufficient, in which case, once these are carried out, it shall be carried out in accordance with Articles 264 and 265;

II – propose its filing to the Prosecutor General;

III – propose to the Prosecutor General the application of sanctions that fall within its competence;

IV – propose to the Prosecutor General of the Republic the filing of a civil action for:

- a) firing of a member of the Prosecution Service of the Union with a life tenure guarantee;
- b) forfeiture of retirement or availability.

Sole paragraph. Anyone who participated in the investigation, or was part of the investigation or administrative proceedings committees, cannot participate in the deliberations of the Superior Council.

Article 260 If there is proof of the violation and sufficient evidence of the perpetrator, the Superior Council may order, giving its reasons, the preventive removal of the accused, while his/her stay is inconvenient to the service or harmful to the investigation of the facts.

§ 1° The removal of the accused cannot take place when the fact corresponds only to the penalties of warning or censorship.

§ 2° The removal shall not exceed the period of one hundred and twenty days, except in case of being in the scope of public service nature.

§ 3 The period of leave shall be considered as effective service, for all purposes.

Article 261 The rules of the Criminal Procedure Code shall be applied, subsidiarily, to the disciplinary proceedings.

## **SECTION VIII**

### **Review of the Administrative Proceedings**

Article 262 It is possible, at any time, to review the proceedings that resulted in an administrative penalty when:

- I – facts or circumstances capable of proving innocence or justifying a milder sanction are present; or
- II – the sanction is based on false evidence.

Article 263 The beginning of the review process may be ordered *sua sponte*, at the request of the interested party, or, if deceased, of his/her spouse or partner, ascendant, descendant or sibling.

Article 264 The review process shall follow the rite of the administrative proceedings.

Sole paragraph. Anyone who works in any phase of the reviewing process cannot be part of the review committee.

Article 265 If the review is deemed valid, the sanction applied shall be null and void, with the restoration, in its fullness, of the rights affected by it, unless it is the case that a minor penalty is applied.

## **TITLE IV**

### **Final and Transitional Provisions**

Article 266 (Vetoed).

Article 267 (Vetoed).

Article 268 Six positions of Associate Federal Prosecutors General shall be created.

Article 269 Seventy-four positions of Federal Circuit Prosecutors shall be created.

§ 1 The first appointment of all the positions of Federal Circuit Prosecutors shall be considered simultaneous, regardless of the date of the promotion acts.

§ 2 The initial salaries of the position of Federal Circuit Prosecutors shall be the same as those of the position of Prosecutor of Justice of the Federal District.

Article 270 The current 1<sup>st</sup> Category of Federal Prosecutors, who entered the career up to the date of the promulgation of the Federal Constitution, shall have their positions transformed into positions of Federal Circuit, maintaining their holders and allocations.

§ 1 The positions transformed pursuant to this Article, exceeding the limit provided for in the previous Article, shall be extinguished as they become vacant.

§ 2 The Federal Prosecutors occupying the positions changed pursuant to this Article can be appointed to have a seat before the Federal Judges and the Regional Electoral Courts.

Article 271 The 1<sup>st</sup> Category of Federal Prosecutor positions not covered by the previous Article and the current 2<sup>nd</sup> Category of Federal Prosecutor positions are transformed into Federal Prosecutor positions.

§ 1 In the new class, for the purpose of seniority, the current 1<sup>st</sup> Category of Federal Prosecutors shall precede the 2<sup>nd</sup> Category; these shall maintain the present order of seniority in the new class.

§ 2 The initial salaries of the position of Federal Prosecutor shall be the same as those of the current position of Federal Prosecutor of the 1<sup>st</sup> Category.

Article 272 One hundred 2<sup>nd</sup> Category Labor Prosecutor positions are transformed into 1<sup>st</sup> Category Labor Prosecutor positions.

Article 273 The positions of 1<sup>st</sup> and 2<sup>nd</sup> Category Labor Prosecutors are now called, respectively, Regional Labor Prosecutors and Labor Prosecutors.

§ 1 Until new positions of Associate Labor Prosecutors General are created, the current Labor Prosecutors of the 1<sup>st</sup> Category, whose position is renamed Regional Labor Prosecutors and who are working with the Superior Labor Court, where they shall remain carrying out their activities.

§ 2 The initial salaries of the positions of Regional Labor Prosecutor and Labor Prosecutors shall be the same as those of the Federal Circuit Prosecutors and Federal Prosecutors, respectively.

Article 274 The positions of Military Prosecutor of 1<sup>st</sup> and 2<sup>nd</sup> Category are now called, respectively, Prosecutor of the Military Justice and Attorneys of the Military Justice.

Sole paragraph. Until new positions of Associate Prosecutor General for the Military Justice are created, the current Military Prosecutors of the 1<sup>st</sup> Category, whose positions are renamed Military Justice Prosecutors and who are working before the Superior Military Court, where they shall remain carrying out their activities.

Article 275 The position of Deputy Prosecutor is now called Assistant Prosecutor of the Military Justice.

Article 276 In the absence of the law provided for in Article 16, the performance of the Prosecution Service in the defense of the constitutional rights of the citizen shall observe, in addition to the provisions of this supplementary law, the rules issued by the Prosecutor General of the Republic.

Article 277 Promotions in the careers of the Prosecution Service of the Union, during the validity of this supplementary law, shall be preceded by the adaptation of the seniority lists to the tie-breaking criteria established therein.

Article 278 Promotions shall not be made in the careers of the Prosecution Service of the Union before the installation of the Superior Council of the respective branch.

Article 279 The first elections, for the composition of the Superior Council of each branch of the Prosecution Service of the Union and for the preparation of the threefold lists for the Prosecutor

General of Labor, Prosecutor General of the Military Justice and Prosecutor General of Justice, shall be called by the Prosecutor General of Republic, to be carried out within ninety days of the enactment of this supplementary law.

§ 1 The Prosecutor General of the Republic shall, in a normative act, provide for the elections provided for in this Article, and the call must be made thirty days prior to the date of their holding.

§ 2 The Superior Councils shall be installed within a period of fifteen days, counted from the end of the investigation.

Article 280 Among those elected to the first composition of the Superior Council of each branch of the Prosecution Service of the Union, the two most voted, in each election, shall have a term of office of two years; the least voted, of one year.

Article 281 Members of the Federal Prosecution Service, appointed before October 5, 1988, shall be able to choose between the new legal regime and the one prior to the enactment of the Federal Constitution, regarding the guarantees, advantages and prohibitions of the position.

Sole paragraph. The option may be chosen within two years, counting from the enactment of this supplementary law, and revocation may be made within ten years.

Article 282 Federal Prosecutors appointed before October 5, 1988 must irreversibly choose between the careers of the Federal Prosecution Service and the Advocacy General.

§ 1 (Vetoed.)

§ 2. If the option is not chosen, within the period established in the previous paragraph, the silence shall be valid as a tacit option for the career of the Federal Prosecution Service.

Article 283 The School for Higher Studies of the Prosecution Service of the Union shall be created by law as an auxiliary body of the Institution.

Article 284 Law students licensed by the Brazilian Bar Association may be admitted as interns at the Prosecution Service of the Union.

Sole paragraph. The admission requirements and the value of the internship shall be fixed by the Prosecutor General of the Republic, with the activity of the interns being regulated by the Superior Council of each branch.

Article 285 (Vetoed.)

Article 286 The expenses arising from this supplementary law shall come from the Union Budget.

Article 287 The general provisions referring to public servants apply subsidiarily to the members of the Prosecution Service of the Union, respecting, when applicable, the special rules in this supplementary law.

§ 1 The remuneration regime established in this supplementary law does not interfere with advantages granted, in general, to civil servants of the Union.

§ 2 The provisions of this Article may not result in restrictions on the legal regime established in this

supplementary law or in the imposition of incompatible requirements.

Article 288 Members of the Federal Prosecution Service, whose promotion to the final position of their career has resulted in their transfer to the Federal District, may, within thirty days of the enactment of this supplementary law, renounce said promotion and return to the State of origin, occupying the position of Federal Circuit Prosecutor.

Article 289 Whenever there is simultaneous creation of more than one position of the same level in the careers of the Prosecution Service of the Union, their filling, through promotion, shall be carried out simultaneously, regardless of the date of the promotion acts.

Article 290 Members of the Prosecution Service of the Union shall maintain their location on a provisional basis, until the law and the act referred to in Articles 34 and 214 are enacted.

Sole paragraph. The provisions of this Article do not preclude changes in location resulting from transfer, promotion or appointment provided for in this supplementary law.

Article 291 (Vetoed.)

Article 292 (Vetoed.)

Article 293 It is forbidden for a member or servant of the Federal Prosecution Service to maintain, under his or her immediate leadership, in a position of trust, a spouse, partner, or relative up to the second civil degree.

Article 294 This supplementary law enters into force on the date of its publication.

Article 295 Provisions to the contrary are hereby revoked.

Brasília, May 20, 1993; 172<sup>nd</sup> Anniversary of Independence and 105<sup>th</sup> Anniversary of the Republic.

ITAMAR FRANCO  
Maurício Correa

This text does not replace the one published in the Official Gazette of May 21, 1993.

