

**24 Annex - Justice, freedom and security**

**169. AMENDMENTS TO THE LAW ON POLICE**

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## **Amendments to the Law on Police**

### **Article 1**

In the Law on Police (Official Gazette of Montenegro 28/05), Article 1 after the word “duties” and the comma the following shall be inserted: “operational-tactical measures and activities, deployment of reserve police force, labour-legal”.

### **Article 2**

In Article 2 paragraph 1 item 11 shall be deleted.

### **Article 3**

In Article 3, paragraph 2 shall be replaced by the following:

“Police affairs shall be performed by police officers, and other affairs within the police shall be performed by public servants and employees.”

After paragraph 2 new paragraphs 3 and 4 shall be inserted, worded as follows:

“Police officers shall be:

- uniformed and not uniformed employees enforcing the police authorizations and
- employees working on special or certain duties directly connected to police affairs

Affairs from paragraph 3 indent 2 hereof shall be defined by the Chief of Police (hereinafter referred to as the “Director”) by virtue of separate act.

Paragraph 3 shall become paragraph 5.

### **Article 4**

In Article 4, the word “other” shall be replaced by the word “nationals”.

### **Article 5**

In paragraph 5 and other provisions of this Law, the words “Chief of the Police” shall be replaced by the word “Director” in appropriate case.

### **Article 6**

In Article 7 paragraph 1 after the words “legal persons” the following shall be inserted “with public authorities”.

In paragraph 2, after the word “affairs”, the following shall be inserted “and public administration”.

### **Article 7**

After Article 10, new Article 10 shall be inserted, worded as follows:

“Article 10a:

The Police shall have its hymn, flag and coat of arms.

Police Day shall be 2 October.”

### **Article 8**

In Article 11 paragraph 1, after point 7 a new point shall be added worded as follows:

“8) conduct the necessary search of means of transport, passengers and the luggage.”

Point 8 shall become point 9.

### **Article 9**

In article 19 paragraph 1 after point 9, a new point shall be added, worded as follows:

“10) persons sentenced by final judgment.”

After paragraph 1, the following paragraph 2 shall be inserted:

“Type, contents and manner of keeping records from paragraph 1 hereof shall be defined by the Ministry.”

### **Article 10**

In Article 21 paragraph 1 point 7, the word “and” shall be replaced by a comma, and after number 9 the comma shall be replaced by the following: “and 10”.

### **Article 11**

In article 35 paragraph 1 after point 3, a new point shall be added, worded as follows:

“Anti-terrorist search is being conducted”.

### **Article 12**

In Article 40 paragraph 1 point 5, the word “securing” shall be replaced by the word “secured”.

### **Article 13**

In Article 43 paragraph 1 after the word “conveying”, the following shall be inserted: “or declared wanted person”.

In paragraph 2, the word “persons” shall be replaced by the following: “wanted list for persons”.

In Article 45, the point at the end of the text is replaced by comma and the following is inserted: “that is of a person in the immediate danger”.

#### **Article 14**

In Article 55 paragraph 1 point 4, after the word “places” the comma shall be inserted as well as the following: “state border and border crossings.”

#### **Article 15**

In article 57 paragraph 2 after the word “investigation”, the following shall be inserted: “and persons on the wanted list”.

#### **Article 16**

In the title of the Article 60, after the word “places” the comma shall be inserted as well as the following: “state border and border crossings”.

In Article 60, after paragraph 3, the following paragraph 4 is inserted:

“For the purpose of more efficient securing of state border, border crossings, objects and areas that could be threatened by terrorist acts, the police is authorized to conduct acoustic and video surveillance.”

#### **Article 17**

In Article 61 paragraph 2, point 1 shall be replaced by the following:

“1) global terrorism, violent extremism, extraordinary and special circumstances.”

After paragraph 2, the following paragraph 3 is inserted:

“After the recruitment is completed and police reserve force trained, it is adopted by the Ministry at the request of the Director.”

#### **Article 18**

In Article 78 paragraph 1, the word “officers” shall be replaced by the following: “police officers, public servants and employees”.

In paragraph 2 after point 1, the following point shall be inserted:

“2) Bonus payment in the amount to 50% of income realized in the previous month.”

Points 2 and 3 shall become points 3 and 4.

**Article 19**

In Article 79 paragraph 1, the words “that is employee” shall be replaced by the following “public servant and police employee”.

**Article 20**

In article 81 paragraph 1 points 6 and 20, the word “immediate” shall be deleted.

After paragraph 1, the following paragraphs 2 and 3 shall be inserted:

“Disciplinary prosecutor shall initiate the proceedings in the event of serious disciplinary violation.”

The Council of the Disciplinary Commission shall be in charge of the proceedings for violations from paragraph 2 hereof and shall also propose to the Director the imposing of disciplinary measure.”

Paragraphs 2 and 3 shall become paragraphs 3 and 4.

**Article 21**

After Article 83 the article 83a shall be inserted, worded as follows:

“Article 83a

Police officer, against whom the criminal proceedings has been initiated for criminal offences pursued ex officio, apart from the cases stipulated by law, may be temporary suspended from service, pending the completion of proceedings.”

**Article 22**

In Article 86, the words “special organizational units” shall be replaced by the following: “PI Police Academy” in Danilovgrad.

**Article 23**

Article 87 shall be replaced by the following:

“Primary healthcare protection of police officers, public servants and employees of the Ministry and the Police as well as obligatory semi-annual and annual systematic check and psychophysical checking of abilities is performed and organized within special organizational unit.”

**Article 24**

After Article 97 the article 97a shall be inserted, worded as follows:

“Article 97a

When providing services to state bodies or local administration and legal persons, the police may ask for reimbursement of costs, in accordance with special list of expense.“

**Article 25**

In Article 98, the comma and the words “public servant and police employee” shall be added to the word “officer”.

After paragraph 1, the following paragraphs 2, 3 and 4 shall be inserted:

“Salaries and other income of police officers, public servants and employees are defined by separate act adopted by the Director of the Police, with the approval from the Government of the Republic of Montenegro, in accordance with specifications of police affairs.

Due to special nature of affairs, working conditions and responsibility, police officers, public servants and employees in the Police, shall realize the right to contribution to salary.

Working positions eligible for realization of the right to contribution to salary are defined by the act from paragraph 2 hereof. “

**Article 26**

After Article 98 the article 98a shall be inserted, worded as follows:

“Article 98a

Due to difficult conditions at work, nature of its performance, the service insurance of the police officer shall be extended and therefore, each 12 months of the work in Police shall be deemed as 16 months.

Within the meaning of this Law, the difficult working conditions shall mean:

- increased threat to life and health
- work in shifts
- the work exceeding the fulltime working hours
- the work during public holidays and
- readiness (at working or any other place, at home at the request of the immediate superior).”

#### **Article 27**

The Legislation Committee of the Parliament of the Republic of Montenegro shall hereby be authorized to draw up consolidated text of this Law.

#### **Article 28**

This Law shall enter into force on the eighth day following that of its publication in the Official Gazette of Montenegro.