

On prevention of infractions

Unofficial translation

The Law of the Republic of Kazakhstan dated 29 April, 2010 No. 271-IV.

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This Law determines legal, economic, social and organizational activity bases of the state bodies, the bodies of local self-government, organizations and citizens of the Republic of Kazakhstan on the prevention of infractions.

Chapter 1. General provisions Article 1. Basic definitions used in this Law

The following basic definitions are used in this Law:

1) social adaptation – a complex of measures, carried out by subjects of the prevention of infractions, directed to formation of personality, able to accept and observe regulations and rules of conduct in the public;

2) social rehabilitation – a complex of measures, carried out by subjects of the prevention of infractions, directed to rendering of legal, social, psychological, pedagogic assistance to the person with illegal behavior, as well as process of negotiation of psychological and (or) moral injury;

3) law-abiding behavior - conscious behavior of person relevant to the code of conduct established by Laws of the Republic of Kazakhstan, keeping rights, freedom of a human and a citizen, interests of public and the state;

4) prevention of infractions – a complex of legal, economic, social and organizational measures, carried out by the subjects of the prevention of infractions, directed to maintenance and consolidation of legal order by detecting, researching, eliminating reasons and conditions, supporting the commitment of the infractions;

5) subjects of the prevention of infractions – the state bodies, the bodies of local self-government, organizations and citizens of the Republic of Kazakhstan carrying out the prevention of infractions;

6) legal nurturing – a complex of measures of educational, informational and organizational nature, directed to the formation of law-abiding behavior, legal consciousness and legal culture of citizens.

Article 2. Legislation of the Republic of Kazakhstan on the prevention of infractions

1. The legislation of the Republic of Kazakhstan on prevention of infractions is based on the Constitution of the Republic of Kazakhstan consists of this Law and other regulatory legal acts of the Republic of Kazakhstan.

2. If international treaty, ratified by the Republic of Kazakhstan establishes other rules, than those appeared in this Law, the rules of international treaty shall be applied.

Article 3. Purpose and objectives of this Law

1. Purpose of this Law is the establishment of one state policy in scope of the prevention of infractions.

2. Objectives of this Law are:

1) provision of protection of rights, freedoms and legal interests of a human and a citizen from the illegal offences;

2) level reduction of the infractions;

3) perfection of system of the preventions of infractions, as well as detection, research, elimination reasons and conditions supporting them;

4) social adaptation and social rehabilitation of persons in need of special social services;

5) coordination of activity of the subjects of the prevention of infractions;

6) level increase of legal culture of citizens;

7) provision of participation of citizens and organizations in the prevention of infractions.

Footnote. Article 3 as amended by the Law of the Republic of Kazakhstan dated 20.04.2023 No.226-VII (shall be enforced from 01.07.2023).

Article 4. Principles of prevention of infractions

Prevention of the infractions shall be based on the principles of:

1) protection and observance of rights, freedoms and legal interests of a human and a citizen;

2) legality;

3) publicity;

4) unity of rights and obligations;

5) humanity;

6) scientific validation;

7) privacy right;

8) priority of the preventive measures of the prevention of infractions on repressives;

9) complexity and systemacity.

Chapter 2. Subjects of the prevention of infractions Article 5. Competence of the Government of the Republic of Kazakhstan in scope of the prevention of infractions

The Government of the Republic of Kazakhstan shall:

1) elaborate main directions of the state policy in the scope of the prevention of infractions;

2) Is excluded by Law of the Republic of Kazakhstan No. 124-V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication);

3) create and abolish the republican interdepartmental commission on the prevention of infractions;

4) provide cooperation of the subjects of the prevention of infractions and coordination of their activity;

5) provide appliance of timely measures on non-admission of critical population processes , inhibition of the sharp rise in unemployment and the living standards drop, entailing rise of number of the infractions;

6) perform other functions, incumbent to it by the Constitution of the Republic of Kazakhstan, the Laws and acts of the President.

Footnote. Article 5 as amended by Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 6. Competence of the local representative and executive bodies

1. The local representative bodies shall:

1) is excluded by Law of the Republic of Kazakhstan No. 124-V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication);

2) approve the personnel structure of the local interdepartmental commissions on the prevention of infractions at the instance of akim;

3) establish and control the execution of local budgets in part of expenditures on the prevention of infractions;

4) assist the execution of regulation of this Law by citizens and organizations;

5) carry out other powers, provided by the legislation of the Republic of Kazakhstan.

2. Local executive bodies shall:

1) is excluded by Law of the Republic of Kazakhstan No. 124-V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication);

2) provide the cooperation of subjects on the prevention of infractions on the local level;

3) keep a record of citizens and organizations involved in prevention of offenses, take measures to involve citizens and organizations in protection of public order, determine types of and procedure for their rewarding;

4) support the public employment;

4-1) promote the employment of prisoners at correctional facilities in keeping with the Law of the Republic of Kazakhstan “On Local Government and Self-Government in the Republic of Kazakhstan”;

5) represent for confirmation of the personnel structure of interdepartmental commission on the prevention of infractions in the relevant local representative bodies and provide their functioning;

6) provide the creation and functioning of organizations of the system of the prevention of infractions;

7) organize the provision of special social services to persons in need of special social services;

8) accept measures of elimination of reasons and conditions, supporting the commitment of the infractions;

9) provide the organization of legal nurturing of citizens;

10) carry out the other powers provided by the legislation of the Republic of Kazakhstan.

Footnote. Article 6 as amended by Law of the Republic of Kazakhstan No. 124-V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication); № 388-V dated 02.11.2015 (shall be enforced from 01.01.2016); № 58-VI dated 18.04.2017 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 20.04.2023 No.226-VII (shall be enforced from 01.07.2023).

Article 7. Competence of the bodies of internal affairs

The bodies of internal affairs shall:

1) is excluded by Law of the Republic of Kazakhstan No. 124-V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication);

1-1) is excluded by Law of the Republic of Kazakhstan No. 102-V dated 13.06.2013 (shall be enforced upon expiry of ten calendar days after its first official publication);

2) is excluded by Law of the Republic of Kazakhstan No. 159-V dated 13.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication);

3) participate in the legal nurturing of citizens, explore the public opinion on the legal order status and the measures on increase of effectiveness of activity of the bodies of internal affairs on the prevention of infractions;

4) carry out measures on the prevention of infractions;

5) keep a preventive record and carry out a preventive control;

6) cooperate with citizens and organizations participating in the security of the public order and the prevention of infractions;

7) carry out the cooperation with the subjects of security activity;

8) inform other law enforcement bodies on facts of imminent or committed infractions became known to them, related to the competence of these bodies;

9) carry out criminal prosecution, probation control, administrative proceedings;

10) provide the organization of special educational courses on questions of the prevention of infractions for officers of the bodies of internal affairs;

11) is excluded by Law of the Republic of Kazakhstan No. 159-V (dated 13.01.2014 shall be enforced upon expiry of ten calendar days after its first official publication);

11-1) ensure implementation of preventive actions and operational-investigative activities with a view to prevent the commission of offenses by convicts held in penitentiary institutions

and registered with probation services, and also by persons held in pretrial detention centers of the penal system;

11-2) exercise educational influence on convicts in accordance with the Penal Code of the Republic of Kazakhstan;

12) carry out the other powers provided by the legislation of the Republic of Kazakhstan.

Footnote. Article 7 as amended by Law of the Republic of Kazakhstan No. 372-IV dated 29.12.2010 (shall be enforced upon expiry of ten calendar days after its first official publication); No. 547-IV dated 18.01.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); No. 102-V dated 13.06.2013 (shall be enforced upon expiry of ten calendar days after its first official publication); No. 124-V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication); No. 159-V dated 13.01.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 58-VI dated 18.04.2017 (shall be enforced upon expiry of ten calendar days after the day its first official publication).

Article 8. Competence of the authorized body for combating corruption

Footnote. The heading of Article 8 is as amended by the Law of the Republic of Kazakhstan dated 06.10.2020 No. 365-VI (shall be enforced ten calendar days after the day of its first official publication).

Authorized body for combating corruption:

- 1) raises public awareness of the risks of corruption;
- 2) interacts with civil society institutions and state bodies in order to combat corruption and reduce its level;
- 3) exercise other powers provided by the legislation of the Republic of Kazakhstan.

Footnote. Article 8 in the new wording of Law of the Republic of Kazakhstan № 248-V dated 07.11.2014 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 06.10.2020 No. 365-VI (shall be enforced ten calendar days after the day of its first official publication).

Article 9. Competence of the judicial bodies

Judicial bodies shall:

- 1) coordinate activity of the state bodies on legal propaganda;
- 2) perform juridical expertize of projects of the regulatory legal acts in purpose of prevention of appliance of regulations, supporting the commitment of infractions;
- 3) is excluded by Law of the Republic of Kazakhstan No. 547-IV dated 18.01.2012 (shall be enforced upon expiry of ten calendar days after its first official publication);
- 4) is excluded by Law of the Republic of Kazakhstan No. 547-IV dated 18.01.2012 (shall be enforced upon expiry of ten calendar days after its first official publication);

5) is excluded by Law of the Republic of Kazakhstan No. 547-IV dated 18.01.2012 (shall be enforced upon expiry of ten calendar days after its first official publication);

6) inform other law enforcement bodies on facts of imminent or committed infractions became known to them, related to the competence of these bodies;

7) carry out other powers provided by the legislation of the Republic of Kazakhstan.

Footnote. Article 9 as amended by Law of the Republic of Kazakhstan No. 547-IV dated 18.01.2012 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 9-1. Competence of the bodies of military police

Bodies of military police shall:

1) is excluded by Law of the Republic of Kazakhstan No. 124-V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication);

2) participate in the legal nurturing of military servants;

3) carry out the measures on the prevention of infractions;

4) maintain preventive records and carry out preventive control;

5) interact with the command of military units (institutions), citizens and organizations on crime prevention issues;

6) inform other law enforcement bodies on facts of imminent or committed infractions became known to them, related to the competence of these bodies;

7) carry out the criminal prosecution, proceeding on the cases of administrative infractions

;

8) carry out other powers provided by the legislation of the Republic of Kazakhstan.

Footnote. Chapter 2 is supplemented by Article 9-1 in accordance with Law of the Republic of Kazakhstan No. 562-IV dated 16.02.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by Law of the Republic of Kazakhstan No. 124-V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 14.03.2023 No. 206-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 9-2. Competence of bodies of military administration

Bodies of military administration shall:

1) organize educational, social and legal work and outreach activities in the troops;

2) interact with citizens and organizations on prevention of offenses, determine types of and procedure for their rewarding;

3) set up interdepartmental commissions for prevention of offenses within bodies of military administration;

4) coordinate activities on prevention of offenses;

5) organize work to strengthen the moral and psychological state of military personnel and discipline;

5-1) take general measures to prevent offenses against military servicemen;

5-2) carry out an individual crime prevention measure by way of a preventive conversation;

6) inform military police bodies on facts, which have become known to them, of offenses that are being prepared or were committed;

7) take measures to eliminate causes and conditions that facilitate the commission of offenses;

8) exercise other powers provided for by the legislation of the Republic of Kazakhstan.

Footnote. Chapter 2 is supplemented by Article 9-2 in accordance with the Law of the Republic of Kazakhstan dated 13.06.2017 № 69-VI (shall be enforced upon expiry of ten calendar days after the day its first official publication); as amended by the Laws of the Republic of Kazakhstan dated 14.03.2023 No. 206-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 10. Competence of the prosecution bodies

Prosecution bodies shall:

1) carry out supreme supervision of compliance with the law in the field of prevention of offenses;

2) provide coordination of activity of the law enforcement bodies in the crime prevention;

3) form the state legal statistic and keep special records;

4) carry out other powers provided by the legislation of the Republic of Kazakhstan.

Footnote. Article 10 as amended by Law of the Republic of Kazakhstan № 91-VI dated 11.07.2017 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Article 11. Competence of the authorized body in the scope of education

The authorized body in the scope of education shall:

1) cooperate with the state bodies and organizations on the questions of legal nurturing of students and pupils of the educational organizations;

2) elaborate and inculcate in practice works of educational organizations of programme and method formation, directed to the formation of law abiding behavior of students and pupils of educational organizations;

3) perform events on the prevention of the infractions among students and pupils of educational organizations jointly with the other state bodies;

4) carry out other powers provided by the legislation of the Republic of Kazakhstan.

Article 12. Competence of the authorized body in the scope of health care

The authorized body in the scope of health care shall:

- 1) organize the performance of events on propaganda of the healthy lifestyle;
- 2) develop methods for early detection and prevention of systematic non-medical use of psychoactive substances;
- 3) is excluded by Law of the Republic of Kazakhstan No. 124-V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication);
- 4) carry out other powers provided by the legislation of the Republic of Kazakhstan.

Footnote. Article 12 as amended by Law of the Republic of Kazakhstan No. 124-V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication); № 227-V dated 03.07.2014 (shall be enforced from 01.01.2015); dated 07.07.2020 No. 361-VI (shall be enforced ten calendar days after the day of its first official publication).

Article 13. Competence of the health care organizations

Health care organizations shall:

- 1 perform propaganda of the healthy lifestyle;
- 2) render addictological, psychological, psychiatric, medical and preventive assistance and perform medical rehabilitation for persons being in need of it;
- 3) identify, record and monitor persons with mental, behavioral disorders (diseases), including those associated with the use of psychoactive substances;
- 4) is excluded by Law of the Republic of Kazakhstan No. 124-V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication);
- 5) inform the bodies of internal affairs on facts of resorts of persons injured from infractions and rendering a medical assistance to them;
- 6) carry out other powers provided by the legislation of the Republic of Kazakhstan.

Footnote. Article 13 as amended by Law of the Republic of Kazakhstan No. 124-V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 07.07.2020 No. 361-VI (shall be enforced ten calendar days after the day of its first official publication).

Article 14. Competence of the authorized body in the scope of social public protection

The authorized body in the scope of social public protection shall:

- 1) participate in the formation of the state policy, directed to supporting of public employment and poverty reduction;
- 2) is excluded by Law of the Republic of Kazakhstan No. 372-IV dated 29.12.2010 (shall be enforced upon expiry of ten calendar days after its first official publication);
- 3) elaborate methodical recommendations on appliance of active forms of supporting public employment;

4) carry out other powers provided by the legislation of the Republic of Kazakhstan.

Footnote. Article 14 as amended by Law of the Republic of Kazakhstan No. 372-IV dated 29.12.2010 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 15. Competence of the authorized body in the scope of physical culture and sport

The authorized body in the scope of physical culture and sport shall:

1) is excluded by Law of the Republic of Kazakhstan No. 124-V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication);

2) support involving persons, inclined to the commitment of the infractions to go in for physical culture and sport jointly with the state bodies;

3) carry out other powers provided by the legislation of the Republic of Kazakhstan.

Footnote. Article 15 as amended by Law of the Republic of Kazakhstan No. 124-V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 16. Competence of the authorized body in the scope of mass media

The authorized body in the scope of mass media shall:

1) provide the performance of legal propaganda in the mass media;

2) support the presentation of activity of subjects on the prevention of infractions in the mass media;

3) carry out other powers provided by the legislation of the Republic of Kazakhstan

Article 17. Participation of citizens and organizations in the prevention of infractions

1. Participation of citizens and organizations in the prevention of infractions shall be carried out by voluntary supporting the other subjects of the prevention of infractions in accordance with this Law and other Laws of the Republic of Kazakhstan.

2. Citizens and organizations participating in the prevention of infractions shall carry out their activity on the grounds of principles of legality, respect and observance of rights and freedom of a human and a citizen.

3. Persons and organizations, participating in the prevention of infraction shall carry out their activity by:

1) participation in organizations of legal propaganda;

2) participation in the work of advisory, consultative and expert bodies;

3) support other subjects on the prevention of corruption.

Article 18. Coordination of activity of subjects on the prevention of corruption

1. Coordination of activity of subjects on the prevention of corruption shall be carried out in purpose of increase of effectiveness of the preventive work by elaboration and carrying out the coordinated actions of on-time prevention, detection and suppression of the infraction by them, elimination of reasons and conditions, supporting their commitment.

2. Coordination of the activity of subjects on the prevention of infractions in the Republic of Kazakhstan shall be carried out by interdepartmental commissions on the prevention of infractions.

Interdepartmental commissions on the prevention of infractions are created upon the Government of the Republic of Kazakhstan as well as local executive bodies of oblasts, cities of republican significance, capital and districts, cities of oblast significance.

3. Interdepartmental commission on the prevention of corruption is advisory and consultative body.

Main objectives of activity of interdepartmental commissions are:

- 1) coordination of activity of the subjects on the prevention of infractions;
- 2) valuation of effectiveness of activity of subjects on the prevention of corruptions;
- 3) elaborations of suggestions on perfection of the legislation of the Republic of Kazakhstan on the prevention of infractions;
- 4) investigation of the progress for realization of documents of the System of state planning of the Republic of Kazakhstan in the scope of prevention of infractions;
- 5) introduction of suggestions on perfection of measures of the prevention of infractions under advisement of the Government of the Republic of Kazakhstan, local executive bodies of oblasts, cities of republican significance, capital and districts, cities of oblast significance;
- 6) appliance of measures on protection and restoration of rights and legal interests of human and citizen, detection and elimination of reasons and conditions supporting the commitment of infractions;
- 7) preparation and direction of informational materials on questions of the prevention of infractions to the Government of the Republic of Kazakhstan as well as to the relevant local representative and executive bodies;
- 8) hearing of reports of chiefs and civil servants on the subjects of the prevention of infractions on performing work by them and elaboration of suggestions on perfection of their activity;
- 9) introduction of suggestions on involving the civil servants to the disciplinary and other responsibility for not appliance of measures of prevention of infractions to the state bodies and organizations.

4. Structure, powers and order of the activity of interdepartmental commissions shall be determined by provisions established by the Government of the Republic of Kazakhstan, local executive bodies of oblasts, cities of republican significance, capital and districts, cities of oblast significance.

Footnote. Article 18 as amended by Law of the Republic of Kazakhstan No. 124-V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 19. Forms of coordination activity

1. The coordination of activity of subjects on the prevention of infractions shall be carried out by the interdepartmental commission on the prevention of infractions in following main forms:

- 1) elaboration of suggestions and recommendations on perfection of activity of subjects on the prevention of infractions;
- 2) information interchange;
- 3) exploring and expansion of positive experience;
- 4) performance of joint operating and preventive events;
- 5) performance of sessions and conferences;
- 6) printing the ballot papers (collections) and other informational publications.

2. Subjects of the prevention of infractions shall immediately inform the state bodies on on facts of imminent or committed infractions became known to them, related to the competence of these bodies.

Chapter 3. Measures on the prevention of infractions Article 20. System of measures on the prevention of infractions

The prevention of infractions is carried out by general, special and individual measures.

Article 21. General measures on the prevention of infractions

The general measures of prevention of infractions shall be realized by use of:

- 1) measures on protection of social and vulnerable demographic;
- 2) organizational and administrative measures directed to the elimination of mistakes and omission in the administration of economic, social scope, law enforcement activity as well as perfection on regulatory, informational, methodical and resource provision of the prevention of infractions;
- 3) ideological measures eliminating or limitative criminogenic factors by formation moral qualities of citizens oriented to the human values, law-abiding behavior, intolerance to the illegal behavior, increasing the general, domestic and legal culture;
- 4) achievements of science and techniques preventing the commitment of infractions.

Article 22. Special measures on the prevention of infractions

Footnote. Article 22 is excluded by Law of the Republic of Kazakhstan No 124-V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication);

Article 23. Measures of individual prevention of infractions

1. Measures on individual prevention of infractions shall be applied for systematic single-minded influence on the legal conscience and behavior of a person or limited audience in purpose of the prevention of commitment infractions from their part as well as eliminating reasons and conditions supporting their commitment.

2. Measures of the individual prevention of infractions are:

- 1) preventive talk;
- 2) restraining order
- 3) presentation on elimination of reasons and conditions supporting the commitment of infractions;
- 4) compulsory measures on medical nature;
- 5) establishments of special requirements to the law breaker's behavior;
- 6) preventive count and control;
- 7) administrative sanction;
- 8) deprivation or limitation of parental rights, cancellation of child adoption, liberation and deprivation of guardians and curators from performance of their obligations by them, early termination of treaty on delivery of child parenting on foster tutor;
- 9) measures, applied by the court verdict;
- 10) establishment of administrative intendance;
- 11) preventive limitation of freedom of movement.

3. Measures of individual prevention shall be determined in recognition of individual specialties of person, in respect of whom they are applied, nature and level of public danger of committed infractions by them.

4. Decision on appliance of measures of the individual prevention of infraction may be appealed by interested persons in the manner established by the legislation of the Republic of Kazakhstan.

5. Measures of individual prevention of infraction in respect of minors are applied in recognition of specialties established by the legislation of the Republic of Kazakhstan on the prevention of infractions, neglect and homelessness among the minors.

6. Measures of the individual prevention of infractions in respect of persons, committed domestic violence shall be applied in recognition of specialties established by the legislation of the Republic of Kazakhstan on the prevention of domestic violence.

7. Appliance of measures of the individual prevention of infractions shall be carried out in accordance with this Law and other Laws of the Republic of Kazakhstan.

8. Record of measures of individual prevention of infraction shall be carried out in the manner determined by central executive bodies within their competence.

Article 23-1. Measures for prevention of offenses relating to servicemen

Footnote. Chapter 3 is supplemented by Article 23-1 in accordance with Law of the Republic of Kazakhstan № 69-VI dated 13.06.2017 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); excluded by the Law of the Republic of Kazakhstan dated 14.03.2023 No. 206-VII (shall be enforced ten calendar days after the date of its first official publication).

Article 24. Grounds for appliance of measures on the individual prevention of infractions

1. Ground for appliance of measures on the individual prevention of infractions is one of the following cases:

- 1) reports or applications of individuals and legal entities as well as reports in the mass media;
- 2) immediate detection of fact of commitment or attempt of commitment of the infraction by the authorized civil servant;
- 3) materials, entered from the state bodies and bodies of local self-government.

2. Applications and reports on commitment of the infraction or on threat of its commitment shall be considered by the state bodies in the manner, established by the legislation of the Republic of Kazakhstan.

Article 25. Preventive talk

1. Main objectives of the preventive talk are detection of reasons and conditions of illegal behavior, explanation of social and legal consequences of infraction and persuasion in necessity of law-abiding behavior.

2. The preventive talk shall be conducted by the subject of the prevention of infractions to the competence of which the appliance of measures of individual prevention of infractions is related with the person committed the infraction or in respect of whom there is a ground for appliance of measures of individual prevention of infractions.

3. Preventive talk shall be conducted in the office premises of subjects of the prevention of infractions as well as at the place of residence, study, work or immediately at the place of detection of infraction and may not be continued more than one hour.

4. Person with whom the preventive talk is performed shall be notified on necessity of determination of illegal actions.

5. Preventive talk with minor shall be performed in the presence of his (her) parents, teachers or other legal representatives.

Article 26. Presentation on elimination of reasons and conditions supporting the commitment of infractions

1. In case of detection of reasons and conditions supporting the commitment of infractions, the state bodies shall direct the presentation on their elimination to the chief or the civil servant of relevant organization.

2. The chief or a civil servant of relevant organization shall provide the information in written form on results of investigation of presentation and applied measures in the state body in the month term of the day of receipt.

Article 27. Establishment of special requirements to the law breaker's behavior

1. Special requirements to the law breaker's behavior may be established by the court in purpose of the prevention of commitment of new infractions by this person.

2. Establishment of the special requirements to the law breaker's behavior is the measure of administrative-legal influence and shall be applied together with recovery of administrative penalty and also upon the liberation of person committed the administrative infraction from the administrative responsibility, instead of it.

3. Establishment of special requirements to the law breaker's behavior shall entail the limitation of special rights and impositions of special obligations on the person, committed the administrative infraction.

4. The order of establishment of special requirements to the law breaker's behavior, validity, rights and obligations of participants of proceedings on the cases on administrative infractions shall be determined by the Code of the Republic of Kazakhstan on administrative infractions.

5. Person in respect of whom the special requirements to the behavior are established, shall be registered on the preventive record and the preventive control, carried out for him (her) by the bodies of internal affairs.

Article 28. Preventive record and control

1. Person shall be registered on the preventive record in relation of whom:

1) the restraining order is rendered;

2) special requirements to the behavior are established;

3) a decision was taken on release on parole from serving a custodial sentence;

4) administrative intendance is established;

5) a non-custodial penalty was imposed or other measures of criminal and legal pressure were taken;

6) a decision has been made on release from places of deprivation of liberty after serving a sentence for committing a grave and especially grave crime or convicted two or more times to imprisonment for intentional crimes;

7) a guilty verdict has been issued by the court on recognition as guilty of committing a grave or especially grave crime with the imposition of a criminal sentence and release from serving it due to a serious illness that prevents serving the sentence;

8) a court decision has been made to release convicts from places of deprivation of liberty due to serious illness, who were convicted for committing grave and especially grave crimes.

Other grounds for registering persons on the preventive charge may be provided by the Laws of the Republic of Kazakhstan.

2. Preventive record shall be carried out by the bodies of internal affairs.

3. Preventive control shall consist of systematic intendance for observance of established limitations and performing imposed obligations by person being on the preventive record. Rights and obligation of these persons as well as order of carrying out the preventive control for them shall be determined by the Laws of the Republic of Kazakhstan.

4. Registration on the preventive record may be appealed by the interested persons in the manner established by the legislation of the Republic of Kazakhstan.

5. Person shall be informed in written form on registration on the preventive record by the bodies of internal affairs in the date of pronouncement of restraining order or during ten calendar days from the date of enforcement on the legal force of the court decision.

6. Preventive control shall be carried out during validity of the preventive record. Upon expiry of validity of established limitations and performance of imposed obligations, a person shall be removed from the preventive record that is informed in written form within three days.

7. Details, contained in the preventive record may be used exclusively within the solving of problems on the prevention of infractions.

8. Keeping the preventive record shall be carried out in the manner determined by the Ministry of Internal Affairs of the Republic of Kazakhstan.

Footnote. Article 28 as amended by Law of the Republic of Kazakhstan No. 547-IV dated 18.01.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); No. 175-V dated 18.02.2014 (shall be enforced upon expiry of ten calendar days after its first official publication); № 58-VI dated 18.04.2017 (shall be enforced upon expiry of ten calendar days after the day its first official publication); No. 292-VI dated December 27 , 2019 (see Article 2 for the order of entry into force).

Article 29. Preventive limitation of freedom of movement

1. Preventive restriction of freedom of movement is a measure of individual prevention in relation to:

persons who do not have a fixed place of residence and (or) identity documents, in the absence of signs of criminal and administrative offenses in their actions and if it is impossible to identify such persons by other means;

foreigners and stateless persons subject to forcible expulsion on the basis of a verdict, decision, court order that has entered into legal force, as well as those who have not left the territory of the Republic of Kazakhstan within the period specified in the judicial act on expulsion.

2. Preventive restriction of freedom of movement is applied by the internal affairs bodies with the sanction of the court and consists in the temporary isolation of the persons specified in paragraph 1 of this article in a special institution of the internal affairs bodies for a period of up to thirty days.

3. Order and conditions of appliance of preventive limitation of freedom of movement as well as grounds of liberation from special institution of the bodies of internal affairs shall be determined by the legislation of the Republic of Kazakhstan.

Footnote. Article 29 as amended by Law of the Republic of Kazakhstan № 227-V dated 03.07.2014 (shall be enforced from 01.01.2015); No. 385-VI dated December 19, 2020 (shall be enforced ten calendar days after the day of its first official publication).

Chapter 4. Final provisions Article 30. Responsibility for infraction of the legislation of the Republic of Kazakhstan on prevention of infractions

Infraction of the legislation of the Republic of Kazakhstan on prevention of infractions entails responsibility established by the Laws of the Republic of Kazakhstan.

Article 31. Order of enforcement of this Law

This Law enters into force upon expiry of ten calendar days after its first official publication.

*President
of the Republic of Kazakhstan*

N. Nazarbayev