

Act XII of 2020 on the containment of coronavirus

The National Assembly, in order to enable the Government to take all extraordinary measures necessary for the prevention of the human epidemic occurred in 2020 causing massive disease outbreaks caused by COVID-19 infection, and for the elimination of its consequences; bearing in mind especially that due to the human epidemic, the National Assembly might be unable to hold sittings; conscious that in times fraught with danger, responsible decisions need to be taken, and even if the measures already taken and potentially to be taken appear to be unaccustomed and strange restrictions, compliance with them as well as joining forces and discipline may be the most essential reserves of Hungarians; acknowledging joint action, national coming-together, and the committed work of those working in healthcare and law enforcement, and everyone else involved; for the purpose of granting authorisation to the Government to extend the applicability of its decrees adopted during the period of state of danger, and determining the framework for this authorisation, adopts the following Act:

Section 1 This Act lays down specific rules in connection with the state of danger declared, on the basis of Article 53(1) of the Fundamental law, by the Government in Government Decree 40/2020 (11 March) on the declaration of state of danger (hereinafter “Decree”) for the prevention of the human epidemic endangering life and property and causing massive disease outbreaks, the elimination of its consequences and the protection of the health and lives of Hungarian citizens (hereinafter “state of danger”).

Section 2 (1) During the period of the state of danger, in addition to the extraordinary measures and rules laid down in Act CXXVIII of 2011 on disaster management and amending certain related Acts, the Government may, in order to guarantee that life, health, person, property and rights of the citizens are protected, and to guarantee the stability of the national economy, by means of a decree, suspend the application of certain Acts, derogate from the provisions of Acts and take other extraordinary measures.

(2) The Government may exercise its power under paragraph (1) for the purpose of preventing, controlling and eliminating the human epidemic referred to in the Decree, and preventing and averting its harmful effects, to the extent necessary and proportionate to the objective pursued.

Section 3 (1) On the basis of Article 53(3) of the Fundamental Law, the National Assembly authorises the Government to extend the applicability of

- a)* sections 2 and 3 of the Decree, and
- b)* the government decrees under Article 53(1) and (2) of the Fundamental Law adopted in the state of danger until the end of the state of danger.

(2) The National Assembly may withdraw the authorisation under paragraph (1) before the end of the state of danger.

(3) The National Assembly confirms sections 2 and 3 of the Decree and the government decrees referred to in paragraph (1)*b)* that have been adopted after the entry into force of the Decree, but before the entry into force of this Act.

Section 4 The Government shall regularly provide information on the measures taken to eliminate the state of danger until the measures are in effect at the sittings of the National

Assembly or, in the absence thereof, to the Speaker of the National Assembly and the leaders of the parliamentary groups.

Section 5 (1) The President of the Constitutional Court (hereinafter the “President”) and the Secretary-General of the Constitutional Court shall provide for the continuous operation of the Constitutional Court during the period of state of danger and shall to this end take the measures necessary in terms of operation, case management and preparation of decisions.

(2) Based on a decision by the President, the plenary sessions of the Constitutional Court and the sittings of the panels may be held also using electronic communication means until the end of the period of state of danger.

(3) During the period of state of danger, the President may permit derogation from the rules of procedure of the Constitutional Court.

Section 6 (1) If dissolution of the representative body of a local government or a national minority self-government is declared, the decision to this effect shall become effective on the day following the end of the period of state of danger.

(2) No by-elections may be called until the day following the end of the period of state of danger; the elections already called shall not be held. The distributed recommendation sheets shall be returned within fifteen days of the entry into force of the Act to the election offices, where they shall be destroyed. The elections not called or not held shall be called within fifteen days of the end of the period of state of danger.

(3) No national and local referendums may be initiated until the day following the end of the period of state of danger; the national and local referendums already called shall not be held. All time limits specified in Chapters II to IV of Act CCXXXVIII of 2013 on initiating referendums, the European citizens’ initiative and the referendum procedure shall be interrupted. The time limits shall start to run again from the day following the end of the period of state of danger. The national and local referendums not called or not held shall be called within fifteen days of the end of the period of state of danger.

Section 7 This Act shall enter into force on the day following its promulgation.

Section 8 Repeal of this Act shall be decided by the National Assembly upon the end of the period of state of danger.

Section 9 Provisions of this Act qualify as cardinal as follows:

- a) section 2 on the basis of Article 54(4) of the Fundamental Law,
- b) section 5 on the basis of Article 24(9) of the Fundamental Law,
- c) section 6(1) on the basis of Article XXIX(3) and Article 31(3) of the Fundamental Law,
- d) section 6(2) on the basis of Article XXIX(3), Article 2(1) and Article 35(1) of the Fundamental Law.

Section 10 (1) In Act C of 2012 on the Criminal Code (hereinafter “Btk.”), the following subtitle and the following section 322/A shall be added at the end of section 322:*

“Obstructing epidemic containment

Section 322/A (1) *A person who obstructs the carrying out*

- a) *of an epidemiological isolation, observation, quarantine or monitoring ordered for the prevention of the introduction or spread of an infectious disease subject to compulsory quarantine,*
- b) *of an epidemiological isolation, observation, quarantine or monitoring during an epidemic,*

* Editorial note: new provisions in the Criminal Code *in italics*.

c) of a phytosanitary- or epizootic-related measure ordered to prevent the importation, exportation or spread of an infectious animal disease or a plant quarantine pest, or to eliminate its occurrence,

is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) The punishment shall be imprisonment for one to five years if the criminal offence is committed by a group.

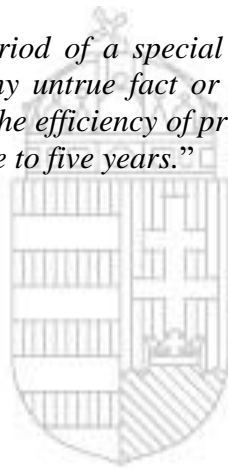
(3) The punishment shall be imprisonment for two to eight years if the criminal offence causes death.

(4) A person who commits preparation for obstructing epidemic containment shall be punished by imprisonment for up to one year.”

(2) Section 337 of the Btk. shall be replaced by the following provision:

“**Section 337** (1) A person who, at a site of public danger and in front of a large audience, states or disseminates any untrue fact or any misrepresented true fact *with regard to the public danger* that is capable of causing disturbance or unrest in a larger group of persons at the site of public danger is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) *A person who, during the period of a special legal order and in front of a large audience, states or disseminates any untrue fact or any misrepresented true fact that is capable of hindering or preventing the efficiency of protection is guilty of a felony and shall be punished by imprisonment for one to five years.”*



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