



MINISTÉRIO DA JUSTIÇA
E SEGURANÇA PÚBLICA
Assessoria Especial Internacional

TRADUÇÃO DE LEGISLAÇÃO BRASILEIRA RELACIONADA À ÁREA DE JUSTIÇA E SEGURANÇA PÚBLICA PARA O INGLÊS E O ESPANHOL

Lei nº 13.260, de 16 de março de 2016.

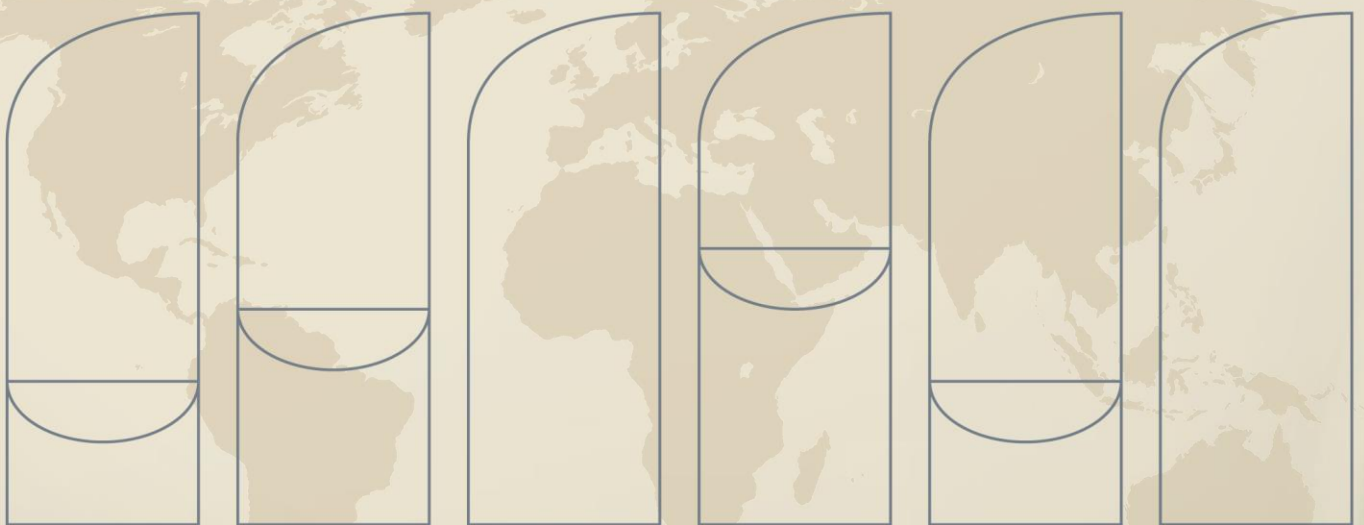
Regulamenta o disposto no inciso XLIII do art. 5º da Constituição Federal, disciplinando o terrorismo, tratando de disposições investigatórias e processuais e reformulando o conceito de organização terrorista; e altera as Leis nº 7.960, de 21 de dezembro de 1989, e 12.850, de 2 de agosto de 2013.

VERSÃO EM INGLÊS



Projeto da Assessoria Especial Internacional

Como forma de divulgar o arcabouço legislativo brasileiro a autoridades estrangeiras e a Organismos Internacionais e, ainda, de aprimorar a cooperação internacional, em diversas áreas, a Assessoria Especial Internacional do Ministério da Justiça e Segurança Pública desenvolveu projeto para a compilação e tradução¹, para os idiomas inglês e espanhol, de parte das legislações brasileiras relacionadas às áreas de Justiça e Segurança Pública. A seleção das leis traduzidas ficou a cargo das áreas técnicas do Ministério, levando em consideração, igualmente, trabalhos já realizados por outros órgãos brasileiros, os quais serão disponibilizados como link externo no site da Assessoria Especial Internacional.



¹Traduções não juramentadas ou oficiais.

LAW nº 13,260 OF MARCH 16th, 2016.

Veto message

Regulates the provisions of item XLIII of article 5 of the Federal Constitution, providing for terrorism, addressing investigative and procedural provisions, and reformulating the concept of terrorist organization; and amends Law nº 7,960 of December 21st, 1989, and Law nº 12,850 of August 2nd, 2013.

I, the PRESIDENT OF BRAZIL, make known that the National Congress decrees and I sanction the following Law:

Art. 1. This law regulates the provisions of [item XLIII of article 5 of the Federal Constitution](#), providing for terrorism, addressing investigative and procedural provisions, and reformulating the concept of terrorist organization.

Art. 2. Terrorism consists in the practice by one or more individuals of the acts provided for in this article, for reasons of xenophobia, discrimination, or prejudice of race, color, ethnicity, and religion, when committed with the purpose of provoking social or generalized terror, exposing persons, properties, public peace, or public safety to danger.

Paragraph 1. The following are acts of terrorism:

I - using or threatening to use, transport, store, carry, or bring explosives, toxic gases, poisons, biological, chemical, or nuclear contents, or other means capable of causing damage or promoting mass destruction;

II - (VETOED);

III - (VETOED);

IV - sabotage the functioning or take possession of the total or partial control, even if temporary, of means of communication of transportation, airports, railway or bus stations, hospitals, nursing homes, schools, sports stadiums, public facilities, or wherever essential public services are provided, power generation or transmission facilities, military installations, oil and gas exploration, refining, and processing facilities, and banking institutions and their service networks, through violence, serious threat to your person, or by making use of cybernetic mechanisms;

V - threatening the life or physical integrity of a person:

Penalty - imprisonment, from twelve to thirty years, in addition to the sanctions corresponding to the threat or violence.

Paragraph 2. The provisions of this article do not apply to the individual or collective conduct of persons in political demonstrations, social, trade union, religious, class, or professional category movements, directed by social or claiming purposes, aimed at challenging, criticizing, protesting, or supporting, or defending constitutional rights, guarantees, and freedoms, without prejudice to the criminal typification contained in law.

Art. 3. Promote, constitute, integrate, or provide assistance to the terrorist organization, personally or by interposed person:

Penalty - imprisonment, five to eight years, and fine.

Paragraph 1. (VETOED).

Paragraph 2. (VETOED).

Art. 4. (Vetoed).

Art. 5. Conduct preparatory acts of terrorism with the unequivocal purpose of consummating such an offense:

Penalty - the corresponding to the completed offense, reduced in a quarter to half.

Paragraph 1. The same penalties are incurred by an agent who, for the purpose of conducting acts of terrorism:

I - recruits, organizes, transports, or supplies individuals travelling to a country other than that of their residence or nationality; or

II - provide or receive training in a country other than that of his/her residence or nationality.

Paragraph 2. In the cases of paragraph 1, when the conduct does not involve training or travel to a country other than that of his/her residence or nationality, the penalty shall correspond to the completed offense, reduced by half to two thirds.

Art. 6. Receive, provide, offer, obtain, store, keep in deposit, solicit, invest, in any form, directly or indirectly, resources, assets, goods, rights, values, or services of any nature, for the planning, preparation, or execution of the crimes provided for in this Law:

Penalty - imprisonment, from fifteen to thirty years.

Sole paragraph. The same penalty is incurred by anyone who offers or receives, obtains, maintains, keeps in deposit, solicits, invests, or in any way contributes to the acquisition of assets, goods, or financial resources, with the purpose of financing, in whole or in part, a person, group of persons, association, entity, or criminal organization that has the primary or secondary activity, even in an eventual character, the practice of the crimes referred to in this Law.

Art. 7. If any of the practices results in serious bodily injury, except when it is elementary to the practice of any crime provided for in this Law, the penalty is increased by one third, if it results in death, the penalty is increased by half.

Art. 8. (VETOED).

Art. 9. (VETOED).

Art. 10. Even before the execution of the crime of terrorism referred in article 5 of this Law, the provisions of [article 15 of Decree-Law nº 2,848 of December 7th, 1940 \(Brazilian Criminal Code\)](#) apply.

Art. 11. For all legal purposes, the crimes provided for in this Law are committed against the interest of the Union, and the Federal Police shall investigate the crime, as part of a police investigation, and the Federal Court shall process and judge it, under the terms of [item IV of article 109 of the Federal Constitution](#).

Sole paragraph. (VETOED)

Art. 12. The judge, ex officio, at the request of the Public Prosecutor's Office or by representation of the police delegate, having heard the Public Prosecutor's Office in twenty-four hours and having sufficient evidence of the crime provided for in this Law, may decree, in the course of the investigation or criminal proceedings, measures to guarantee property, rights, or values of the person investigated or accused, or

on behalf of interposed persons, which are an instrument, product, or profit of the crimes provided for in this Law.

Paragraph 1. The early disposal shall be conducted to preserve the value of the assets whenever they are subject to any degree of deterioration or depreciation, or when there is difficulty in maintaining them.

Paragraph 2. The judge shall determine the release, in whole or in part, of the goods, rights, and values when the lawfulness of their origin and destination is proved, while maintaining the constriction of the goods, rights, and values necessary and sufficient for the reparation of damages and the payment of monetary benefits, fines, and costs arising from the criminal offense.

Paragraph 3. No request for release shall be known without the personal appearance of the accused or of a person referred to in the **head provision** of this article, and the judge may determine the practice of acts necessary for the preservation of property, rights, or values, without prejudice to the provisions of paragraph 1.

Paragraph 4. Insurance measures may be decreed on property, rights, or values to repair the damage resulting from the previous criminal offense or the offenses provided for in this Law or for payment of pecuniary benefit, fine and, costs.

Art. 13. When circumstances advise, the judge, after hearing the Public Prosecutor's Office, shall appoint an individual or legal entity qualified for the administration of the property, rights, or values subject to security measures through means of a commitment.

Art. 14. The person responsible for the administration of the property:

I - shall be entitled to a compensation, fixed by the judge, which shall preferably be satisfied with the proceeds of the assets subject to administration;

II - provide, by judicial determination, periodic information on the situation of the assets under his/her/its administration, as well as explanations and details on investments and reinvestments made.

Sole paragraph. The acts regarding the administration of the assets shall be brought to the attention of the Public Prosecutor's Office, which shall require whatever it deems fit.

Art. 15. The judge will determine security measures on property, rights, or values arising from crimes described in this Law practiced abroad, in the event of the existence of an international treaty or convention and at the request of a competent foreign authority.

Paragraph 1. The provisions of this article apply when there is reciprocity of the government of the country of the requesting authority, regardless of treaty or international convention.

Paragraph 2. In the absence of a treaty or convention, the assets, rights, or values subject to insurance measures at the request of a competent foreign authority or the resources arising from their disposal shall be divided between the requesting state and Brazil, in half, subject to the right of the injured government or a bona fide third party.

Art. 16. The provisions of [Law nº 12,850 of August 2nd, 2013](#) apply to the investigation, prosecution, and trial of the crimes provided for in this Law.

Art. 17. The provisions of [Law nº 8,072 of July 25th, 1990](#) apply to the crimes provided for in this Law.

Art. 18. Item III of article 1 of [Law nº 7,960 of December 21st, 1989](#), comes into force added of the following subitem *p*:

"Art. 1.

.....

III -

.....

p) crimes provided for by the Terrorism Law." (NR)

Art. 19. Article 1 of [Law nº 12,850 of August 2nd, 2013](#) comes into force with the following amendment:

"Art. 1.

.....

Paragraph 2.

.....

II - terrorist organizations, understood as those aimed at the practice of legally defined acts of terrorism." (NR)

Art. 20. This Law comes into force on the date of its publication.

Brasilia, March 16th, 2016; 195th of Independence and 128th of the Republic.

DILMA

Wellington

Nelson Barbosa

Nilma Lino Gomes

César

Lima

e

ROUSSEFF

Silva

This text does not replace the one published in the Federal Gazette of 3.17.2016 - Extra edition and [rectified on 3.18.2016](#)