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Law Enforcement Act

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Amended by the following acts

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17.12.2014	RT I, 31.12.2014, 2	10.01.2015
11.02.2015	RT I, 12.03.2015, 1	01.01.2016
18.02.2015	RT I, 23.03.2015, 4	01.07.2015

Chapter 1 General Provisions

§ 1. Scope of application of Act

(1) This Act provides for the general principles of, bases for and organisation of the protection of public order (hereinafter *law enforcement*).

(2) The provisions of the Administrative Procedure Act shall apply to administrative proceedings provided for in this Act, taking account of the specifications arising from this Act.

(3) Upon applying a measure of state supervision based on a specific law, a law enforcement agency shall proceed from the provisions of the specific law, adhering to the principles of this Act. In cases not regulated by the specific law, the provisions of the Law Enforcement Act shall be proceeded from.

(4) The functions and activity of a law enforcement agency in offence proceedings have been provided for in the Code of Criminal Procedure and in the Code of Misdemeanour Procedure. The choice of the legal basis of the activity between state supervision proceedings and offence proceedings shall be determined by the objective goal of the measure.

(5) This Act shall not be applied to the activity of security authorities in the performance of functions arising from the Security Authorities Act, except for the obstruction of a criminal offence.

(6) This Act shall not be applied to the activity of the Defence Forces in the military defence of the state, in the preparation of military defence, in the performance of an international military obligation or in ensuring security in the security area of the Defence Forces.

[RT I, 12.03.2015, 1 - entry into force 01.01.2016]

(7) This Act shall not be applied to the exercise of supervision by an administrative authority over the lawfulness and expediency of the activity of another administrative authority or to the exercise of supervision by a public administrative authority over the lawfulness and expediency of the performance of an administrative function by another public administrative authority.

(8) This Act shall not be applied:

1) by an administrative authority in proceedings pertaining to the grant of an activity licence, building permit, environmental permit or other permit;

2) by an administrative authority in proceedings pertaining to the grant of a benefit granted to a person by an alleviating administrative act at the person's request.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(9) This Act shall not be applied to the activities of the prison service in the organisation of the execution of imprisonment and custody pending trial of prisoners and persons in custody, or to the activities of the Police and Border Guard Board in the execution of detention of detained persons and during the stay of persons in custody in a house of detention.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 2. Law enforcement and state supervision

(1) Law enforcement means the prevention of a threat endangering public order (hereinafter *threat*), ascertainment of a threat in the case of a suspicion of a threat, countering of a threat and elimination of a breach of public order (hereinafter *disturbance*).

(2) Law enforcement is the responsibility of a person liable for public order.

(3) If no liable person exists or if his or her activity is not sufficient or purposeful for another reason, law enforcement is the responsibility of a competent law enforcement agency.

(4) State supervision is the activity of a law enforcement agency with the aim of preventing a threat, ascertaining and countering a threat or eliminating a disturbance.

§ 3. International cooperation

(1) Under an international agreement or legislation of the European Union a competent administrative authority of another state or a competent authority of the European Union may be involved in ensuring public order on the territory of the Republic of Estonia. The involvement of an official of a competent authority of another state in the activities of a law enforcement agency is decided by the relevant minister unless otherwise provided by the international agreement or legislation of the European Union. On the territory of the Republic of Estonia the involved authority has the competence and powers provided by the legislation of the European Union or international agreement.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(1¹) An official of a competent authority of another state who engages in the activities of the police may apply the measures provided by sections 30, 32, 39, 46, 47 and 49 of this Act on the territory of the Republic of Estonia unless otherwise provided by law, an international agreement or legislation of the European Union.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(2) Under an international agreement or legislation of the European Union an Estonian law enforcement agency may be involved in ensuring public order on the territory of another state. On the territory of the other state the Estonian law enforcement agency has the competence and powers provided by the international agreement or legislation of the European Union.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 4. Public order

(1) Public order is a state of society in which the adherence to legal provisions and the protection of legal rights and persons' subjective rights are guaranteed.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(2) The adherence to the provisions of private law and the protection of a person's subjective rights and legal rights are part of public order insofar as judicial legal protection is not possible in a timely manner, and without an interference by a law enforcement agency exercise of a right is impossible or significantly complicated, and to counter a threat is in the interests of public order.

§ 5. Threat to public order and disturbance

(1) Disturbance is a violation of a legal provision within the area of protection of public order or of a person's subjective right, or damage to a legal right.

(2) Threat is a situation where based on an objective assessment of the circumstances which have appeared it can be deemed likely enough that a disturbance will occur in the near future.

(3) Significant threat is a threat to a person's health, proprietary benefit of significant value, the environment, or a threat of the commission of a criminal offence not specified in subsection (4) of this section.

(4) Serious threat is a threat to a person's life, physical inviolability, physical liberty or proprietary benefit of great value, or a threat of the occurrence of a serious environmental damage, or a threat of the commission

of a criminal offence in the first degree provided for in Chapter 15 of the Penal Code or of a criminal offence provided for in Chapter 22 of the Penal Code. Within the meaning of this Act, an infringement of physical inviolability is a severe violation of the right of sexual self-determination or causing of serious damage to health.

(5) Immediate threat is a situation where a disturbance is already taking place or there is a great probability that it is about to take place.

(6) Suspicion of a threat is a situation where on the basis of an objective assessment of circumstances which have appeared the probability that a disturbance is taking place cannot be deemed sufficient but in the case of which there is reason to believe that a disturbance cannot be excluded.

(7) Prevention of a threat is that part of law enforcement where there is no suspicion of a threat but where a situation in the occurrence of which a suspicion of a threat or a threat will arise can be deemed possible. Prevention of a threat is, inter alia, the collection, exchange and analyse of information, and the planning and execution of actions as well as the application of measures of state supervision for countering threats possibly endangering public order in the future, including the prevention of offences.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(8) In classifying the types of threat under subsections (3) and (4) of this section, proprietary benefit is assessed as follows:

- 1) proprietary benefit of significant value exceeds ten times the applicable minimum wage per month;
- 2) proprietary benefit of great value exceeds a hundred times the applicable minimum wage per month.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 6. Law enforcement agency

(1) A law enforcement agency is an authority, body or person authorised by law or a regulation to perform the function of state supervision.

(2) If the ascertainment and countering of a threat or the elimination of a disturbance is not within the competence of any other law enforcement agency, it is within the competence of the police.

[RT I, 12.07.2014, 1 – entry into force 13.07.2014]

(3) If a competent law enforcement agency is unable or is unable in a timely manner to counter a significant or a serious immediate threat or eliminate a disturbance, the police shall apply urgent measures on the basis of this Act (urgent competence) and notify the competent law enforcement agency immediately. The police shall apply urgent measures for countering an immediate threat or eliminating a disturbance if this does not constitute an excessive obstruction of the performance of the functions of the police.

[RT I, 12.07.2014, 1 – entry into force 13.07.2014]

(4) The urgent competence of the police expires when the circumstances which prevented the competent law enforcement agency from applying measures cease to exist. The competent law enforcement agency may terminate the measure applied by the police or apply a new measure. The police have the right to obtain from the competent law enforcement agency information about measures applied.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(5) If the prevention, ascertainment and countering of a threat or the elimination of a disturbance are not within the competence of a law enforcement agency, it shall forward a notification concerning a need to apply a measure to a competent law enforcement agency (supervision proposal).

(6) On the basis of and pursuant to the procedure for the provision of professional assistance prescribed in the Administrative Cooperation Act, the police render assistance to another law enforcement agency in the execution of an administrative act within state supervision if the execution constitutes application of direct coercion.

§ 7. Principle of proportionality

In the performance of state supervision a law enforcement agency shall adhere to the following principles:

- 1) out of several suitable and necessary state supervision measures a law enforcement agency shall apply the one which will presumably harm a person as well as the public the least;
- 2) a law enforcement agency shall apply only such a state supervision measure that is proportional, taking account of the aim pursued by the measure and the situation requiring urgent application; and
- 3) a law enforcement agency shall apply a state supervision measure only as long as its aim has been achieved or until it can no longer be achieved.

§ 8. Principle of expediency

In the performance of state supervision a law enforcement agency shall act purposefully and efficiently, and within the limits of lawful discretion shall apply state supervision measures flexibly.

§ 9. Protection of rights and guarantee of human dignity

Persons' fundamental rights and other subjective rights may be restricted in state supervision proceedings only pursuant to law. In state supervision proceedings a person shall be treated without defamation and without degrading his or her human dignity.

§ 10. Cooperation between law enforcement agencies

(1) Law enforcement agencies shall cooperate, including gather and exchange information necessary for the performance of state supervision and make proposals for the more expedient performance of state supervision.

(2) The extent of cooperation shall be determined by law or a regulation.

§ 11. Explanation obligation of law enforcement agency

(1) An official who is about to apply a state supervision measure shall identify himself or herself in a clear manner to a person in respect of whom he or she is planning to apply the measure, present at the person's request a document certifying his or her authority (identification), and provide at the person's request explanations concerning the measure to be applied and circumstances specified in section 36 of the Administrative Procedure Act.

(2) An official may postpone the fulfilment of the obligation specified in subsection (1) of this section as long as it is unavoidably necessary for countering an immediate threat.

(3) An official shall not have the obligation specified in subsection (1) of this section if the fulfilment thereof is not possible due to the nature or purpose of the measure being applied.

§ 12. Maintenance of records of application of state supervision measure and reporting

(1) The application of a state supervision measure shall be recorded in the minutes on the basis of and pursuant to the procedure provided for in section 18 of the Administrative Procedure Act, taking account of the specifications provided for in this Act. If a measure is recorded in the minutes, the person with regard to whom the measure has been applied shall be given, on his or her demand, a copy of the minutes at the first opportunity.

(2) If substitutive enforcement is used in the application of a state supervision measure, the substitutive enforcement shall be recorded in the minutes pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act.

(3) If direct coercion is used in the application of a state supervision measure, the minutes of the application of the measure shall set out, in addition to the information provided for in the Administrative Procedure Act, the direct coercive equipment applied, the official who applied the coercive measure, and the person, animal or thing with regard to whom or which the direct coercion has been applied. Upon the application of direct coercion against a crowd, the names of the persons with regard to whom the direct coercion has been applied shall be set out, if possible. The use of direct coercion with regard to a crowd shall be video recorded, if possible, and the recording shall be preserved on the same bases as the minutes of the application of the measure.

(4) If a weapon or special equipment is used in the application of a state supervision measure, it is mandatory to record the measure in the minutes.

(5) The Police and Border Guard Board and another law enforcement agency specified by the Government of the Republic shall prepare and publish on its website no later than on the 10th day of every month a report containing a statistical overview of the following during the calendar month preceding the calendar month in which the Police and Border Guard Board or another law enforcement agency filed the report:

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

- 1) the application of a state supervision measure provided for in this Act or other Act;
- 2) the implementation of administrative coercive measures in the application of a measure;
- 3) the application of direct coercion in the application of a measure; and
- 4) the number of persons subjected to the application of a measure.

(6) The form of the report provided for in subsection (5) of this section and the list of state supervision measures to be included therein as well as the list of law enforcement agencies subject to the reporting obligation shall be established by the Government of the Republic by a regulation.

§ 13. Basis for processing personal data

A law enforcement agency may process personal data in state supervision proceedings on the basis of and pursuant to the procedure provided for in the Personal Data Protection Act, taking account of the specifications provided for in this Act.

§ 14. Person's right to assistance from law enforcement agency and to participate in law enforcement

Every person has the right to:

- 1) assistance from a law enforcement agency, within the limits of its competence, in the prevention or countering of a threat or elimination of a disturbance for which he or she is not liable pursuant to section 15 of this Act if refusal to assist would be unlawful;
- 2) participate in law enforcement by way of civic initiative by applying ways of participation provided by law;
- 3) exercise self-defence, detain a person apprehended upon the commission of a criminal offence and take him or her to the police, and for the purposes of law enforcement apply other means provided by law.

§ 15. Person liable for public order

(1) A person liable for public order is a person who has caused a suspicion of a threat or a threat, violates public order or has caused the possibility of the occurrence of a situation in the case of which there will be a threat or a suspicion of a threat.

(2) If the person liable for public order is less than 14 years of age or an adult with restricted active legal capacity, then law enforcement is the responsibility of his or her guardian or other legal representative solidarily with the said person.

(3) If pursuant to section 132 of the General Part of the Civil Code Act another person is liable for the behaviour of the person liable for public order, then law enforcement is the responsibility of the said person solidarily with the person liable for public order.

(4) As regards an animal or thing, law enforcement is the responsibility of the owner of the animal or thing, or in the case of an abandoned animal or thing, the previous owner thereof.

(5) A person with actual control over the animal or thing is responsible for law enforcement solidarily with the owner.

(6) A person with actual control over the animal or thing is solely responsible for law enforcement if he or she has obtained the actual control over the animal or thing against the owner's will or without the owner's will. The same shall apply if he or she has presented to a competent law enforcement agency a joint application with the owner regarding the obtainment of the actual control.

(7) A legal successor of a person is also responsible for law enforcement unless it is an obligation inseparably bound to the person.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 16. Mandatory involvement in law enforcement of person other than person liable for public order

(1) A law enforcement agency may require a person, who is not a person liable for public order and whose obligation to counter a threat or eliminate a disturbance does not arise from another Act or a contract under public law, to counter a threat or eliminate a disturbance or give to the disposal of the law enforcement agency an object necessary for countering the threat or eliminating the disturbance if he or she is able to counter the threat or eliminate the disturbance or if the object necessary for countering the threat or eliminating the disturbance is in his or her possession and if:

- 1) the threat is immediate and serious;
- 2) the person liable for public order does not exist or the person liable is unable to counter the threat or eliminate the disturbance in a timely manner or it is not sufficiently effective;

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

3) the law enforcement agency itself or with the assistance of a voluntarily involved person is unable to counter the threat or eliminate the disturbance in a timely manner or sufficiently effectively; and

4) the involvement does not cause a disproportionately great threat to the person involved or to his or her property and is not in contradiction with other obligations, arising from the law, of the person involved.

(2) In the case provided for in subsection (1) of this section, a person other than a person liable for public order shall be permitted to be involved only insofar as this is inevitably necessary for countering a threat or eliminating a disturbance.

§ 16¹. Involvement of Defence Forces and Defence League in protection of public order

(1) For the purpose of ensuring public order, the Defence Forces and the Defence League may be involved in the performance of the following functions:

- 1) prevention or obstruction of criminal offences specified in §§ 237, 246 and 266 of the Penal Code;
- 2) prevention or obstruction of an attack against national defence objects;
- 3) prevention or obstruction of an illegal crossing of the state border or a temporary control line, including upon temporary restriction on or suspension of crossing of the state border in the cases specified in § 17 of the State Borders Act and upon introduction of border checks and border control at the internal border in the cases specified in § 11³ of the State Borders Act.

(2) The involvement of the Defence Forces or the Defence League in the performance of the functions specified in subsection (1) of this section shall be decided by an order of the Government of the Republic with the consent of the President of the Republic.

(3) A proposal to the Government of the Republic to involve the Defence Forces or the Defence League in the performance of the functions specified in subsection (1) of this section shall be made by the minister responsible for protection of public order. The proposal shall be approved beforehand by the minister responsible for organisation of national defence.

(4) The Defence Forces or the Defence League may be involved in the performance of the functions specified in subsection (1) of this section for no longer than 30 days as of the date of the decision. In the case provided for in this subsection the Government of the Republic may not decide to involve the Defence Forces or the Defence League again in resolving the same case.

(5) The Defence Forces or the Defence League may be involved in the performance of the functions specified in subsection (1) of this section only if the relevant authority cannot perform this function in a timely manner or at all and there are no other means for performing the function.

(6) An order issued on the basis of subsection (2) of this section shall set out:

- 1) the function in the performance of which the Defence Forces or the Defence League are involved;
- 2) the number or maximum number of servicemen or active members of the Defence League participating in the performance of the function;
- 3) the term of involvement of the Defence Forces or the Defence League;
- 4) the territory where the Defence Forces or the Defence League shall perform their function;
- 5) the official or officials to whom the servicemen or active members of the Defence League participating in the performance of the function are subordinated;
- 6) if necessary, other conditions.

[RT I, 12.03.2015, 1 - entry into force 01.01.2016]

§ 16². Procedure for involvement of Defence Forces and Defence League in protection of public order

(1) An order issued on the basis of § 16¹(2) of this Act shall be promptly presented to the Commander of the Defence Forces or the Commander of the Defence League who shall subordinate a unit of the Defence Forces or of the Defence League, through the head of the unit, in issues related to the performance of the functions specified in § 16¹(1) of this Act to the official appointed by the Government of the Republic.

(2) The Board of the Riigikogu and the chairman of the National Defence Committee of the Riigikogu shall be immediately notified of an order issued under § 16¹(2) of this Act.

(3) A serviceman or an active member of the Defence League shall wear a uniform together with a safety jacket while performing the functions specified in § 16¹(1) of this Act. The safety jacket and a vehicle of the Defence Forces or the Defence League used shall be clearly designated. The minister responsible for the field may make exceptions to wearing a uniform and a safety jacket and to designating the vehicle if this is necessary for ensuring the safety of the involved person.

(4) The description and the requirements for using a safety jacket and designation and the exceptions to wearing a uniform and a safety jacket provided for in subsection (3) of this section shall be established by a regulation of the minister responsible for the field.

(5) In the performance of the functions specified in § 16¹(1) of this Act, a serviceman and an active member of the Defence League may apply direct coercion on the bases and pursuant to the procedure provided for in Chapter 5 of this Act.

(6) In the performance of the functions specified in § 16¹(1) of this Act only servicemen and active members of the Defence League who have completed the relevant training for the performance of the function may be involved.

[RT I, 12.03.2015, 1 - entry into force 01.01.2016]

Chapter 2 Prevention of Offences

§ 17. Prevention of offences

The prevention of offences is an activity the purpose of which is the avoidance of offences and other disturbances, the reduction of the effect of factors favouring offences, and the guarantee of public order.

§ 18. Measures for preventing offences

Measures for preventing offences are:

- 1) social and educational prevention measures—reduction of the effect of factors giving rise to offences primarily by means of social, education, family, youth, cultural, alcohol and narcotics policy;
- 2) prevention measures of circumstances—influencing of persons with a tendency to commit offences or of criminogenic situations, and monitoring of criminogenic locations;
- 3) measures for eliminating consequences—activity for avoiding the commission of repeated violations by persons who have committed offences and for protecting legal order as well as for contributing to the compensation for damage caused by offences.

§ 19. Duties of state in prevention of offences

- (1) The prevention work at the state level shall be organised by the Government of the Republic through the offence prevention council and ministries and authorities within their area of government.
- (2) Ministries shall ensure in their respective areas of government in the planning and implementation of every relevant decision and activity the assessment of the effect thereof on prevention of offences.
- (3) [Omitted – RT I, 13.03.2014, 4 – entry into force 01.07.2014]
- (4) [Omitted – RT I, 13.03.2014, 4 – entry into force 01.07.2014]
- (5) [Omitted – RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 20. Offence prevention council

- (1) The offence prevention council (hereinafter the *Council*) is a government committee whose duty is to:
 - 1) co-ordinate the prevention of offences and set the objectives of the national criminal policy;
 - 2) form a punishment policy for the purposes of preventing offences;
 - 3) raise issues pertaining to the criminal policy and provide the minister responsible for the field with an opinion on the most important decisions of the criminal policy before the decisions are submitted to the Government of the Republic;
 - 4) consult local governments on prevention work.
- (2) The Council comprises the ministers responsible for the field and the representatives of other related fields, including the representatives of relevant authorities.
- (3) The Council may involve other experts in its working groups.
- (4) The carriage of affairs of the Council shall be organised by the Ministry of Justice.
- (5) The number of the members of the Council and the rules of procedure of the Council shall be established by a regulation of the Government of the Republic.
- (6) Interim and permanent working groups may be set up with the Council.
- (7) The specific rules of procedure and tasks of interim and permanent working groups set up with the Council shall be established and the members thereof shall be determined by a directive of the minister responsible for the field.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 21. Civil courage award

- (1) The Offence Prevention Council confers the civil courage award for preventing a criminal offence or for hindering the commission thereof, for detaining a person apprehended upon the commission of a criminal offence or immediately after while attempting to escape, for helping a victim of a criminal offence and for other significant contribution to increasing the sense of security of people.

(2) The establishment of the civil courage award, its description and the procedure for applying for the award shall be provided by the statute of the award.

(3) The statute of the civil courage award shall be established by a regulation of the minister responsible for the field. The draft regulation shall be coordinated with the Government Office.

(4) Civil courage awards shall be conferred in accordance with the statute of the award.

§ 22. Financing of prevention of offences

(1) The prevention of offences at the state level shall be financed from the state budget through relevant ministries.

(2) The prevention of offences at the local government level shall be financed from the local government budget.

Chapter 3 State Supervision Measures

Division 1 General Provisions

§ 23. Principles concerning application of state supervision measure

(1) Unless otherwise prescribed by law, state supervision measures provided for in this Chapter may only be applied to a person liable for public order.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(2) The state supervision measures provided for in sections 26, 30, 32, 34, 35¹ and 44 and in clauses 47 (1) 1), 3) and 4) of this Act may also be applied to a person whom there is no reason to deem a person liable for public order.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(3) A person is required to tolerate state supervision measures applied to him or her on the basis of and pursuant to the procedure provided by law.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(4) For ensuring the performance of the obligation specified in subsection (3) of this section, a law enforcement agency has the right to issue a precept to a subject of supervision and apply penalty payment on the basis of and pursuant to the procedure provided by the Substitutive Enforcement and Penalty Payment Act. The upper limit of penalty payment is 9600 euros unless otherwise provided by a specific law.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 24. Application of special state supervision measure by law enforcement agency for prevention of threat

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(1) A law enforcement agency is permitted to apply special state supervision measures for the prevention of a threat if a situation in the occurrence of which a threat will arise can be deemed possible on the basis of a threat prognosis.

(2) A threat prognosis must be based on facts or the scientific or technical knowledge of the law enforcement agency or the obligation to exercise supervision arising from the legislation of the European Union, and adhere to the principle of equal treatment.

(3) Special state supervision measures may only be applied for the prevention of threats to the extent necessary for ensuring the compliance with the requirements provided by and on the basis of the law and arising from an international agreement or the legislation of the European Union.

(4) A law enforcement agency which has prepared a threat prognosis shall constantly and at least once a year assess whether the threat prognosis is up to date and make amendments thereto, if necessary.

(5) A threat prognosis may be prepared in writing. A written threat prognosis shall be approved by the head of the law enforcement agency or a person authorised thereby.

[RT I, 12.07.2014, 1 – entry into force 13.07.2014]

(6) Direct coercion may not be applied for the prevention of a threat unless it is necessary for the prevention of a significant or serious threat. Compelled attendance may not be applied upon the failure to appear when summoned.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 25. Application of state supervision measure by law enforcement agency for ascertainment of threat on the basis of authorisation of relevant minister

(1) On the basis of a prior authorisation of the relevant minister the police or, in the cases provided by law, another law enforcement agency may apply, in the case of a threat or for the ascertainment of a serious threat, the special state supervision measures specified in sections 33, 37, 45, 47, 49 and 52 of this Act with regard to a person whom there is no reason to deem a person liable for public order.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(2) For the ascertainment of a threat endangering a person's life or physical inviolability, or for detaining a person or for hindering his or her escape if he or she may be deprived of liberty pursuant to law or if he or she has been deprived of liberty pursuant to law in connection with a violent criminal offence in the first degree or with a criminal offence for which life imprisonment may be imposed as a punishment, the police may apply, with the prior authorisation of the minister responsible for the field, with regard to a person specified in subsection (1) of this section the special state supervision measures specified in sections 48 and 50 of this Act in addition to those specified in subsection (1) of this section.

(3) In the cases of urgency, the application of a special measure provided for in subsections (1) and (2) of this section with regard to a person specified in subsection (1) of this section may be decided by the head of a law enforcement agency without the authorisation specified in subsections (1) and (2) of this section. The head of the law enforcement agency shall be required to immediately, but no later than within 24 hours after making the decision to apply the measure, inform of the special measure applied the relevant minister who shall decide the justifiability of the special measure or the grant of an authorisation to continue with the special measure.

(4) The authorisation specified in subsections (1) and (2) of this section shall be prepared in writing and it shall set out:

- 1) the special measures the application of which is permitted with regard to persons specified in subsection (1) of this section;
- 2) the law enforcement agency which is granted the authorisation for the application of special measures;
- 3) the period of time during which the special measures may be applied with regard to a person specified in subsection (1) of this section and which generally may not exceed 48 hours;
- 4) the territory on which the special measures may be applied with regard to a person specified in subsection (1) of this section.

(5) In the case of urgency, the relevant minister may grant the authorisation specified in subsections (1) and (2) of this section orally, but it shall be prepared in writing within 24 hours.

(6) The relevant ministry shall disclose on its website immediately after the expiry of the period of time set out in the authorisation of the relevant minister, but no later than within two working days, the information regarding the basis for, the time and the territory of the application of special state supervision measures under subsections (1) through (3) of this section, and regarding the number of persons subjected to the application of the special state supervision measure and the results of the application of the special measures.

(7) The information specified in subsection (6) of this section shall be available on the website of the relevant ministry for at least 20 days as of the publication thereof.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

Division 2 General State Supervision Measures

§ 26. Notification

(1) Within its competence, a law enforcement agency shall have the right to perform acts whereby the public or a person is notified of the prevention of a threat, a suspicion of a threat, a threat or a disturbance (notices, recommendations, and warnings).

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(2) Disclosure of personal data is only permitted in such a case and to such an extent it is unavoidably necessary for the notification of a suspicion of a threat, of a threat or a disturbance.

(3) If a law enforcement agency notifies the public or a person of a suspicion of a threat and the suspicion of a threat does not prove to be justified, the law enforcement agency shall be required to disclose a notification in the same form and extent about the lack of a threat if this is requested by a person whose rights were harmed by the notification or if there is a substantial public interest.

(4) If, by a prior agreement with a competent law enforcement agency, a person liable for public order notifies a person or the public himself or herself of a suspicion of a threat, of a threat or a disturbance in the form and to the extent specified by the agreement, the law enforcement agency shall have the right provided for in subsection (1) of this section only if new substantial circumstances become evident.

§ 27. State supervision in case of suspicion of threat

In the case of a suspicion of a threat, a competent law enforcement agency shall have the right to apply measures prescribed by law for ascertaining the existence of a threat.

§ 28. Precept and application of administrative coercive measure

(1) In the case of a threat or disturbance, a competent law enforcement agency shall have the right to impose by a precept on a person liable for public order an obligation to counter the threat or eliminate the disturbance, and to caution him or her against the application of the administrative coercive measures specified in subsection (2) or (3) of this section if the person fails to fulfil the obligation within the period of time specified in the caution.

(2) If the person liable for public order fails to comply with the precept specified in subsection (1) of this section in a timely manner, it may be enforced by the means and pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act. Another person may be required to carry out substitutive enforcement only on the preconditions provided for in section 16 of this Act. The upper limit of penalty payment for each imposition thereof is provided for in a specific law of state supervision. In cases not provided by law, the upper limit of penalty payment for each imposition thereof shall be 9600 euros.

(3) If the enforcement of a precept specified in subsection (1) of this section by the means provided for in the Substitutive Enforcement and Penalty Payment Act is impossible or ineffective, and the compliance with the precept can be achieved by direct coercion, direct coercion may be applied to the enforcement of the precept on the bases of and pursuant to the procedure provided by law.

(4) If the prerequisites provided for in subsections 12 (1) through (3) of the Substitutive Enforcement and Penalty Payment Act or in subsection 76 (2) or subsection 78 (4) of this Act have been fulfilled, a threat may be countered or a disturbance may be eliminated pursuant to the procedure provided for in subsection (2) or (3) of this section without issuing a precept or a caution specified in subsection (1) of this section, and without issuing an enforcement order.

§ 29. Countering of threat or elimination of disturbance by law enforcement agency

(1) If a person liable for public order does not exist or if the person is unable or is unable in a timely manner to counter a threat or eliminate a disturbance, a law enforcement agency itself may apply measures for countering a threat or eliminating a disturbance by using, if necessary, professional assistance or by involving other persons.

(2) If possible, a law enforcement agency shall immediately notify the person liable for public order of the application of a measure specified in subsection (1) of this section.

(3) Another person may only be required to counter a threat or eliminate a disturbance on the preconditions provided for in section 16 of this Act.

Division 3

Special State Supervision Measures

Subdivision 1

Special State Supervision Measures Regarding Processing of Personal Data

§ 30. Questioning and requiring of documents

(1) The police or, in the cases provided by law, another law enforcement agency may stop a person and question him or her if there is reason to believe that the person has information necessary for preventing, ascertaining or countering a threat or for eliminating a disturbance or for guaranteeing the safety of a safeguarded person or object, and preventing, ascertaining and countering that threat and eliminating that disturbance and safeguarding the person or object is in the competence of the law enforcement agency conducting the questioning.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(2) Questioning shall be recorded in a report if the person questioned requests it or if it is deemed necessary by the law enforcement agency. If the law enforcement agency deems it necessary, the person questioned may give explanations in writing autographically.

(3) The police or, in the cases provided by law, another law enforcement agency may require a person to present his or her documents if there is reason to believe that the person has information necessary for preventing, ascertaining or countering a threat or for eliminating a disturbance or for guaranteeing the safety of a safeguarded person or object, and preventing, ascertaining and countering that threat and eliminating that disturbance and safeguarding the person or object is in the competence of the law enforcement agency requiring the presentation of the documents.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(4) Requiring and receipt of documents by a law enforcement agency shall be recorded or documented pursuant to the general administration procedure of the law enforcement agency. If the documents are required and examined on site, the measure shall be recorded at the request of the person subjected to the application thereof.

(5) Questioning and requiring the presentation of documents for the prevention of a threat is not permitted in the case of information and documents which can be obtained from a database established on the basis of the law, except in the case the information cannot be obtained from the database for reasons irrespective of the law enforcement agency. The restriction specified in this section also applies to information which the law enforcement agency can obtain free of charge from the relevant database of another Member State of the European Union or for a charge if the person confirms in a format which can be reproduced in writing that he or she will cover the costs of obtaining the said information.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 31. Summons and compelled attendance

(1) The police or, in the cases provided by law, another law enforcement agency may summon a person to its office if there is reason to believe that the person has information necessary for preventing, ascertaining or countering a threat or for eliminating a disturbance, and the prevention, ascertainment and countering of that threat or the elimination of that disturbance is in the competence of the law enforcement agency which issued the summons.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(2) Section 17 of the Administrative Procedure Act shall apply to a summons, taking account of the specifications in this Act. If the prerequisite specified in subsection (4) of this section exists, the summons shall include a caution that in the case the person fails to appear, compelled attendance may be applied with regard to him or her.

(3) If a person summoned who has received a summons fails to appear without good reason at the time set out in the summons at the place set out in the summons, penalty payment may be applied with regard to him or her.

(4) Compelled attendance may be applied with regard to a person if there is reason to believe that the person has significant information necessary for countering a serious threat.

(5) Compelled attendance with regard to a person who has failed to appear after being summoned by the police shall be executed by the police. In the case of a summons issued by another law enforcement agency, compelled attendance shall be executed by the police by way of professional assistance.

(6) A person with regard to whom compelled attendance is applied shall be immediately given an opportunity to inform a person close to him or her and his or her representative of the deprivation of his or her liberty. In the case of the compelled attendance of a minor, the law enforcement agency which executed the compelled attendance shall immediately inform thereof a parent or another legal representative or the local government.

(7) The state supervision measure for which compelled attendance is applied to a person shall be applied immediately. If the application of compelled attendance with regard to a person immediately prior to the application of the measure is not possible, the person may be detained but for no more than 12 hours.

(8) Upon the application of compelled attendance a person shall be taken to the law enforcement agency which sent the summons. If it is not possible to take the person to the law enforcement agency which sent the summons during the application of compelled attendance, the provisions of Chapters 4 and 7 of the Imprisonment Act shall be applied in detaining the person under this section. While detaining a person with regard to whom compelled attendance is applied he or she shall be segregated from other persons detained on other grounds.

(9) Upon compelled attendance, direct coercion may be used insofar as it is unavoidable for the achievement of the objective.

(10) The police or, in the cases provided by law, another law enforcement agency may summon a person to its office for the prevention of a threat if it is not possible to apply the measure provided for in section 30 of this Act in another manner which is less burdensome on the person.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 32. Establishment of identity

(1) The police or, in the cases provided by law, another law enforcement agency may, with the knowledge of the person, establish identity on the basis of a valid identity document, that means ascertain the person's name and personal identification code or in the absence of the latter the date of birth, examine the document, compare the photograph and other biometric data in the document with the person, and verify the authenticity of the document, or if this is not possible, establish identity in another legal manner if it is necessary for preventing, ascertaining or countering a threat or for eliminating a disturbance.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(2) For the establishment of identity, the police or, in the cases provided by law, another law enforcement agency shall have the right to stop a person and require him or her to present a document specified in subsection (1) of this section, to obtain statements enabling the establishment of identity, including information on the person's place of residence, and to obtain biometric data for the comparison specified in subsection (1) of this section.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(3) Upon the establishment of identity, a law enforcement agency may require from a person the presentation of a document in proof of a special right if pursuant to a legislation the person is required to carry with him or her such a document.

(4) A law enforcement agency may verify the authenticity of the data entered in the document or given by a person from the population register or from another database established under the legislation of the European Union or another Act.

(5) Upon the establishment of identity, direct coercion may be used insofar as it is unavoidable for the achievement of the objective.

(6) A law enforcement agency shall have the right to take a person to its office for the establishment of identity if it is necessary in the case of an immediate threat or for ascertaining or countering a significant threat.

(7) If a person is taken to an office for the establishment of identity, the law enforcement agency shall be required, after the establishment of identity, to take the person at his or her request back to the point of departure or to his or her place of residence or lodging, if it is within the same local government unit.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(8) If for the establishment of identity a minor is taken to a law enforcement agency, the law enforcement agency shall be required to immediately notify thereof a parent or another legal representative or the local government.

(9) If it is impossible to immediately establish the identity of a person detained in the course of a mass disorder, the police have the right, for the purposes of later establishment of identity, to use the means which enable identification together with recording in a manner which does not offend human dignity.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(10) The Police and Border Guard Board may disclose the personal data of a person who has participated in a mass disorder if it is necessary for the purposes of establishing identity and the identity could not be established in another manner which is less burdensome on the person.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 33. Establishment of identity by way of special establishment measure

(1) The police or, in the cases provided by law, another law enforcement agency may establish identity by way of a special establishment measure if it is unavoidably necessary for countering a threat, if the establishment of identity under section 32 of this Act is not possible or if it is disproportionately complicated.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(2) A special establishment measure is:

1) fingerprinting;

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

2) photographing or filming of a person or a part of his or her body;

3) taking of a DNA sample;

4) ascertainment of another external physical characteristic, including measuring;

5) ascertainment of dental occlusion and dentition;

6) recording of a voice sample;

7) taking of a handwriting sample;

8) ascertainment of the eye iris image;

9) taking of a footwear print and comparison thereof with the data known to the law enforcement agency.

(3) A law enforcement agency may claim the comparative samples necessary for the application of a special establishment measure from a person in whose case there is reason to believe that he or she possesses them.

(3¹) The police or, in the cases provided by law, another law enforcement agency may take a person to its office for the establishment of identity by way of a special establishment measure if the application of the special establishment measure on site is not possible.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(4) For the application of a special establishment measure, direct coercion may be used insofar as it is unavoidable for the achievement of the objective.

(5) The procedure for the application of a special establishment measure shall be established by the minister responsible for the field by a regulation.

§ 34. Processing of personal data by using monitoring equipment

(1) For ascertaining and countering a threat or for eliminating a disturbance, the police or, in the cases provided by law, another law enforcement agency may use, for monitoring events taking place in a public place, monitoring equipment which forwards images or records.

(2) A recording made with monitoring equipment shall be preserved for at least one month after the date of recording but for no longer than one year, unless otherwise provided by law.

(3) A law enforcement agency is required to previously notify the public of the processing of personal data by means of the technical aid of monitoring equipment. For notifying of the use of monitoring equipment, an information board which depicts a black image of a video camera against a white background and the word “*VIDEOVALVE*” [video surveillance] shall be placed in a public place. Upon the use of monitoring equipment in a vehicle of a law enforcement agency, a sticker which depicts a black image of a video camera against a white background and the word “*VIDEOVALVE*” [video surveillance] shall be placed in a visible place in the passenger compartment.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(4) The Government of the Republic shall establish by a regulation the procedure for notifying the public of the use of monitoring equipment.

§ 35. Processing of personal data by obtaining data from electronic communications undertaking

(1) The police or, in the cases provided by law, another law enforcement agency may process personal data by making written or electronic requests for obtaining the data which are specified in subsections 111¹(2) and (3) and in subsection 112 (3) of the Electronic Communications Act and which enable real time identification of the location of the terminal equipment used in the mobile telephone network as regards a person in whose case it is necessary for ascertaining or countering a serious threat.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(2) A person shall be immediately notified of the processing of the personal data provided for in subsection (1) of this section.

(3) Recording of the measure provided for in this section is mandatory.

§ 35¹. Processing of information forwarded to emergency number

(1) The Emergency Response Centre shall record all information forwarded to the European common emergency phone number “112”.

(2) The police shall record information about a disturbance or another event forwarded to the national emergency number “110”.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014, subsection (2) is valid until 31 October 2014.]

(3) The Environmental Inspectorate shall record all information forwarded to the national on-call number “1313” regarding a disturbance committed in respect of the natural environment and natural resources and regarding other events. The forwarded information shall be processed by the Emergency Response Centre and the Environmental Inspectorate on the basis of and pursuant to the procedure provided by law.

(4) The recorded data are information intended for internal use. Recordings and recorded data may only be issued on the basis of and pursuant to the procedure prescribed by law.

(5) Recordings are preserved for at least one month as of the date the recording was made, but for no longer than one year.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

Subdivision 2

Special State Supervision Measures Applicable with Regard to Person Suspected of State of Intoxication

§ 36. State of intoxication

(1) A state of intoxication is a state of health which is caused by the consumption of alcohol, a narcotic drug or a psychotropic substance or another intoxicating substance, and which is expressed in externally perceptible disturbed or altered bodily or mental functions and reactions.

(2) For the purposes of this Act, alcohol means spirit and alcoholic beverages as specified in section 2 of the Alcohol Act, or a liquid or substance with ethanol content and not belonging to the food group.

(3) For the purposes of this Act, a narcotic drug and a psychotropic substance mean a narcotic drug and a psychotropic substance as specified in the Act on Narcotic Drugs and Psychotropic Substances and Precursors thereof.

(4) Types of state of intoxication are:

- 1) intoxication by alcohol;
- 2) intoxication caused by the consumption of a narcotic drug, a psychotropic substance or another intoxicating substance.

(5) [Omitted – RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 37. Checking and establishment of person's state of intoxication

The police or, in the cases provided by law, another law enforcement agency may check, in the case of signs of a state of intoxication, for the presence of alcohol, a narcotic drug or psychotropic substance or another intoxicating substance in a person's system. The following may be subjected to the procedure for checking or establishing a state of intoxication:

- 1) a driver of a vehicle or another person if there is reason to suspect that the person has committed an offence, the necessary elements of which include a state of intoxication, exceeding the prescribed limit of alcohol, or the consumption of a narcotic drug or psychotropic substance or another intoxicating substance;
- 2) a person who exhibits clear signs of a state of intoxication if he or she may pose a threat to himself or herself or others;
- 3) a minor who exhibits clear signs of a state of intoxication.

(2) In addition to the persons specified in subsection (1) of this section, a driver of a vehicle may also be subjected to the procedure for checking or establishing a state of intoxication if it is necessary for preventing a threat in traffic.

(3) The list of signs of a state of intoxication and the manner in which the exhibition or non-exhibition of the said signs is to be established shall be established by a regulation of the minister responsible for the field.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 38. Checking and establishment of intoxication by alcohol on site

(1) The police or, in the cases provided by law, another law enforcement agency shall check by means of an indicator device the alcohol content in the breath exhaled by a person or shall establish intoxication by alcohol on site by means of an evidential breathalyser. If a person is checked by means of an indicator device, then in the case of its positive reading and if there is a need to establish intoxication by alcohol, intoxication by alcohol shall be established by means of an evidential breathalyser or at the person's request he or she shall be taken to a health care provider for determining the alcohol content in the blood by a blood sample.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(2) Before checking or establishing intoxication by alcohol, the person's following rights shall be explained to him or her:

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

- 1) the right to know the reason for and the objective of the operation;
- 2) the right to refuse the checking by means of an indicator device or the establishment of intoxication by alcohol by means of an evidential breathalyser;
- 3) the right to examine the report of the state supervision measure and to make statements, which shall be recorded, regarding the conditions, course and results of the measure as well as the report;

4) in the case of checking by means of an indicator device, the right to challenge the reading of the indicator device and to demand the establishment of intoxication by alcohol by means of an evidential breathalyser or an analysis of a blood sample;

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

5) the right to file a challenge with the head of the law enforcement agency or an action with the administrative court.

(3) If the official of the law enforcement agency does not deem it necessary to collect other data and the person does not demand the establishment of intoxication by alcohol by means of an evidential breathalyser or an analysis of a blood sample, only the use of an indicator device shall suffice. Only the use of an indicator device shall not suffice in the case of a suspicion of the commission of offences related to a violation of the requirements for safe road traffic of a motor vehicle, an aircraft, a water craft, a railway vehicle or a tram, or for operating regulations thereof.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(3¹) If it is necessary for the establishment of intoxication by alcohol, the official shall describe the signs of intoxication by alcohol exhibited by the person.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(4) If the person refuses the checking of the alcohol content in the breath exhaled by means of an indicator device, he or she shall be explained that in the case of a refusal, intoxication by alcohol shall be established compulsorily by means of an evidential breathalyser or an analysis of a blood sample. If the person refuses the establishment of intoxication by alcohol by means of an evidential breathalyser, he or she shall be explained that in the case of a refusal, intoxication by alcohol shall be established by means of an analysis of a blood sample.

(5) The procedure for the use of an evidential breathalyser and an indicator device and for documenting the use thereof shall be established by the minister responsible for the field by a regulation.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(6) In using an evidential breathalyser, the requirements for the measuring methods and the requirements provided for in the manufacturer's operating instructions shall be adhered to.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(7) The requirements for the procedure of measuring the ethanol content in the breath exhaled by a person and for processing the measuring results shall be established by the Government of the Republic by a regulation.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 39. Taking of person to office and health care provider for establishment of intoxication by alcohol

(1) A person may be taken to an office of a law enforcement agency for the establishment of intoxication by alcohol by means of an evidential breathalyser if the establishment of a state of intoxication on site is not possible.

(2) A person may be taken to a health care provider or to a state forensic institution for the taking of a blood sample in order to establish intoxication by alcohol by means of an analysis of a blood sample if:

- 1) the person refuses the checking of intoxication by alcohol by means of an indicator device or the establishment thereof by means of an evidential breathalyser;
- 2) the person is not capable of following the procedure for the use of an indicator device or a breathalyser;
- 3) the person demands it in the case of a positive reading of the indicator device;
- 4) it is rational and the person agrees to it.

(3) A minor unsupervised by a parent or another legal representative and suspected of a state of intoxication or in a state of intoxication may, if necessary, be taken to his or her parent or legal representative or to a social welfare institution of the local government irrespective of the existence of the bases provided for in subsection (2) of this section. If the minor is in need of emergency care, the law enforcement agency shall call for the provider of emergency medical care. The social welfare institution shall immediately inform the minor's parent or another legal representative that the minor has been taken there.

§ 40. Establishment of intoxication by alcohol by means of analysis of blood sample

(1) A health care provider who has the right to take a blood sample and a state forensic institution shall be required to take a blood sample on the demand of a law enforcement agency.

(1¹) The health care provider specified in subsection (1) of this section who is required to take a blood sample is a health care provider specified in the regulation established on the basis of subsection 55 (1) of the Health Services Organisation Act.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(1²) The taking of a blood sample by a health care provider specified in subsection (1¹) of this section shall be paid for according to the price provided for in clause 27¹⁰(1) 3) of the Forensic Examination Act.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(2) In order to ensure the taking of a blood sample, a law enforcement agency shall have the right to use with regard to the person obligated to give a blood sample direct coercion insofar as it is unavoidable for the achievement of the objective.

(3) If a blood sample is taken at a health care provider, a law enforcement agency shall organise the conveyance of the blood sample to a state forensic institution for the establishment of intoxication by alcohol by means of an analysis of the blood sample.

(4) A law enforcement agency shall introduce the results of the analysis of the blood sample to the person at the first opportunity.

(5) The procedure for the taking, preservation and transfer for analysis of a blood sample, for the performance of the analysis thereof and for the payment for these tests shall be established by the Government of the Republic by a regulation.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(6) A law enforcement agency may conclude with a health care provider not specified in subsection (1¹) of this section a contract under public law for the taking, preservation and transfer to a state forensic institution of a blood sample, prescribing the liability, the amount of the charge and the procedure for the payment.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(7) The form of an expert's report concerning the results of an analysis of a blood sample shall be established by the minister responsible for the field by a regulation.

§ 41. Establishment of consumption of narcotic drug or psychotropic substance or another intoxicating substance, or state of intoxication caused thereby

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(1) The police or, in the cases provided by law, another law enforcement agency may establish the presence of a narcotic drug, a psychotropic substance or another intoxicating substance in a person's system by means of an indicator device or take the person to a health care provider or a state forensic institution to take a biological liquid sample or, if necessary, to describe the person's state of health.

(2) The health care provider specified in subsection (1) of this section who is required to take a biological liquid sample is a health care provider specified in the regulation established on the basis of subsection 55 (1) of the Health Services Organisation Act.

(3) The taking of a biological liquid sample by a health care provider specified in subsection (2) of this section shall be paid for according to the prices provided for in clauses 27¹⁰(1) 3) and 4) of the Forensic Examination Act.

(4) A law enforcement agency may conclude with a health care provider not specified in subsection (2) of this section a contract under public law for the taking, preservation and transfer to a state forensic institution of a biological liquid sample, prescribing the liability, the amount of the charge and the procedure for the payment.

(5) In the case of a suspicion of the consumption of a narcotic drug, a psychotropic substance or another intoxicating substance, or a state of intoxication caused thereby, a law enforcement agency shall describe the signs of a state of intoxication exhibited by the person.

(6) Before the establishment of the presence of a narcotic drug, a psychotropic substance or another intoxicating substance in a person's system by means of an indicator device or before taking the person to a health care provider or a state forensic institution, the following rights of the person shall be explained to him or her:

- 1) the right to know the reason for and the objective of the operation;
- 2) the right to refuse the checking by means of an indicator device;
- 3) the right to examine the report of the state supervision measure and to make statements, which shall be recorded, regarding the conditions, course and results of the measure as well as the report;
- 4) the right to file a challenge with the head of the law enforcement agency or an action with the administrative court;
- 5) the right to challenge the reading of the indicator device and to demand the establishment of the presence of a narcotic drug, a psychotropic substance or another intoxicating substance in the person's system by means of an analysis of a biological liquid sample.

(7) If an official of a law enforcement agency does not deem it necessary to collect other data and the person does not demand the establishment of the presence of a narcotic drug, a psychotropic substance or another intoxicating substance in the person's system by means of an analysis of a biological liquid sample, the use of an indicator device may suffice upon the establishment of the consumption of the said substances.

(8) If the person refuses the establishment of the presence of a narcotic drug, a psychotropic substance or another intoxicating substance in the person's system by means of an indicator device, he or she shall be explained that in the case of a refusal, the presence of the substances in the person's system shall be established compulsorily by means of an analysis of a biological liquid sample.

(9) On the demand of a law enforcement agency:

- 1) the physician shall be required to describe the person's state of health;
- 2) the health care provider or the state forensic institution shall be required to take, preserve and transfer a necessary amount of a biological liquid sample.

(10) In order to ensure the taking of a biological liquid sample, a law enforcement agency shall have the right to use with regard to the person obligated to give a sample direct coercion insofar as it is unavoidable for the achievement of the objective.

(11) A biological liquid sample given to a law enforcement agency by a person voluntarily for the sample to be checked by means of an indicator device shall be forwarded by the law enforcement agency to a state forensic institution for the performance of an analysis of the biological liquid sample if the indicator device reveals a positive reading and if it is necessary for the establishment of the consumption of a narcotic drug, a psychotropic substance or another intoxicating substance, or a state of intoxication caused thereby.

(12) If a biological liquid sample is taken at a health care provider, a law enforcement agency shall organise the conveyance of the sample to a state forensic institution for the establishment of the presence of a narcotic drug, a psychotropic substance or another intoxicating substance in the person's system by means of an analysis of the biological liquid sample. If on the demand of the law enforcement agency the physician describes the person's state of health, the law enforcement agency shall organise the conveyance of the report on the description of the state of health to a state forensic institution together with the biological liquid sample, if possible, for the establishment of a state of intoxication.

(13) On the basis of the results of the analysis of a biological liquid sample and the report on the description of the person's state of health, the state forensic institution shall give an assessment on whether or not the person is in a state of intoxication.

(14) The requirements and the procedure for describing a person's state of health by a physician and the form of a corresponding report shall be established by the minister responsible for the field by a regulation.

(15) The procedure for the taking, preservation and transfer for analysis of a biological liquid sample, for the performance of the analysis thereof and for the payment for these tests shall be established by the Government of the Republic by a regulation.

(16) The procedure for the use of an indicator device for the establishment of the presence of a narcotic drug, a psychotropic substance or another intoxicating substance in a person's system, and for documenting the use shall be established by the minister responsible for the field by a regulation.

(17) The form of an expert's report concerning the results of an analysis of a biological liquid sample shall be established by the minister responsible for the field by a regulation.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 42. Taking of person in state of intoxication to recover from intoxication

(1) The police or, in the cases provided by law, another law enforcement agency may take an adult in a state of intoxication to his or her place of residence or lodging or to recover from the intoxication in a police house of detention or detention cell if it is unavoidable for countering a significant threat, arising from the person, to the person himself or herself or another person.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(1¹) A police officer may take a minor in a state of intoxication to recover from the intoxication in a house of detention or detention cell if he or she cannot be handed over to the care of an adult family member, caregiver or guardian.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(2) On the bases provided for in subsection (1) of this section, a person who exhibits clear signs of a state of intoxication and who has refused the checking of a state of intoxication by means of an indicator device or establishment thereof by means of an evidential breathalyser or who is not capable of following the procedure for the use of an indicator device or an evidential breathalyser, and also a person from whom a biological liquid sample for the establishment of intoxication has been taken, if the establishment of a state of intoxication by an analysis of the biological liquid sample is not possible without delay, may be taken to recover from intoxication. In such a case the law enforcement agency shall describe the signs of intoxication exhibited by the person in the report concerning taking the person to recover from intoxication.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(3) If from a person with clear signs of a state of intoxication or from a person in a state of intoxication in whose case there is a basis provided for in subsection (1) of this section for taking him or her to recover from intoxication a threat is arising only to himself or herself, the police or, in the cases provided by law, another law enforcement agency shall organise, if possible, the taking of the person to his or her place of residence or lodging. If the person is in need of emergency care, the law enforcement agency shall call for the provider of emergency medical care. A person may be taken to a police house of detention or detention cell to recover from intoxication only if he or she has no identified place of residence or lodging on the territory of the local government of the place of stay or if he or she cannot be taken there.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(4) A security check and an examination of belongings shall be performed with regard to a person taken to recover from intoxication. Money, valuables and documents, also items and medicinal products which may pose a threat to the person himself or herself or to another person shall be taken for storage from the person taken to recover from intoxication.

(5) Upon taking to recover from intoxication, direct coercion may be used insofar as it is unavoidable for the achievement of the objective.

(6) A report shall be prepared on the taking of a person to recover from intoxication, the formal requirements of which shall be established by the minister responsible for the field by a regulation.

§ 43. Detention conditions of person taken to recover from intoxication

(1) A person taken to recover from intoxication shall be segregated from other persons detained. Persons of different sex shall be held in separate cells.

(2) In order to ensure the safety of a person taken to recover from intoxication, the person shall be kept under observation. If the person's health deteriorates, a health care professional shall be called for.

(3) A person taken to recover from intoxication shall be detained until the person has recovered from intoxication but for no longer than 12 hours. If, after such period, the person has not sufficiently recovered from intoxication for him or her to be allowed to leave on their own, a health care professional shall be called for to determine the person's state of health. If the health care professional establishes that the person's state of health does not allow for the person to leave on their own, the person may be detained for up to another 12 hours. A person whose state of health allows him or her to leave on their own and whose release falls between 23:00 and 07:00 may be detained for up to another eight hours with the consent of the person if it is necessary for preventing a threat endangering the health of the person.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

Subdivision 3 Other Special State Supervision Measures

§ 44. Prohibition on stay

(1) The police or, in the cases provided by law, another law enforcement agency may, on a temporary basis, prohibit a person from staying in the vicinity of a certain person or in a certain place, require him or her to leave the vicinity of the said person or the said place, or to avoid coming to a certain distance from the person or place in the following cases:

1) in the case of an immediate threat endangering a person's life or health;

2) for protecting dominant public interests;

3) for ascertaining or countering a serious threat;

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

4) for ensuring the safety of a safeguarded person or object;

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

5) for ensuring the conduct of offence proceedings; or

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

6) for ensuring the application of a state supervision measure.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(2) A law enforcement agency shall be required to clearly mark, if possible, the place of the application of a prohibition on stay. The place of the application of the prohibition on stay need not be marked if the prohibition on stay is applied with regard to a specific person.

(3) Under the circumstances provided for in subsection (1) of this section, the passage of persons at a specified time from a specified place or access to that place may be prohibited. If possible, access of a person to his or her dwelling or place of work shall be maintained.

(4) A prohibition on stay may be applied until the basis provided for in subsection (1) of this section ceases to exist.

(5) A police officer or, in the cases provided by law, an official of another law enforcement agency may apply a prohibition on stay for up to 12 hours. A prohibition on stay may only be applied over 12 hours with the authorisation of a prefect or the head of the other law enforcement agency.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(6) With regard to a person violating a prohibition on stay, direct coercion may be used insofar as it is unavoidable for the achievement of the objective.

§ 45. Stopping of vehicle

(1) A police officer or, in the cases provided by law, an official of another law enforcement agency may signal a driver of a vehicle or of an off-road vehicle (hereinafter *driver*) by hand, a traffic baton, a reflector disc, or a lighting device or a loudspeaker of an emergency vehicle pursuant to the procedure provided for in the Traffic Act to stop the vehicle or off-road vehicle (hereinafter *vehicle*) if it is necessary for preventing, ascertaining or countering a threat or for eliminating a disturbance.

(2) A police officer or, in the cases provided by law, an official of another law enforcement agency may give a sign for stopping a water craft as a stop signal by using flags of international signal codes, spotlights, pyrotechnic means, radio, loudspeaker or megaphone, or in another clear manner, if it is necessary for preventing, ascertaining or countering a threat or for eliminating a disturbance.

(3) The official of a law enforcement agency stopping a vehicle shall wear a uniform. If a vehicle is stopped from a vehicle, the vehicle shall be painted pursuant to the procedure applicable to emergency vehicles.

(4) As an exception, a vehicle may be stopped from an unmarked vehicle by means of a lighting device and by using a loudspeaker, if necessary, pursuant to the procedure provided by the Traffic Act. If a vehicle is stopped from a vehicle, a police officer need not wear a uniform if it is not possible due to the nature or objective of the function being performed.

(5) If a person fails to comply with the signal to stop the vehicle, the vehicle may be forced to stop by organising a road block or by using a device for forced stopping of a vehicle or a weapon or other special equipment pursuant to the procedure provided for in Chapter 5 of this Act. A vehicle may be forced to stop without a prior signal to stop the vehicle if it is unavoidably necessary for countering an immediate serious threat or for detaining an escaping suspect or an escaping fugitive immediately after the commission of a criminal offence.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 46. Detention of person

(1) The police or, in the cases provided by law, another law enforcement agency may detain a person by locking him or her to a room or a vehicle or by restricting his or her physical liberty in another manner to a significant extent if it is unavoidable:

- 1) for preventing the commission of an imminent criminal offence;
- 2) for countering an immediate threat endangering a person's life or physical inviolability;
- 3) for ensuring an injunction to stay away imposed by the court;

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

- 4) for compelled attendance on a basis provided by law;

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

- 5) for handing a person in need of assistance due to his or her state of health or age over to a competent person for the purposes of providing assistance upon preventing, ascertaining or countering a threat or eliminating a disturbance;

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

- 6) for handing a child less than 16 years of age without the company of an adult over to his or her parent or legal representative or for taking the child to his or her parent or legal representative or a social welfare institution of the local government for eliminating a violation of a curfew provided by law in a public place;

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

- 7) on the basis of Article 32 of Council Decision 2007/533/JHA on the establishment, operation and use of the second generation Schengen Information System, a person entered in the Schengen Information System who is missing and who needs to be temporarily placed in a safe place for his or her own protection or for protecting him or her from threats;

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

- 8) for taking a child in danger to safety without the consent of his or her legal representative if a child protection official is unable or is unable in a timely manner to intervene for the protection of the child.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(2) A person detained shall be immediately notified in a language he or she understands and in a clear manner of the reason for his or her detention and of his or her rights, and given the opportunity to notify a person close to him or her of his or her detention. If a person detained is in a state due to which he or she is not able to notify a person close to him or her of his or her detention, the law enforcement agency shall immediately notify a person close to him or her, if possible. If a person detained is a minor or another person with restricted active legal capacity, the law enforcement agency shall notify his or her legal representative of the detention of the person at the first opportunity, if possible. On the demand of the person detained, he or she shall be given an opportunity to notify a representative of the detention.

(3) The following rights of a person detained shall be explained to him or her:

- 1) the right to know the reason for the detention;
- 2) the right not be detained for more than 48 hours without the permission of the court;
- 3) the right to notify a person close to him or her and a representative of the detention;
- 4) the right to be heard;
- 5) the right to file a challenge with the head of the law enforcement agency or an action with the administrative court;
- 6) the right to examine the report of the state supervision measure and to make statements, which shall be recorded, regarding the conditions, course and results of the measure and the report.

(3¹) A child detained on the basis of clause (1) 8) of this section shall be taken to safety by handing him or her over to a child protection official or a person who will ensure the safety of the child. A child may only be handed over to his or her legal representative if the child was not in danger due to the activity of the legal representative or his or her failure to act or if the danger arising from the legal representative has ceased to exist. The detention of the child ends with him or her being handed over.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(3²) A child protection official shall be immediately informed of a child detained on the basis of clause (1) 8) of this section and a copy of the report on the detention shall be sent to the child protection official at the first opportunity.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(4) Upon detention, direct coercion may be used insofar as it is unavoidable for the achievement of the objective.

(5) A person may be detained until the basis for the application of the detention ceases to exist but for no longer than 48 hours. Upon detaining a person in a house of detention, the provisions of Chapters 4 and 7 of the Imprisonment Act shall be applied.

(6) The procedure for documenting detention of a person shall be established by the Government of the Republic by a regulation.

(7) It is mandatory to prepare a report in the course of a mass disorder if the detention lasts longer than three hours and also if it is requested by the person detained.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(8) Upon detaining, outside a house of detention, a person detained in the course of a mass disorder, the person shall be guaranteed decent conditions and, if possible, video surveillance with recording of the temporary room of detention shall be guaranteed.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 47. Security check

(1) The police or, in the cases provided by law, another law enforcement agency may check a person or his or her clothing by way of observation and feeling or by means of a technical device or a service animal with relevant training in order to ensure that the person does not possess items or substances by which he or she may endanger himself or herself or other persons:

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

- 1) upon the entry into a building or territory of a public authority;
- 2) if it is necessary for ensuring the safety of a safeguarded person or object;
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]
- 3) if it is necessary for ascertaining a serious threat if the person is in a vital energy, communications, signalling, water supply or sewerage system, in a traffic control building or device or in the near vicinity thereof;
- 4) if it is necessary for countering an immediate serious threat;
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]
- 5) if the person may be deprived of liberty pursuant to law; or
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]
- 6) if the application of a measure provided for in this Act is accompanied by a need to take the person to the Police and Border Guard Board or to the location of another administrative authority.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(2) The security check shall be performed by way of feeling by an official of the same sex as the person. If it is necessary for countering an immediate threat, the security check may be performed by an official not of the same sex as the person.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(3) Upon the application of a security check, direct coercion may be used insofar as it is unavoidable for the achievement of the objective.

§ 48. Examination of person

(1) The police or, in the cases provided by law, another law enforcement agency may examine a person, including the person's body, body cavities, clothes, or an item inside the clothes or worn on the body if:

- 1) there is reason to believe that the person carries on him or her an item or a substance which may be taken into storage, occupied or confiscated pursuant to law;
- 2) it is necessary for the ascertainment of a serious threat if the person is in a building important for the functioning of public authority or in the near vicinity thereof; or
- 3) it is unavoidably necessary for the establishment of identity.

(2) A person shall be examined by an official of a law enforcement agency of the same sex as the person; in the case of a lack of an official of the same sex, by a health care professional. If it is necessary for countering an immediate serious threat, the person may be examined by an official of the law enforcement agency not of the same sex as the person.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(3) A person shall be taken to a physician for an examination which requires a medical procedure. An examination requiring a medical procedure may only be performed by a health care professional.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(4) A law enforcement agency shall conclude with a health care provider a contract under public law prescribing the place and manner of an examination of a person, and the liability, the amount of the charge and the procedure for the payment.

(5) Upon the examination of a person, direct coercion may be used insofar as it is unavoidable for the achievement of the objective.

§ 49. Examination of movable

(1) The police or, in the cases provided by law, another law enforcement agency may, without the consent of the possessor, check a movable sensuously or by means of a technical device or a service animal, including open doors and eliminate other obstacles if:

- 1) it is carried by a person entering a building or territory of a public authority;
- 2) it is carried by a person who may be subjected to a security check pursuant to law or who may be examined pursuant to law;

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

3) there is reason to believe that a person who may be deprived of liberty pursuant to law or who may be examined pursuant to law or who is in need of assistance is present in the movable;

4) there is reason to believe that it contains items which may be taken into storage, occupied or confiscated on the basis of this Act or another law;

5) it is necessary for the ascertainment of a serious threat with regard to a person who is in a vital energy, communications, signalling, water supply or sewerage system, in a traffic control building or device or in the near vicinity thereof;

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

6) if it is necessary for ensuring the safety of a safeguarded person or object; or

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

7) if it is necessary for preventing, ascertaining or countering a threat or for eliminating a disorder upon ensuring the compliance with the requirements established by or on the basis of law, and the verification of the compliance with such requirements lies within the competence of the law enforcement agency examining the moveable.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(2) The owner or the possessor of an item shall have the right to be present at the examination of the item. If the owner or the possessor is not present at the examination of the item, he or she may appoint an adult who shall have the right to be present at the examination of the item.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(3) A law enforcement agency may examine an item without the presence of a person specified in subsection (2) of this section if it is necessary for countering an immediate threat or if the said persons intentionally obstruct the lawful application of the measure provided for in this section.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(4) If the identity of the possessor can be established, he or she shall be notified of the examination of the movable at the first opportunity. If as a result of the examination of the movable a significant proprietary asset is left unsupervised, the law enforcement agency shall ensure the supervision of the movable until the arrival of the possessor or another entitled person.

(5) Upon the examination of an item, direct coercion may be used insofar as it is unavoidable for the achievement of the objective.

(5¹) Upon the examination of a moveable, a law enforcement agency may take samples and also measurements and give or commission expert assessments as well as record the situation by means of a device which records images or audio.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(6) It is mandatory to record in a report the measure provided for in this section, except in the case the person enters a building or territory of a public authority of his or her free will or if a security check is applied for ensuring the safety of a safeguarded person or object.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 50. Entry into premises

(1) The police or, in the cases provided by law, another law enforcement agency may enter without the consent of the possessor a fenced or marked immovable, building, dwelling or room in his or her possession, including open doors and gates or eliminate other obstacles if

- 1) it is necessary for ascertaining or countering a serious threat;
- 2) if there is reason to believe that a person who may be deprived of liberty pursuant to law or whose life, health or physical inviolability is in danger due to his or her need of assistance has entered the fenced or marked immovable, building or room;
- 3) if it is necessary for preventing, ascertaining or countering a threat or for eliminating a disorder upon ensuring the compliance with the requirements established by or on the basis of law, and the verification of the compliance with such requirements lies within the competence of the law enforcement agency entering the premises.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(2) On the conditions provided for in subsection (1) of this section, the police or, in the cases provided by law, another law enforcement agency may enter the premises for ascertaining or countering a threat or for eliminating a disturbance if nuisances significantly disturbing another person are spreading outward from the premises and it is not possible to eliminate the nuisances in any other manner. An average objective person shall be the basis for an assessment of the disturbing nature of the nuisances.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(3) The premises shall be entered, if possible, in the presence of the possessor or another entitled person and during the period from 7 a.m. to 11 p.m. Business premises shall be entered, if possible, during their business hours.

(4) A dwelling may only be entered without the knowledge of the possessor if he or she cannot be notified after reasonable efforts and entry is necessary for countering a disturbance or an immediate serious threat. During the period from 11 p.m. to 7 a.m. or without the knowledge of the possessor, a person's dwelling may only be entered if it is necessary:

- 1) for eliminating a disturbance if constant or recurrent nuisances significantly disturbing another person are spreading outward from the premises and it is not possible to eliminate the nuisances in any other manner;
- 2) for countering an immediate serious threat.

[RT I, 12.07.2014, 1 – entry into force 13.07.2014]

(5) If the identity of the possessor can be established, he or she shall be notified of the entry into the premises at the first opportunity. If as a result of the entry into the premises a significant proprietary asset is left unsupervised on the premises, the law enforcement agency shall ensure the supervision of the premises until the arrival of the possessor or another entitled person.

(6) Upon the entry into the premises, direct coercion may be used insofar as it is unavoidable for the achievement of the objective.

(7) It is mandatory to record in a report the measure provided for in this section.

§ 51. Examination of premises

(1) The police or, in the cases provided by law, another law enforcement agency may, without the consent of the possessor, examine a fenced or marked immovable, building or room in the possession of the person, including examine an item therein and open doors and gates or eliminate other obstacles:

1) if there is reason to believe that a person who may be deprived of liberty pursuant to law or whose life, health or physical inviolability is in danger due to his or her need of assistance has entered the fenced or marked immovable, building or room;

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

2) for ascertaining or countering a serious threat; or

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

3) if it is necessary for preventing, ascertaining or countering a threat or for eliminating a disorder upon ensuring the compliance with the requirements established by or on the basis of law, and the verification of the compliance with such requirements lies within the competence of the law enforcement agency examining the premises.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(2) The examination of a dwelling in the possession of a person and the examination of business premises outside business hours is only permitted with the prior permission of the administrative court of the location of the dwelling or business premises to be examined. If the permission of the administrative court is not possible to be requested due to the need to counter an immediate serious threat, a law enforcement agency may examine the premises without the permission of the administrative court. In such a case, the law enforcement agency shall be required to request the permission afterwards. The judge shall decide on the grant of permission for the examination of the premises or extension thereof pursuant to the procedure provided for in the Code of Administrative Court Procedure for the grant of a permission to take an administrative measure. If the court refuses to grant the permission, the law enforcement agency shall be required to terminate the examination of the premises immediately.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(3) During the period from 11 p.m. to 7 a.m. a person's dwelling may only be examined if it is necessary for countering an immediate serious threat.

(4) The possessor of a fenced or marked immovable, building or room shall have the right to be present at the examination of the premises. If the possessor is not present at the examination of the premises, he or she may appoint an adult who shall have the right to be present at the examination of the premises.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(4¹) A law enforcement agency may examine premises without the presence of the persons specified in subsection (4) of this section if it is necessary for countering an immediate threat or if the said persons intentionally obstruct the lawful application of the measure provided for in this section.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(5) If the identity of the possessor can be established, he or she shall be notified of the examination of the premises at the first opportunity. If as a result of the examination of the premises a significant proprietary asset is left unsupervised on the premises, the law enforcement agency shall ensure the supervision of the premises until the arrival of the possessor or another entitled person.

(6) Upon the examination of the premises, direct coercion may be used insofar as it is unavoidable for the achievement of the objective.

(6¹) Upon the examination of the premises, a law enforcement agency may take samples and also measurements and give or commission expert assessments as well as record the situation by means of a device which records images or audio.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(7) It is mandatory to record in a report the measure provided for in this section.

§ 52. Taking into storage of movable

(1) The police or, in the cases provided by law, another law enforcement agency shall have the right to take a movable into storage:

1) for countering an immediate threat or for eliminating a disturbance;

2) for the protection of the owner or possessor of the item against the direct risk of misplacement or loss of or significant damage to the item if at the same time public interests are in danger;

3) if pursuant to law a permit is required for the possession of the item but the person possessing the item lacks such a permit;

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

4) if the item is possessed by a person who has been deprived of liberty pursuant to law and there is a risk that the person will use the item to kill or injure himself or herself or another person or to damage another person's item or to escape;

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

5) if the movable is permitted to be examined on the basis of section 49 of this Act and taking it into storage is necessary in order to take a sample or measurements of the movable or give an expert assessment on the movable; or

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

6) if in the course of a security check an object which is not prohibited by law but may endanger the person himself or herself or another person is detected.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(2) An item taken into storage shall be stored by a law enforcement agency. If due to the characteristics of the item it is not possible or rational for the law enforcement agency to store the item, the law enforcement agency may give the item to be stored by another person who meets the necessary requirements therefor. The law enforcement agency or another person who is storing the item shall store the item in a manner which ensures the preservation thereof.

(3) A law enforcement agency shall immediately issue to the person from whom an item is taken into storage a copy of the report on the taking into storage of the item, specifying the law enforcement agency applying the taking into storage, the time of and the reason for the taking into storage and the description of the item taken into storage. If the person from whom the item is taken into storage is not the owner of the item or the legal possessor thereof or if the item was not taken into storage from a person and the owner or the legal possessor can be established, the law enforcement agency shall immediately notify the owner or the legal possessor of the taking into storage of the item.

(4) The owner or the legal possessor of an item taken into storage shall be given an opportunity to retrieve the item immediately after the basis for the taking into storage ceases to exist.

(5) For the taking into storage of a movable, direct coercion may be used insofar as it is unavoidable for the achievement of the objective.

(6) It is mandatory to record in a report the measure provided for in this section, except in the case provided for in clause (1) 6).

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 53. Selling or destruction of movable taken into storage

(1) On the basis of an order of a law enforcement agency, a bailiff shall sell an item taken into storage at a public auction pursuant to the procedure provided for in the Code of Enforcement Procedure for the selling of movables if:

1) it is a highly perishable item or an item which quickly loses its value in another manner;

2) the storage and maintenance of the item is disproportionately expensive or complicated;

3) it is not possible to store the item in a manner which would ensure the countering of threats arising from the item;

4) it is not possible to return the item to the entitled person within one year as of the date of the taking into storage without it resulting at the same time in a new need for the item to be taken into storage by the law enforcement agency; or

5) the person entitled therefor has not accepted the item from the law enforcement agency after the basis for the taking into storage of the item ceased to exist by the period of time disclosed to him or her in writing if the notice contained a caution that in the case of non-acceptance, the item shall be sold.

(2) The item shall be valued by the bailiff based on the usual value thereof. If the bailiff is unable to determine the price, the bailiff shall have the valuation organised by an expert.

(3) The costs of the storing of the item and the enforcement costs shall be deducted from the revenue received from the sale of the item and the remaining amount shall be paid to the former owner of the item. The costs of the storing of the item shall be deemed the costs incurred by both the law enforcement agency and the bailiff. If the owner does not accept the amount within one year as of the sale of the item, it shall be entered into public revenues.

(4) If it is not possible to sell the item at a public auction or if the costs of the organisation of a public auction will exceed the value of the item, the bailiff may sell the item without a public auction pursuant to the procedure provided for in the Code of Enforcement Procedure for the sale of movables.

(5) If it can be presumed that it is not possible to sell the item at a public auction or in another manner or if the bailiff is unable to sell the property, the law enforcement agency shall organise the destruction of the item or shall transfer it to state ownership.

(6) Prior to the sale, destruction or transfer to state ownership of the item, the law enforcement agency shall notify thereof the established owner or legal possessor.

(7) After the sale, destruction or transfer to state ownership of the item, the law enforcement agency shall be required to immediately issue a written notice to that effect to the established owner or legal possessor.

(8) The remuneration of the bailiff for the organisation of the sale shall be provided for in the Bailiffs Act.

(9) It is mandatory to record in a report the measure provided for in this section. The sale of the movable shall be documented by the bailiff, and the destruction or transfer to state ownership of the movable shall be documented by the law enforcement agency.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

Chapter 4

Requirements for Behaviour in Public Place

Division 1

General Requirements for Behaviour in Public Place

§ 54. Public place

A public place is a territory, building, room or a part thereof given to an unspecified number of persons for use or used by an unspecified number of persons, and also a public transport vehicle.

§ 55. General requirements for behaviour in public place

(1) In a public place it is prohibited to behave in a manner which disturbs or endangers another person, above all to:

- 1) hit or shove another person, fight, throw things at another person or an animal or item by endangering them, or behave violently in another manner;
- 2) insult, intimidate or threaten another person by words, gestures or otherwise;
- 3) be nude if it interferes to a significant extent with the purposeful use of the place by another person. A local government shall have the right to determine on its territory places where being nude is not considered as disturbing other persons irrespective of circumstances;
- 4) offer to a person goods or services in a manner which disturbs him or her, or to beg in a disturbing manner;
- 5) consume alcohol in a public transport vehicle stop, in a public transport vehicle which is in public use and participates in road traffic, in a building or on the territory of a pre-school child care institution, nursery-primary school, basic school, secondary school, vocational educational institution, hobby school, youth camp, health care provider or social welfare institution or in a part thereof during the provision of education or health care services, and also at a public gathering aimed at children;

[RT I, 31.12.2014, 2 – entry into force 10.01.2015]

6) sleep or camp in a manner which interferes to a significant extent with the purposeful use of the place by another person;

7) dirty, break, destroy or relocate an item in public use or use it in a manner other than for the prescribed purpose, including put waste in a place other than prescribed therefor, contaminate a body of water or a fountain; or

8) be without the consent of the owner or possessor in an appropriately marked place in danger of collapse or in another place restricted in order to guarantee safety, except if a person is in such a place to counter a threat or eliminate a disturbance.

[RT I, 31.12.2014, 2 – entry into force 10.01.2015]

(2) In a public place it is prohibited to consume alcohol or a substance causing intoxication and not belonging to the food group. It is permitted to consume alcohol in a public place in the following cases:

- 1) in places specified in clauses 40 (1) 2), 3) through 6), 9) and 10) of the Alcohol Act and in a seasonal extension to a place of sale thereof for the purposes of the Trading Act;
- 2) at a public event or in its restricted area where the local government has permitted the retail sale of alcohol for consumption on the premises;
- 3) in places determined by a local government under subsection (3) of this section.

[RT I, 31.12.2014, 2 – entry into force 10.01.2015]

(3) By a general order, a local government may determine the public places where the consumption of alcohol is permitted. A local government may not permit alcohol to be consumed in a place where it is considered to be disturbing according to clause (1) 5) of this section. Places determined by a general order of a local government where the consumption of alcohol is permitted must be clearly marked.

[RT I, 31.12.2014, 2 – entry into force 10.01.2015]

§ 56. Prohibition on causing excessive noise and light effects and on pollution

(1) In a public place it is prohibited to cause noise or light effects which disturb another person to a significant extent.

(2) In a place other than a public place it is prohibited to cause continually or repeatedly noise or light effects which disturb another person to a significant extent during the period from 10 p.m. to 6 a.m., and on a night preceding a day off from 12 a.m. to 7 a.m.

(3) The provisions of subsections (1) and (2) of this section shall not be applied with regard to noise and light effects which are caused:

- 1) in the course of rescue operations or by an emergency vehicle;
- 2) under an authorisation of the local government; or
- 3) on the night preceding 1 January, on the night preceding 25 February or 24 June.

(4) In a building or public transport vehicle which is a public place it is prohibited to pollute air in a manner which disturbs another person to a significant extent.

§ 57. Assessment of disturbance by behaviour

An assessment of a disturbance by behaviour provided for in sections 55 and 56 of this Act shall be based on an average objective person and the purpose for which the public place is usually used and the customs applicable in the region.

§ 57¹. Exercise of state supervision over general requirements for behaviour in public places

State supervision over the compliance with the general requirements for behaviour in public places shall be exercised by:

- 1) the police;
- 2) rural municipality or city governments.

[RT I, 12.07.2014, 1 – entry into force 13.07.2014]

§ 57². Special state supervision measures

(1) In order to exercise the state supervision over the general requirements for behaviour in public places provided by section 55 of this Act, law enforcement agencies may apply the special state supervision measures provided for in sections 30, 31, 32, 34, 44, 49, 50, 51 and 52 of this Act on the bases of and pursuant to the procedure provided by this Act.

(2) In addition to the special supervision measures specified in subsection (1) of this section, the Police and Border Guard Board may, in order to exercise state supervision, also apply the special supervision measures provided for in sections 33, 37, 38, 39, 40, 41, 42, 45, 46, 47 and 48 of this Act on the bases of and pursuant to the procedure provided by this Act.

[RT I, 12.07.2014, 1 – entry into force 13.07.2014]

Division 2 Public Gathering

Subdivision 1 Public Meeting and Public Event

§ 58. Public gathering

(1) A public gathering is a public meeting or a public event.

(2) A public meeting (hereinafter *meeting*) is people being together in a public place for a joint purpose of forming or expressing their opinions.

(3) A public event (hereinafter *event*) is an entertainment event, competition, performance, commercial event or other similar event where people are together and which takes place in a public place and is aimed at the public but which is not a meeting.

§ 59. Requirements for organising and holding event

(1) The requirements for organising and holding an event on the administrative territory of a local government shall be established by the local government council by a regulation.

(2) The requirements for organising and holding a sports event shall be established by the Sport Act.

§ 60. Obligation to provide information

(1) A local government shall be required to immediately notify the prefecture of the location of an event held on its administrative territory if the local government has been informed of a wish to hold an event pursuant to

the procedure prescribed in section 59 of this Act and the local government has agreed to the organisation of the event.

(2) If equipment subject to audit for the purposes of the Equipment Safety Act is used at an event, the local government shall inform the Technical Regulatory Authority of the event held on its administrative territory if the local government has been informed of a wish to hold an event pursuant to the procedure prescribed in section 59 of this Act and the local government has agreed to the organisation of the event. The event shall be notified of a reasonable period of time in advance.

[RT I, 23.03.2015, 4 - entry into force 01.07.2015]

Subdivision 2

Requirements for Organising and Holding Meeting

§ 61. Organisation of meeting during emergency situation, state of emergency and state of war

The organisation and holding of a meeting during an emergency situation, a state of emergency and a state of war shall take place pursuant to the procedure provided for in this Act with the specifications provided for in the Emergency Act, the State of Emergency Act and the National Defence Act.

[RT I, 12.03.2015, 1 - entry into force 01.01.2016]

§ 62. Prohibited meeting

It is prohibited to organise or hold a meeting which:

- 1) is directed against the independence and sovereignty of the Republic of Estonia or at changing the constitutional order of the Republic of Estonia by force;
- 2) incites a breach of the territorial integrity of the Republic of Estonia by force;
- 3) incites hatred, violence or discrimination on the basis of nationality, race, colour, sex, language, origin, religion, sexual orientation, political views, or property or social status; or
- 4) aims to commit criminal offences or to incite them.

§ 63. Place prohibited for holding meeting

It is prohibited to hold a meeting:

- 1) in the area of an epidemic spread of a highly dangerous communicable disease;
- 2) at a border crossing point and closer than 100 metres to the external border of the European Union;
- 3) in the protection zone for an electrical installation with the nominal voltage of over 1000 volts; or
- 4) at another place where it is prohibited by law.

§ 64. Organiser of meeting

(1) A meeting may be organised by:

- 1) an adult natural person with active legal capacity who is a citizen of the European Union or who holds a long-term residence permit or who is an alien staying in Estonia on the basis of a permanent right of residence; or
- 2) a legal person.

(2) An organiser of a meeting who is a legal person shall designate a natural person with active legal capacity who shall bear on the legal person's behalf the rights and obligations of an organiser of a meeting. The natural person shall give his or her prior consent for his or her designation in a format which can be reproduced in writing. The organiser of a meeting shall be required to retain the consent until at least one year has passed from the last day of the meeting.

(3) An organiser of a meeting shall be required to:

- 1) guarantee the peaceful holding of the meeting and the safety of the participants in the meeting;
- 2) guarantee that any objects used in holding of the meeting do not endanger persons not participating in the meeting, any property or the environment;
- 3) immediately terminate the meeting if the meeting causes a significant or serious immediate threat or if circumstances specified in section 62 of this Act become evident;
- 4) be available through a means of communication specified in clause 68 (2) 5) or 6) of this Act from the presentation of the meeting notice until one day has passed from the end of the meeting;
- 5) comply with any orders given by the police or other competent law enforcement agency to ensure order at the meeting;

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

6) ensure the removal of structures specified in clause 68 (2) 9) of this Act from the place of holding of the meeting within reasonable time after the end of the meeting; and

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

7) ensure that after the end of the meeting any waste generated as a result of the meeting is removed from the place of holding of the meeting.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(4) An organiser of a meeting may require a person who has committed a gross violation of order at the meeting to leave the meeting.

§ 65. Meeting steward

(1) If a meeting takes place outside a building or a construction intended for organising gatherings, the organiser of the meeting shall be required to designate a sufficient number of stewards to ensure order at the meeting, or perform the duties of a steward himself or herself. If the organiser of the meeting has concluded a contract with a security company for ensuring order at the meeting, a security guard of the security company ensuring order at the meeting shall be deemed a meeting steward.

(2) A meeting steward shall be required to:

1) assist the organiser of a meeting in the performance of obligations specified in clauses 64 (3) 1), 2) and 5) of this Act;

2) stay during the meeting at the place of holding of the meeting; and

3) wear markings which enable recognition as a steward during the meeting.

§ 66. Person taking part in meeting

A person taking part in a meeting shall be required to:

1) comply with the orders given by the organiser of the meeting or a steward to ensure order at the meeting; and

2) immediately leave the meeting in the event specified in subsection 64 (4) of this Act.

§ 67. Prior notification of holding of meeting

(1) An organiser of a meeting shall give notice to the prefecture of the place of holding of the meeting concerning holding of a meeting no later than four working days, but no earlier than three months, before the day of holding of the meeting if

1) the holding of the meeting requires reorganisation of traffic; or

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

2) the meeting is intended to be held outside a building or a construction intended for holding gatherings and for the holding of the meeting there are plans to set up a tent, stage, stand or other large-scale structure, or use sound or lighting devices or it may disturb or prevent the usual possession of the building or construction in another manner.

[RT I, 31.12.2014, 2 – entry into force 10.01.2015]

(2) If a meeting specified in subsection (1) of this section is intended to be held in the jurisdiction of several prefectures, a notice shall be submitted to at least one of these prefectures.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(3) No prior notice needs to be given of a spontaneously assembled meeting (spontaneous meeting).

(4) A meeting specified in subsection (1) of this section which cannot be notified of in advance within the period of time provided for in subsection (1) of this section due to the need to urgently hold the meeting shall be notified of immediately after the need to hold the meeting arose.

§ 68. Meeting notice

(1) A notice of holding of a meeting shall be submitted in writing and signed by the organiser of the meeting or by a person having the right to represent the organiser.

(2) The notice shall set out:

1) the objective of the meeting;

2) the place of holding of the meeting and, if known, the route;

3) the predicted number of participants in the meeting;

4) the date and time of the start and predicted end of the meeting;

5) the given name and surname, personal identification code or date of birth, and the means of communication of the organiser of the meeting, as well as the name of the association who is not a legal person and in whose name the meeting is organised;

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

6) if the meeting is organised by a legal person then the legal person's name and registry code and the name, personal identification code or date of birth and the means of communication of the person exercising the rights of an organiser of a meeting on behalf of the legal person;

7) if there are stewards, then their names and personal identification codes; if order is maintained by a security company, then its name, registry code and means of communication;

8) information about sound and lighting devices used at the meeting;

9) information about tents, stages, stands or other large-scale structures set up for holding the meeting.

(3) If a meeting notice complies with the requirements provided for in this section, the prefecture shall accept the notice and immediately issue to the organiser of the meeting a written notification of receipt of the meeting notice.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(4) A prefecture shall be required to forward the information set out in the meeting notice to the city or rural municipality government of the place of holding of the meeting, to the person providing emergency medical care services at the place of holding of the meeting, to the rescue service agency and to the possessor of a building or a construction in front or in the near vicinity of the place of holding of the meeting immediately after receiving the notice. If the meeting is intended to be held on a publicly used road the owner of which is not the state or the local government, the information set out in the meeting notice shall also be forwarded to the owner of the road.

[RT I, 31.12.2014, 2 – entry into force 10.01.2015]

(5) If holding of a meeting requires the reorganisation of traffic, the city or rural municipality government which has received the information set out in the meeting notice shall be required to ensure the reorganisation of traffic according to the information received. The city or rural municipality government has the right to demand from the organiser of the meeting additional information necessary for determining the way of the reorganisation of traffic.

(6) A prefecture shall register and retain meeting notices. Information set out in a meeting notice, except for personal identification code, date of birth and place of residence of a natural person, is public and shall be published prior to the start of meetings on the website of the police.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(7) This section shall also be applied in the case an organiser of a meeting wishes to submit a notice about holding a meeting not specified in subsection 67 (1) of this Act.

Subdivision 3

Special State Supervision Measures Related to Organisation and Holding of Meeting

§ 69. Changing of time or place of holding of meeting

(1) A prefect may require an organiser of a meeting to change the time or place of holding of the meeting if:

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

- 1) a notice of holding another meeting at the same place at the same time has been previously received or if there is a predominant public interest for organising another public gathering at the same place at the same time and it is not possible to hold several public gatherings at the same time at that place;
- 2) it is unavoidable in order to avoid a serious immediate threat or to counter it.

(2) If a meeting is intended to be held in the jurisdiction of several prefectures, the right specified in subsection (1) of this section is vested in the Director General of the Police and Border Guard Board.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(3) An organiser of a meeting specified in subsection 67 (1) of this Act shall submit a new notice concerning the meeting with the changed time or place pursuant to section 68.

§ 70. Guarantee of safety at meeting

(1) The police may require an organiser of a meeting to:

- 1) increase the number of stewards at the meeting if there is reason to believe that the designated steward will not be able to assist the organiser of the meeting sufficiently in the fulfilment of the obligations provided for in clauses 64 (3) 1), 2) and 5) of this Act; or
- 2) substitute the designated steward for another person if there is reason to believe that this person will not be able to fulfil the duties of a meeting steward.

(2) A prefect may require an organiser of a meeting to fulfil any obligations not specified in subsection (1) of this section if it is unavoidable for preventing or countering a serious threat.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(3) If a meeting is intended to be held in the jurisdiction of several prefectures, the right specified in subsection (2) of this section is vested in the Director General of the Police and Border Guard Board.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 71. Removal of person from meeting

(1) The police may remove a person from a meeting if it is unavoidable and a less infringing measure than ending the meeting and if:

- 1) an immediate serious threat is arising from the person being removed;
- 2) his or her behaviour exhibits circumstances specified in section 62 of this Act; or
- 3) it is necessary to counter an immediate threat to the life or physical inviolability of the person being removed and it is not possible to counter it by applying another measure, except for the measure specified in section 73 of this Act.

(2) In order to remove a person from a meeting, direct coercion may be used insofar as it is unavoidable for the achievement of the objective.

§ 72. Prohibition of meeting

(1) A prefect may prohibit the holding of a meeting if:

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

- 1) the organiser of the meeting does not agree to a restriction imposed on him or her on the basis of section 69 of this Act or fails to comply with it; or
- 2) there is reason to believe that holding of the meeting causes a serious immediate threat and it is not possible to counter the threat by using a less infringing measure.

(2) If a meeting is intended to be held in the jurisdiction of several prefectures, the right specified in subsection (1) of this section is vested in the Director General of the Police and Border Guard Board.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(3) If it is prohibited to hold a meeting specified in subsection 67 (1) of this Act, the prefecture shall be required to immediately forward the decision on prohibiting the holding of the meeting to the city or rural municipality government of the place of holding of the meeting, to the person providing emergency services at the place of holding of the meeting, and to the local rescue service agency.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 73. Ending and disbanding of meeting

(1) The police shall give an organiser of a meeting an order to end the meeting if holding of the meeting is prohibited on the basis of section 62 or 72 of this Act or if the meeting is held at a place specified in section 63 of this Act.

(2) The police may give an organiser of a meeting an order to end the meeting if:

- 1) the organiser of the meeting fails to comply with a restriction imposed on him or her on the basis of section 69 or 70 of this Act;
- 2) holding of the meeting causes an immediate serious threat and it is not possible to counter the threat by using a less infringing measure; or
- 3) the life or physical inviolability of the participants in the meeting is threatened by an immediate threat which cannot be countered by using a less infringing measure.

(3) If an order specified in subsection (1) or (2) of this section cannot be given to an organiser of a meeting or if it is to no avail, the police shall give an order to end the meeting to the persons taking part in the meeting.

(4) In the cases provided for in subsections (1) through (3) of this section the police may hinder persons in gathering at the place of holding of a meeting.

(5) If a person taking part in a meeting fails to comply with an order to end the meeting, direct coercion may be used with regard to him or her insofar as it is unavoidable for disbanding the meeting.

Chapter 5 Direct Coercion

§ 74. Direct coercion

(1) Direct coercion shall mean affecting of a natural person (hereinafter *person*), an animal or a thing by physical force, special equipment or a weapon.

(2) Special equipment is an animal or a thing which is intended for physically affecting a person, an animal or a thing and which is not a weapon.

(3) A weapon is a firearm or another weapon for the purposes of the Weapons Act.

§ 75. Authority to apply direct coercion

(1) Physical force, special equipment or a weapon may be used by the police. Other law enforcement agencies may use physical force, special equipment or a weapon only in the cases provided by law.

(2) The types of weapons (service weapons) and special equipment allowed for the police and other competent law enforcement agencies shall be provided by law.

(3) On the proposal of the minister responsible for the field the Government of the Republic shall establish by a regulation the subtypes of firearms, other weapons and special equipment allowed for a law enforcement agency within the framework of types of service weapons and special equipment, and also the procedure for the handling of a weapon and special equipment.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(4) On the proposal of the minister responsible for the field the Government of the Republic may establish by a regulation the technical and other requirements for a firearm, other weapons and special equipment.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 76. Admissibility of application of direct coercion

(1) The police or, in the cases provided by law, another law enforcement agency may only apply direct coercion if ensuring the fulfilment of the obligation to ascertain or counter a threat or eliminate a disturbance imposed on a person by an administrative act is not possible by another administrative coercive measure or is not possible in a timely manner. If by a caution specified in subsection 78 (1) of this Act a deadline for complying with an administrative act is determined for a person, direct coercion may be applied if the person fails to comply with the administrative act in a timely manner.

(2) Direct coercion is permitted to be applied without a prior binding administrative act if the issue of the administrative act is not possible due to the urgent need to counter an immediate serious threat or eliminate a disturbance.

(3) Direct coercion is not permitted to be applied in order to obtain a statement, opinion or explanation.

§ 77. Aid to injured person

If by the application of direct coercion a bodily injury is caused to a person, a law enforcement agency shall be required to guarantee first aid to the person at the first opportunity and, if necessary, call an ambulance.

§ 78. Caution against direct coercion

(1) Before the application of direct coercion a law enforcement agency shall be required to caution the person with regard to whom or with regard to an animal or thing in the person's ownership or possession the law enforcement agency is planning to apply direct coercion. If possible, the caution shall set out a deadline for complying with the administrative act specified in subsection 76 (1) of this Act, enabling the addressee of the administrative act to fulfil the obligation.

(2) If a caution has been prepared in writing, the official of a law enforcement agency shall repeat the caution orally before he or she starts to apply direct coercion.

(3) If possible, people shall be cautioned beforehand about the application of direct coercion against a crowd with the consideration that those who wish would have the possibility to retreat voluntarily. In applying direct coercion against a crowd, it is not required to caution people against the use of a technical barrier with regard to them.

(4) Cautioning may only be neglected if cautioning is not possible due to the urgent need to counter an immediate serious threat or eliminate a disturbance. Cautioning against the use of a firearm against a crowd may not be neglected.

§ 78¹. Special equipment

The special equipment of police officers or, in the cases provided by law, officials of another law enforcement agency are:

- 1) handcuffs;
- 2) shackles;
- 3) binding means;
- 4) a restraint jacket or a restraint chair;
- 5) a service animal;
- 6) a technical barrier;

- 7) a means to force a vehicle to stop;
 - 8) a water cannon;
 - 9) grenades evoking tears, or smoke, sonic, light or other effect, or a sensation of pain;
 - 10) an explosive device for special purposes which is not used against a person;
 - 11) a lighting and audio device for special purposes;
 - 12) a colouring and marking device for special purposes.
- [RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 78². Service weapons

The service weapons of police officers or, in the cases provided by law, officials of another law enforcement agency are:

- 1) a firearm;
- 2) a gas weapon;
- 3) a pneumatic weapon;
- 4) a cut-and-thrust weapon;
- 5) an electric shock weapon.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 78³. Self-defence equipment

(1) The self-defence equipment is objects used upon the application of direct coercion for ensuring the physical safety of a police officer, an official of another law enforcement agency or a service animal.

(2) The list of the self-defence equipment of police officers and the requirements for the self-defence equipment shall be established by the minister responsible for the field by a regulation.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 79. Use of handcuffs, shackles, binding means, restraint jacket, restraint chair and restraint bed

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(1) The police or, in the cases provided by law, another law enforcement agency may use handcuffs with regard to a person if there is reason to believe that he or she may:

- 1) attack another person, offer physical resistance to an official of a law enforcement agency or damage a proprietary benefit of great value;
- 2) escape or he or she may be released unlawfully if he or she has been deprived of liberty pursuant to law; or
- 3) injure or kill himself or herself.

(2) Shackles may be used on the bases provided for in subsection (1) of this section with regard to a suspect, accused or convicted offender who may be deprived of liberty pursuant to law or who has been deprived of it in relation to:

- 1) the commission of a violent criminal offence in the first degree;
- 2) the commission of a criminal offence for which he or she may be sentenced to life imprisonment as a punishment; or
- 3) the commission of another criminal offence if the use of handcuffs is not sufficient for the achievement of the objective.

(3) If the use of handcuffs or shackles is not possible, the police or, in the cases provided by law, another law enforcement agency may use a binding means, restraint jacket, restraint chair or restraint bed on the bases provided for in subsections (1) and (2) of this section if this does not jeopardise the person's life, and does not cause him or her bodily injury or great physical pain. The use of a binding means, restraint jacket, restraint chair or restraint bed shall not last for more than one hour at a time.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 79¹. Use of water cannon

(1) For countering a serious threat, the police or, in the cases provided by law, another law enforcement agency may use a water cannon against a crowd if countering the threat by another measure of direct coercion, except for a firearm, is not possible or is not possible in a timely manner, and with the consideration that in using a water cannon, every effort is made in order not to jeopardise another significant benefit.

(2) The procedure for the use of a water cannon shall be established by the minister responsible for the field by a regulation.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 80. Use of electric shock weapon

(1) The police or, in the cases provided by law, another law enforcement agency may use an electric shock weapon for countering a serious threat if countering the threat by another measure of direct coercion, except

for a firearm, is not possible or is not possible in a timely manner, and with the consideration that in using an electric shock weapon every effort is made in order not to jeopardise another significant benefit.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(2) The police or another law enforcement agency may only use an electric shock weapon with regard to a person to make him or her incapable of attacking, offering resistance or escaping if it is not possible to achieve this objective by using an electric shock weapon against an animal or a thing or by another measure of direct coercion, except for a firearm, and if it is also necessary in order to:

- 1) counter an immediate threat to life or physical inviolability;
- 2) obstruct the commission of an imminent or already on-going criminal offence in the first degree;
- 3) detain a person suspected or accused of a criminal offence in the first degree or hinder his or her escape if he or she may be deprived of liberty pursuant to law or if he or she has been deprived of it pursuant to law; or
- 4) detain a person or hinder his or her escape if he or she may be deprived of liberty on the basis of a court decision or if he or she has been deprived of it on the basis of a court decision.

§ 81. Use of firearm

(1) The police or, in the cases provided by law, another law enforcement agency may use a firearm for countering a serious threat if countering the threat by another measure of direct coercion is not possible or is not possible in a timely manner, and with the consideration that in using a firearm every effort is made in order not to jeopardise another significant benefit.

(2) The police or another law enforcement agency may only use a firearm with regard to a person as a last resort to make him or her incapable of attacking, offering resistance or escaping if it is not possible to achieve this objective by using a firearm against an animal or a thing or by another measure of direct coercion and if it is also necessary in order to:

- 1) counter an immediate threat to life or physical inviolability;
- 2) obstruct the commission of an imminent or already on-going violent criminal offence in the first degree or such a criminal offence for which life imprisonment may be sentenced as a punishment;
- 3) detain a suspect, accused or convicted offender or to hinder his or her escape if he or she may be deprived of liberty pursuant to law or if he or she has been deprived of it pursuant to law in relation to the commission of a violent criminal offence in the first degree or such a criminal offence for which he or she may be sentenced to life imprisonment as a punishment.

Chapter 6 Involvement in Performance of State's Law Enforcement Duty

§ 82. Involvement of person other than person liable for public order in performance of state's law enforcement duty under law enforcement contract

On the proposal of the Director General of the Police and Border Guard Board and on the basis of and pursuant to the procedure specified in a specific law, the minister responsible for the field may decide to involve a security company, a non-profit association the objective of which under its articles of association is to participate in the protection of public order, and a local government within which a law enforcement official has been appointed to office or a law enforcement unit formed, to take part in performing the functions of the police under a law enforcement contract.

Chapter 7 Costs of State Supervision

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 83. Costs of State Supervision Measure

(1) The costs of substitutive enforcement which has taken place upon the application of a state supervision measure shall be claimed by the law enforcement agency which applied the substitutive enforcement from a person liable for public order on the basis of and pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act.

(2) If a movable examined under section 49 of this Act cannot be used as usual after the examination, the law enforcement agency which examined the movable shall compensate the possessor of the movable for the cost of the movable or the costs of restoring the movable for use as usual, and pay for the costs of the samples and measurements taken and expert assessments given or commissioned, as well as pay for the costs related to destroying or returning the movable. If the samples, measuring results or expert assessments reveal that the movable or the use thereof does not comply with the requirements provided by law or legislation established on

the basis thereof and the possessor was aware of it or should have been aware of it, the law enforcement agency may decide not to compensate the possessor of the movable for the costs thereof and claim from the possessor the compensation for the justified and certified costs related to the taking of samples and measurements and giving of expert assessments as well as to destroying or returning the movable.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(3) The law enforcement agency which has examined premises according to section 51 of this Act shall pay for the costs of the samples and measurements taken and expert assessments given or commissioned. If the samples, measuring results or expert assessments reveal that the premises or the use thereof do not comply with the requirements provided by law or legislation established on the basis thereof and the possessor was aware of it or should have been aware of it, the law enforcement agency may claim from the possessor the compensation for the justified and certified costs of the taking of samples and measurements and giving of expert assessments.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(4) The costs arising from the application of compelled attendance shall be compensated for by the law enforcement agency which requested the compelled attendance.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(5) The costs arising from the application of direct coercion shall be compensated for by the law enforcement agency which requested the application of direct coercion.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(6) The procedure for the extent and calculation of and the compensation for the costs arising from compelled attendance and the application of direct coercion may be established by a regulation of the Government of the Republic.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

Chapter 8

Implementing Provision

§ 84. Entry into force and implementation of Act

(1) The time of entry into force and the procedure for the application of this Act shall be established by a separate Act.
[RT I, 31.12.2014, 2 – entry into force 10.01.2015]

(2) Legislation, issued by local governments, applicable under clause 55 (5) of this Act prior to the entry into force of this subsection shall be deemed invalid.
[RT I, 31.12.2014, 2 – entry into force 10.01.2015]