

The crime of Dangerous threatening under s. 353 Criminal Code

Abstract

This thesis is focused on the crime of Dangerous threatening under s. 353 Criminal Code (Act no. 40/2009 Coll.) and firstly aims to analyze and interpret its elements in the light of the relevant case law. Further, this thesis aims to find corresponding crimes in the U.S. legal system, namely under the common law, the Model Penal Code and under the Florida Statutes, then this thesis aims to compare such American crimes with Dangerous threatening, to point out main differences between the jurisdictions, to evaluate Czech Dangerous threatening and finally to propose recommendations *de lege ferenda*.

Firstly, this thesis analyzes the classification of Dangerous threatening within the Czech criminal law and focuses on the history and evolution of the crime of Dangerous threatening on the territory of the Czech Republic starting with the Austrian Criminal Code from 1852. Further, this thesis analyzes the crime of Dangerous threatening and interprets its elements in the light of the relevant case law, whereas a particular attention is paid to the *actus reus*, in particular to the interpretation of threatening to cause other serious harm and the ability of a threat to raise reasonable fear.

Subsequently, this thesis focuses on the punishing the perpetrators of Dangerous threatening and introduces the most frequently imposed punishments according to the statistical data published by the Ministry of Justice of the Czech Republic. In the next part, this thesis analyzes a relation between the crime of Dangerous threatening and other related provisions of the Criminal Code and the Code of Criminal Procedure, whereas the thesis further analyzes the relation between the crime of Dangerous threatening, the crime of Dangerous pursuing (stalking) and the crime of Violence against group of people and individuals.

In the part regarding the comparison of Czech Dangerous threatening with related crimes in the U.S. legal system, the thesis briefly explains the U.S. legal system and introduces and analyzes relevant crimes under the common law, under the Model Penal Code and under the Florida Statutes, whereas the most relevant crime to Dangerous threatening is the well-known crime of Assault under all three above-mentioned criminal law sources.

The crime of Assault, either under the common law, Model Penal Code or Florida Statutes, generally criminalizes a narrower range of conduct based on the dangerous threatening and Czech legislation shall be qualified as a quite broad and more flexible, particularly because Dangerous threatening may be committed by a threat to cause other serious harm, whereas there is no legal definition of the other serious harm. Further in this chapter, the thesis analyzes other

corresponding crimes under the Model Penal Code and under the Florida Statutes, in particular the crime of Recklessly endangering another person and the crime of Written threats, the definition of which was recently extended to include a threat to conduct a mass shooting in response to the latest tragic events in the U.S.

Finally, the thesis proposes recommendations *de lege ferenda*, which stems mainly from the comparison with the U.S. legislation and stable case law of the Czech courts.