

# **How large is the sentence discount in plea bargaining?**

## **Abstract**

This thesis deals with the institution of a plea bargain, which was implemented into the legal order of the Czech Republic in 2012. The originally adopted legal regulation, however, significantly limited the use of this institution, which is why the legislature adopted an amendment to the Criminal Code in 2020 that liberalized these conditions. Since then, we have observed an increase in the number of approved plea bargains. However, the plea bargain has not yet been sufficiently empirically examined from the perspective of the basic characteristics of cases. By analysing statistical records of criminal courts and state attorneys' offices, this thesis tries to answer the following questions: Are there factors that increase the likelihood of a plea bargain? Do busier state attorneys' offices use plea bargains more often? Are plea bargains used less often for crimes that can be prosecuted in a simplified criminal proceeding than for other crimes? The conclusion of the work is the confirmation of two hypotheses. There are indeed variables that increase the likelihood of a plea bargain, namely secondary/university education, detention during the preliminary proceedings, and the number of legal qualifications. These are therefore more complex cases. At the same time, plea bargains are used less frequently in simplified criminal proceedings, as prosecutors have at their disposal a more effective institute for terminating criminal proceeding. Regression analysis confirms the above conclusions and evaluates secondary/university education and detention during the preliminary proceedings as the most significant variables with a positive impact. On the contrary, the most significant variable with a negative impact is the simplified criminal proceeding and robbery as a category of criminal offense. To expand the use of plea bargains, including improving the position of the accused, the work proposes legislative changes and further use of soft law instruments at the disposal of the Supreme State Prosecutor's Office and the Czech Bar Association.

**Klíčová slova: Plea bargaining, disparities in punishment, law and economics**