

By the Judgement of 25 April 2018 No. 17-II/2018 the Constitutional Court appraised constitutionality of Item 2 of Footnotes to Article 264 of the Criminal Code of the Russian Federation.

The contested normative provision was the subject-matter of consideration insofar as on its basis it is decided on the possibility to recognise a person who escaped from the place of road accident as being intoxicated while driving a vehicle for application to him of measures of criminal responsibility envisaged by Article 264 of the Criminal Code of the Russian Federation.

The Constitutional Court has recognised the contested provision as not conforming to the Constitution of the Russian Federation to the extent it puts a person having driven a vehicle, including in the state of intoxication, if he has breached Road Traffic or Operation Regulations, which entailed by negligence grave consequences envisaged by Article 264 of the Criminal Code of the Russian Federation, and escaped from the place of road accident, in an advantageous position from the point of view of his behavior as compared with persons indicated in Item 2 of Footnotes to this Article, i.e. having driven vehicles and stayed in the place of the road accident, in whose respect the fact of taking intoxicating substances has been appropriately established or who have not fulfil lawful requirement to pass medical examination to establish intoxication.

The Constitutional Court has established a one-year term for execution of this Judgement by the federal legislator.

Until the necessary legislative amendments are made, the effective order of application of Item 2 of Footnotes to Article 264 of the Criminal Code of the Russian Federation retains force. If until the established term the necessary amendments are not made, the contested provision loses force.