

99108031002000

# Anzeigen einer Ordnungswidrigkeit

Heruntergeladen am 30.05.2025

<https://fimportal.de/xzufi-services/6018655/L100022>

Modul	Sachverhalt
Leistungsschlüssel	99108031002000
Leistungsbezeichnung I	Anzeigen einer Ordnungswidrigkeit
Leistungsbezeichnung II	Anzeigen einer Ordnungswidrigkeit
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Baden-Württemberg
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	

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Fachlich freigegeben durch

**Handlungsgrundlage**

[Gesetz über Ordnungswidrigkeiten](http://www.landesrecht-bw.de/jportal/?quelle=jlink&query=OWiG+%C2%A7+124&psml=bsbawueprod.psml&max=true)

**Teaser**

Private reporting of administrative offenses

**Volltext**

Private reporting of administrative offenses

According to § 1 (1) of the Administrative Offenses Act (OWiG), an "administrative offense" is understood to be an unlawful and culpable act that constitutes an offense under a law punishable by a fine.

This implies that the relevant laws must contain provisions relating to unlawful conduct. Administrative offenses are considered lighter violations of the law that do not have a criminal character. Therefore, unlike criminal offenses, they are not punished with imprisonment but rather with fines.

In general, everyone has the opportunity to report an administrative offense they have observed.

**Erforderliche Unterlagen**
**Voraussetzungen**

To report a identified administrative offense, it is necessary to notify the local regulatory authority in writing. For this purpose, an appropriate online form is available. By using this form, all necessary information is requested, which can largely eliminate the need for follow-up questions in the event of a complete report.

When making a report, the following information should be included:

1. Personal information of the reporting party, including name, first name, address, and contact details. These details serve as potential evidence in the subsequent penalty notice. If applicable, additional witnesses and evidence should also be mentioned.

2. Information about the individual or individuals

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being reported for the administrative offense, including their name, first name, and address. This applies whether the report is against a specific individual, individuals yet to be identified as responsible for a company, or against an unknown entity.

3. A as precise as possible description of the incident, including the sequence of events, the time of the offense, and the location, which will be listed as the allegation in the penalty notice.

4. The source or origin of the reporter's knowledge, as this is crucial for the evidentiary process. It should be determined whether the information is based on the reporter's own observation or merely hearsay.

**Kosten**

none

**Verfahrensablauf**

After receiving the report, the reporter will receive an acknowledgment of receipt.

Based on the report, the administrative authority has the following tasks:

1. Evaluating whether the reported situation provides sufficient factual evidence for the existence of an administrative offense.

2. Examining whether there are obstacles to prosecution, such as statute of limitations.

3. Exercising its discretion responsibly to determine whether initiating proceedings is appropriate.

The authority is obligated to conduct a comprehensive investigation into the matter. If the initial suspicion is substantiated, the affected individual will be informed about the initiation of the administrative offense proceedings. In most cases, the affected individual will receive a hearing questionnaire on which they can provide their statement regarding the matter.

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However, it is at the discretion of the affected individual whether they wish to respond. If they refuse to make any statements or do not respond within the deadline set by the administrative authority, the decision will be made based on the available records.

After the proceedings are either terminated or concluded, the reporter will receive a notification of the outcome.

**Bearbeitungsdauer**
**Frist**

none

**weiterführende Informationen**
**Hinweise**

Reporting an administrative offense is merely a suggestion to the administrative authority to initiate a fine procedure. The reporter generally does not have the right to insist on the execution of a fine procedure. The decision on whether to proceed with the procedure lies solely within the discretion of the administrative authority in accordance with its duty.

**Rechtsbehelf**

(1) (1) The person subject to the measure and other individuals affected by the measure taken by the administrative authority in the fine procedure may request a judicial decision against orders, rulings, and other measures. (2) This does not apply to measures taken solely for the preparation of a decision on whether to issue a fine notice or terminate the procedure, and that have no independent significance.

(2) (1) The competent court under § 68 shall decide on the application. (2) Sections 297 to 300, 302, 306 to 309, and 311a of the Code of Criminal Procedure, as well as provisions of the Code of Criminal Procedure regarding the imposition of costs in the complaint procedure, shall apply mutatis mutandis. (3) The court's decision is not subject to appeal unless otherwise provided by law.

**Kurztext**
**Ansprechpunkt**

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Zuständige Stelle	
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Formulare	
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Ursprungsportal	
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