

# Act relating to the execution of sentences etc. (The Execution of Sentences Act)

## **Chapter 1. The scope of the Act and general principles for the execution of sentences**

### *§ 1. Scope of the Act*

This Act applies to the execution of sentences of imprisonment, special criminal sanctions, community sentences, and remand in custody, and to the execution of other sanctions when specially so provided by statute.

### *§ 2. Purpose*

A sentence shall be executed in a manner that takes into account the purpose of the sentence, that serves to prevent the commission of new criminal acts, that reassures society, and that within this framework ensures satisfactory conditions for the prisoners.

In the case of persons remanded in custody the Correctional Services shall make suitable arrangements for remedying the detrimental effects of isolation.

### *§ 3. Contents*

Sanctions shall be executed in a manner that satisfies the need for security. The substance thereof shall be based on the measures available to the Correctional Services for assisting a convicted person to adjust to society. The Correctional Services shall make suitable arrangements for enabling a convicted person through efforts of his or her own to avoid committing new criminal acts.

Particular importance shall be attached to a child's right of access to his or her parents during the execution of a sanction.

A convicted person has a duty to take an active part during the execution of a sentence and special criminal sanctions. The duty to take an active part may include work, service beneficial to the community, training, programmes or other measures that are likely to counteract new criminality. In the event of illness or disability the duty to take an active part may cease.

In the execution of sentences of imprisonment and special criminal sanctions there shall as far as possible be a gradual transition from imprisonment to complete freedom, and opportunities to participate in leisure activities shall also be provided.

### *§ 4. Administrative cooperation*

The Correctional Services shall by engaging in cooperation with other public services arrange for convicted persons and persons in custody on remand to receive the services to which they are statutorily entitled. Such cooperation shall lead to a coordinated effort to supply the needs of convicted persons and persons in custody on remand and to assist them to adjust to society.

## **Chapter 2. Administrative provisions**

### **§ 5. Organizational division of the Correctional Services**

The Correctional Services are organised on three levels; central, regional and local.

The Norwegian Correctional Services (i.e. central level – Kriminalomsorgens sentrale forvaltning), are responsible for the professional and administrative management of the services. The King appoints the head of the Services.

At regional level a Director exercises the professional and administrative leadership. It may be decided that regional directors shall be employed on a fixed-term contract.

The King may prescribe further rules concerning the activity of the Correctional Services, the organization and execution of sentences of imprisonment, special criminal sanctions, remand in custody, community sentences, and other sanctions when specially provided by statute.

### **§ 6. Authority to make decisions**

Decisions pursuant to this Act may be made at local level unless it is otherwise provided in the second paragraph.

Decisions shall be made at regional level in all cases pursuant to sections 11, 37 fourth paragraph, and the third sentence of the seventh paragraph, 38 third and fourth paragraphs, 44 second paragraph and 58 second paragraph. When a convicted person is sentenced to imprisonment for a term exceeding ten years, or to a special criminal sanction, or is imprisoned in a department that has a specially high level of security pursuant to section 10 second paragraph, decisions pursuant to sections 12 to 16, 20, 33, 35, 36 and 42 to 44, shall also be made at regional level.

### **§ 7. Rules of procedure**

The Public Administration Act applies subject to the following exceptions:

- a) A convicted person, a prisoner or a person employed in the Correctional Services cannot act as an agent for a person who is serving a sentence or who is in custody pursuant to this Act.
- b) The proceedings may be oral if necessary for reasons of time. This also applies to administrative decisions and information of such decisions that is to be given to convicted persons or prisoners.
- c) A party is not entitled to inspect a document that contains information which it is deemed inadvisable in the interests of another person for the party to obtain knowledge of. Nor is the party entitled to become acquainted with information in a document if inspection thereof is inadvisable for security reasons, or in the interests of the investigation of criminal offences.
- d) An exception may be made from the duty to give grounds for an administrative decision pursuant to section 24 of the Public Administration Act if such grounds will disclose information that is excepted from the right to inspection pursuant to paragraph c.
- e) The time limit for an appeal in cases pursuant to this Act is seven days. This does not apply to cases concerning sanctions for breaches pursuant to section 40, first to sixth paragraphs inclusive, and section 58 first paragraph. In such cases the time limit is 48 hours.
- f) No appeal can be brought against a decision to bring a case before the district court pursuant to section 44 second paragraph or section 58 second paragraph. The same applies to a decision of committal to prison pursuant to section 11.
- g) The Norwegian Correctional Services and the regional level may, even though the time-limits in section 35 third paragraph of the Public Administration Act have been exceeded, of their own accord reverse a decision that has been made by a subordinate body to the detriment of a convicted person or prisoner if there are special reasons for doing so.

h) Every person who serves in the Correctional Services is subject to a duty of secrecy concerning what he or she gets to know about security conditions in the prisons in connection with his or her service.

i) A duty of secrecy does not prevent the Correctional Services from giving such information as is mentioned in section 36 third paragraph and section 42 seventh paragraph to the aggrieved person in criminal proceedings or to a surviving relative of the said person.

**§ 8. *Requirements for employees, etc.***

Special educational requirements may be demanded of persons who are to be employed in the Correctional Services. The conduct of such persons must be unimpeachable. An employee may, however, be temporarily or permanently transferred to another operative unit in the Correctional Services if it is in the interests of the service to do so.

**§ 9. *Supervisory councils***

Each of the six regions within the services shall be attached to a supervisory council, which pursuant to further rules shall exercise supervision over prisons and aftercare offices and over the treatment of convicted persons and prisoners.

## **Chapter 3.**

### **Sentences of imprisonment and special criminal sanctions**

#### **§ 10. Forms of execution**

Sentences of imprisonment and special criminal sanctions may be executed

- a) In prisons with a high security level (closed prisons),
- b) In prisons with a lower security level (open prisons),
- c) In a prison/halfway house,
- d) Outside prison subject to special conditions pursuant to section 16, or
- e) On probation subject to conditions pursuant to section 43 second paragraphs.

A department in a prison that has a high security level may be suitably organized for prisoners who have special needs, including persons who are sentenced to a special criminal sanction, or converted to an especially high security level.

Sentences may be executed by 24-hour detention in an institution or hospital pursuant to sections 12 and 13.

In force from 1 March 2002 with the exception of item c of the first paragraph.

#### **§ 11. Committal to prison**

The Correctional Services shall commit convicted persons directly to prisons with a high security level unless it is otherwise provided pursuant to this Act. Convicted persons should as far as is practically possible and appropriate be committed to a prison in the vicinity of their home district.

If special security reasons make it necessary, convicted persons may be committed to a department with an especially high security level pursuant to section 10, second paragraph.

The Correctional Services shall consider whether a convicted person may be committed directly to a prison with a lower security level if he or she is sentenced to imprisonment for a term not exceeding two years. No decision to make such a committal shall be taken if the purpose of the sentence or security reasons contraindicate it, or there is reason to assume that the convicted person will evade the execution. In special cases a convicted person may be committed directly to a prison with a lower security level when he or she is sentenced to imprisonment for a term exceeding two years.

#### **§ 12. Execution of sentence in an institution**

A sentence may in special cases be wholly or partly executed by 24-hour detention in an institution if such detention is necessary for improving the convicted person's capacity to function socially and law-abidingly, or there are other weighty reasons for doing so. The convicted person may be restrained against his or her will and brought back in case of escape, if necessary by force and with the aid of public authorities. The Correctional Services shall not decide on such execution if it is opposed to security reasons or there is reason to assume that the convicted person will evade the execution.

Amended by Act of 15 June 2001 No. 64 (in force on 1 January 2002).

#### **§ 13. Execution of sentence in a hospital**

The Correctional Services may decide that a sentence may be executed by 24-hour detention in a hospital if treatment of a disease necessitates this, and such treatment cannot be given during ordinary execution of the sentence.

#### **§ 14. Transfer from one form of execution to another**

The Correctional Services may transfer prisoners to another prison if

- a) It is probable that a prisoner has committed or will commit a criminal act,
- b) There is reason to assume that a prisoner will evade the execution,
- c) A prisoner despite a written warning continues to exercise an especially negative influence on the prison environment,
- d) A transfer is necessary in order to maintain peace, order and security in the prison, or
- e) The state of a building or staff conditions or lack of room necessitates it.

Prisoners who serve their sentences in a department with a specially high security level may be transferred to another prison in order to prevent breaches of the peace, order and security in the said department even though the conditions prescribed in items a to e of the first paragraph are not fulfilled.

A convicted person who himself or herself so wishes may be transferred to another prison if this is appropriate for the further execution of the sentence.

A convicted person who serves his or her sentence outside prison pursuant to § 16 may be returned to prison if it is probable that the said person has committed or will commit a criminal act, evade the execution or breach the preconditions and conditions for execution of sentence outside prison.

A convicted person shall not be transferred to a more restrictive prison than is necessary.

#### **§ 15. *Transfer to a less restrictive prison***

Prisoners in a department that has an especially high level of security, or that is suitably organized for prisoners with special needs, may be transferred to a prison with a high level of security if security reasons do not contraindicate this and there is no reason to assume that the prisoners will evade execution. The same applies to persons whom, pursuant to section 5-6 of the Mental Health Protection Act, it is decided to transfer to an institution under the Correctional Services if they consent thereto. The Correctional Services shall consider whether prisoners in a department that has an especially high level of security may be transferred to a prison with a high level of security at intervals of not more than six months.

Prisoners may, after having served part of their sentence, be transferred from a prison with a high security level to a prison with a lower security level. Prisoners shall not be transferred if the purpose of the sentence or security reasons contraindicate this, or there is reason to assume that the prisoners will evade the execution. The Correctional Services shall consider transfer to a prison with a lower security level when a year remains before the prisoners may be released on probation.

Prisoners may be transferred from a prison with a high or lower level of security to a prison/halfway house when part of the sentence has been executed. Prisoners shall not be transferred if the purpose of the sentence or security reasons contraindicates this, or there is reason to assume that the prisoners will evade the execution. The transfer must be an appropriate means of promoting a positive development and of counteracting new criminality.

Amended by Act of 15 June 2001 No. 64 (in force on 1 January 2002).

#### **§ 16. *Execution of sentence outside prison***

If it is a necessary and appropriate means of ensuring the continuation of a particularly positive development and the counteraction of new criminality, the Correctional Services may transfer a convicted person for execution of sentence outside prison subject to special conditions when half the term of the sentence has been served. No such decision to transfer shall be made if the purpose of the sentence or proper security considerations in regard to its execution contraindicates this.

It is a precondition for execution of sentence outside prison that the convicted person shall have a permanent residence and be employed in a form of work, training or other measures. The convicted person shall also avoid the use of intoxicants, anaesthetics, hormone preparations or other chemical substances that are not lawfully prescribed.

If it appears to be necessary for a properly secure execution of sentence outside prison, the Correctional Services shall lay down special conditions. The said Service may, inter alia, determine that the convicted person shall

- a) Undergo treatment,
- b) Participate in a programme,
- c) Take antabuse or other prescribed medicines,
- d) Comply with provisions concerning where to stay, or
- e) Avoid the company of specific persons.

The Correctional Services may abolish fixed conditions, amend them or lay down new conditions if it appears necessary for a properly secure execution of the sentence.

The Correctional Services shall check that the convicted person complies with preconditions and fixed conditions. As a step in such control, measures pursuant to section 56 may be implemented. In the event of breaches of conditions or preconditions, or if it is probable that a convicted person has committed or will commit a criminal act or will evade execution of the sentence, the provisions concerning return to prison in section 14 fourth and fifth paragraphs, shall apply.

#### **§ 17. *The company of other prisoners***

As far as is practically possible, prisoners shall be allowed company during work, training, programmes or other measures, and in leisure periods. The Correctional Services may decide on complete or partial exclusion from company pursuant to the provisions of section 29, second paragraph and sections 37, 38, 39 and 40, second paragraph, item d. Prisoners shall be placed in a single room at night unless health conditions or lack of room prevents this.

Company for prisoners who are serving their sentences in a department such as is mentioned in section 10, second paragraph, may be wholly or partly restricted in the interests of peace, order and security, or if it is in the interests of the prisoners themselves or other prisoners, and does not appear to be a disproportionate interference.

#### **§ 18. *Work, training, programmes or other measures***

The Correctional Services shall arrange for prisoners to be provided with facilities for activity during daytime.

#### **§ 19. *Daily pay***

Convicted persons, who are serving their sentences in prison, or outside prison pursuant to sections 12 and 13, may be granted daily pay. The Norwegian Correctional Services determine the rates.

#### **§ 20. *Day-release***

The Correctional Services may grant prisoners permission to take part in work, training, programmes or other measures outside prison if security reasons do not contraindicate this, and there is no reason to assume that prisoners will evade execution of their sentences.

### **§ 21. *Leisure activities***

The Correctional Services shall arrange for prisoners to be given facilities to take part in leisure activities, including opportunities for physical activity and cultural activity.

### **§ 22. *Airing***

Prisoners shall as far as possible be allowed out in the open air every day.

### **§ 23. *Religion and philosophy of life***

The Correctional Services shall give prisoners opportunities to practise their religion and philosophy of life.

### **§ 24. *Reporting and interviews***

The Correctional Services may grant permission for reporting from prisons. Conditions may be attached to such permission in order to ensure peace, order and security in the prison.

Prisoners are entitled to let themselves be interviewed and photographed. The Correctional Services shall arrange for a practical implementation of this right. The Correctional Services may decide the time and place for an interview in the interests of peace, order and security in the prison. The consent of the police is required for interviews with persons remanded in custody who are subject to restrictions imposed pursuant to section 186, second paragraph of the Criminal Procedure Act.

A person, who is granted permission to make reports pursuant to the first paragraph, or who interviews prisoners, may be subjected to a duty of secrecy in regard to information concerning security conditions in the prison. Any person who wilfully or negligently breaches the duty of secrecy shall be liable to fines or to imprisonment for a term not exceeding six months.

### **§ 25. *Cooperative bodies***

If the prisoners so wish, the Correctional Services should establish cooperative bodies with representatives of the prisoners and the staff as members. If sentences are executed in a department such as is mentioned in section 10, second paragraph, such bodies may be established if security reasons do not contraindicate this.

The aim of the cooperative bodies is to arrange for discussion of questions that are of significance for the prisoners' daily lives. Questions concerning an individual prisoner or employee, or questions concerning the organization of security measures, may not be discussed.

### **§ 26. *Private possessions***

The Correctional Services may in the interests of peace; order and security make provisions concerning what objects the inmates may be permitted to take into or out of prison.

Objects that are taken into or out of prison may be examined pursuant to sections 27 and 28.

The Correctional Services may, however, retain money or objects, which a person has attempted to take into or bring out of prison contrary to the first paragraph. If the money or objects are not seized pursuant to chapter 16 of the Criminal Procedure Act, confiscated pursuant to section 34 of the Penal Code, or retained on some other grounds, they shall at the latest be returned on release or when a visitor leaves the prison. The Correctional Services may destroy alcohol, other intoxicants and medicines etc.

### **§ 27. Examination of persons and objects**

The Correctional Services may examine persons and objects in the prison area by means of technological equipment or dogs in order to prevent the bringing in of objects that are not permitted. If such objects are found, or the person does not cooperate in the examination, the prison may refuse the person entry. If objects that are not permitted are found, the provisions of section 26, third paragraph, apply.

If the result of the examination pursuant to the first paragraph is positive, or the Correctional Services otherwise so decide, a person may be searched if he or she consents thereto. If the result of the examination pursuant to the first paragraph is positive, or there is otherwise reason to assume that a person is attempting to bring objects that are not permitted into the prison, the person may be detained by the staff until the police arrive even though the person does not consent to a search. If objects that are not permitted are found, the provision in the second and third sentences of the first paragraph, shall apply correspondingly.

An examination pursuant to the first paragraph by means of technological equipment or dogs involving public defence counsel or a representative of a public authority, including a diplomatic or consular representative, can only take place in a department with an especially high security level. These persons can be refused entry pursuant to the first paragraph only if they do not cooperate in the examination. If the result thereof is positive, such control measures as are mentioned in section 31 third paragraph, cf. sixth paragraph, may be implemented.

Valid identification may be demanded of any person in order to establish his or her proper identity.

Before the Correctional Services grant permission to visit prisoners, information concerning the visitor's character may be obtained beforehand.

In the event of telephone calls the identity of the caller may be checked beforehand.

Prisoners may be photographed in order to establish their proper identity.

### **§ 28. Inspection of prisoners, rooms and possessions**

The Correctional Services may inspect prisoners, their rooms and possessions in order to prevent disorder or criminal acts. The inspection may be done by means of technological equipment or dogs, search or bodily search.

### **§ 29. Inspection in order to expose the use of intoxicants etc.**

The Correctional Services may order convicted persons who are serving sentences pursuant to section 10 first paragraph items a, b, c and d, to provide urine samples, and breath or blood specimens, or to cooperate in other forms of inspection which may be carried out without risk or particular discomfort, in order to expose the use of intoxicants, anaesthetics, hormone preparations or other chemical substances that are not lawfully prescribed. Blood specimens may only be taken by health-service personnel.

If it is probable that a convicted person is concealing in his or her body intoxicants, anaesthetics, hormone preparations or other chemical substances that are not lawfully prescribed, the Correctional Services may decide that the convicted person shall be placed in a secluded room equipped with a special lavatory. A medical opinion shall be obtained and taken into account in considering whether this measure shall be implemented. While so placed the convicted person shall be subject to constant supervision by health-service personnel.

If it is highly probable that a prisoner is concealing in his or her body intoxicants, anaesthetics, hormone preparations or other chemical substances that are not lawfully prescribed, the Correctional Services may decide that a bodily search or other measure may be carried out in order to bring the substance to light. A medical opinion shall be obtained and taken into account in considering whether this measure shall be implemented. The

intervention may only be carried out by health-service personnel. Consent shall be obtained from the regional level beforehand if this is practically possible.

### **§ 30. Mail**

Prisoners may send and receive mail unless it is otherwise provided in this section.

The Correctional Services shall check mail sent to and by prisoners in a department with an especially high security level before it is delivered or posted. Mail to and from prisoners in a prison with a high security level shall be checked, but such checking may be omitted unless security reasons contraindicate this. Mail to and from prisoners in a prison with a lower level of security or in a prison/halfway house shall be checked if it appears necessary for security reasons.

Checking of mail may be done by opening and reading through the postal item before it is delivered or posted, and by such inspection as is mentioned in section 27, first paragraph. In a department with an especially high security level prisoners may be ordered to conduct correspondence in a language that members of the staff understand.

The Correctional Services may refuse to deliver or send a postal item to or from prisoners if the said item contains information concerning planning or committing a criminal act, evasion of execution of the sentence, or acts that will disturb peace, order and security. Prisoners may be informed of any part of the postal item that may be divulged without harm.

Any postal item that the prisoner has already received may be checked pursuant to the third paragraph.

A postal item sent to or by a public defence counsel or a representative of a public authority, including a diplomatic or consular representative, may be inspected pursuant to section 27, third paragraph. The inspection shall not include reading through the contents. The postal item shall always be opened in the presence of the prisoner.

The provisions of the fourth to the sixth paragraphs shall apply correspondingly to electronic communication by text, sound and pictures.

### **§ 31. Visits**

Prisoners may receive visits unless this section otherwise provides.

The Correctional Services shall control visits to a department with an especially high security level. Visits to a prison with a high security level shall be controlled, but such control may be omitted if security reasons do not contraindicate this. Visits to a prison with a lower security level or to a prison/halfway house shall be controlled if it appears necessary for security reasons.

Visits may be controlled by supervision by a member of the staff during the visit, by listening to the conversation, by means of a glass wall or by prohibiting physical contact between prisoners and visitors. If it is necessary to listen to the conversation for security reasons, the prisoner and the visitor may be ordered to carry on the conversation in a language that the staff understands. More than one control measure may be implemented simultaneously if necessary. The control measures applied shall not be stricter than necessary.

The Correctional Services may refuse to allow a visit if there is reason to assume that the visit will be misused for planning or committing a criminal act, evasion of execution of the sentence, or acts that may disturb peace, order and security. If the visit is of great significance for the prisoner and the control is sufficient to prevent the visit being misused for such purposes as are mentioned in the first sentence of this paragraph, the visit should be controlled, but not denied.

Visitors may be inspected pursuant to section 27 first, second, fourth and fifth paragraphs.

A public defence counsel and a representative of a public authority, including a diplomatic or consular representative, may be inspected pursuant to section 27, second to fifth paragraphs. Such a visit shall not be controlled by listening to a conversation.

Visits should be carried out in a room designed for this purpose. The prison shall arrange for visits by children to be carried out in a considerate manner. In the event of a breach of the current visiting rules, the visit may be interrupted.

### **§ 32. Telephone calls**

Prisoners may use the telephone unless this section otherwise provides.

The Correctional Services shall control telephone calls to and from prisoners in a department with an especially high security level. Telephone calls to and from prisoners in a prison with a high security level shall be controlled, but such control may be omitted if security reasons do not contraindicate this. Telephone calls to and from prisoners in a prison with a lower security level or in a prison/halfway house shall be controlled if this appears necessary for security reasons.

A telephone call may be controlled by listening in to the conversation. The parties to the conversation shall be warned in advance of such listening in. The parties may be ordered to carry on the conversation in a language that the staff understands. Investigation of a caller's identity may be made during the conversation.

The Correctional Services may refuse to allow prisoners to use the telephone if there is reason to assume that the telephone conversation will be misused for planning or committing a criminal act, evasion of execution of the sentence, or acts that will disturb peace, order and security. If the telephone call is of great significance for the prisoner, and the control is sufficient to prevent the call being misused for such purposes as are mentioned in the first sentence of this paragraph, the call should be controlled but not denied.

Telephone conversations may be tape-recorded if it is probable that prisoners are planning to evade execution of the sentence. The parties to the conversation shall be warned in advance that a tape-recording will be made.

A telephone call to or from a public defence counsel or a representative of a public authority, including a diplomatic or consular representative, may be investigated pursuant to section 27, sixth paragraph before the call begins. There shall be no listening in to or tape-recording of the call.

### **§ 33. Leave of absence from prison**

If security reasons do not contraindicate it, the Correctional Services may grant prisoners leave of absence for short periods if there are particularly weighty reasons for doing so, or when leave of absence is deemed to be appropriate for further execution of the sentence.

Prisoners may not be granted ordinary leave of absence until part of the sentence has been executed.

In assessing whether leave of absence is justifiable from a security aspect, particular weight shall, on the basis of the knowledge the Correctional Services have of the prisoner and his or her conduct during execution of the sentence, be attached to whether there is reason to assume that the prisoner will commit a new criminal act, evade execution of the sentence, or breach the preconditions or leave-of-absence conditions laid down pursuant to section 36, first and second paragraphs.

### **§ 34. Escorted leave**

The Correctional Services may grant prisoners leave of absence from prison under the escort of members of the staff.

### **§ 35. *Interruption of the sentence***

The Correctional Services may decide that execution of the sentence shall be interrupted if the convicted person's state of health requires it, or if there are other particularly weighty reasons for doing so that cannot otherwise be satisfied.

### **§ 36. *Determination of conditions relating to leave of absence and interruption of the sentence***

It is a precondition that prisoners granted leave of absence and interruption of sentence shall not commit a new criminal act, and shall stay at a given address, comply with conditions laid down pursuant to the second paragraph and return to prison in a sober state at a fixed time. During leave of absence prisoners shall also avoid the use of intoxicants, anaesthetics, hormone preparations or other chemical substances that are not lawfully prescribed.

The Correctional Services shall lay down special conditions if it appears necessary for effecting the leave of absence or interruption of sentence in a manner that is justifiable from a security aspect. It may be provided that a prisoner shall

- a) Pay visits to a specific authority or person,
- b) Report to the police or the Correctional Services at a fixed time,
- c) Take antabuse or other prescribed medicines,
- d) Provide a clear urine sample or breath specimen before departure,
- e) Be collected and brought back to prison by specific persons,
- f) Comply with provisions concerning the place where he or she shall stay,
- g) Avoid the company of specific persons, or
- h) During interruption of sentence avoid the use of intoxicants, anaesthetics, hormone preparation or other chemical substances that are not lawfully prescribed. Conditions concerning prohibition of the use of alcohol shall be omitted only if this appears to be unobjectionable from a security aspect.

If it is of importance for an aggrieved person in criminal proceedings or for his or her surviving relatives to be informed of the date of the leave of absence or interruption of sentence, the Correctional Services shall notify the aggrieved person or the survivors beforehand.

### **§ 37. *Exclusion from company as a preventive measure***

The Correctional Services may decide that a prisoner shall be wholly or partly excluded from the company of other prisoners if this is necessary in order to

- a) Prevent prisoners from continuing to influence the prison environment in a particularly negative manner in spite of a written warning,
- b) Prevent prisoners from injuring themselves or acting violently or threatening others,
- c) Prevent considerable material damage,
- d) Prevent criminal acts, or
- e) Maintain peace, order and security.

The Correctional Services shall decide on partial exclusion if this is sufficient in order to prevent acts pursuant to items a to e of the first paragraph.

Complete or partial exclusion pursuant to the first paragraph shall not be maintained longer than is necessary, and the Correctional Services shall constantly consider whether grounds for the exclusion continue to exist.

If complete exclusion from company exceeds 14 days, regional level shall decide whether the prisoner shall continue to be excluded. If the total period of exclusion exceeds 42 days, the measure shall be reported to the Norwegian Correctional Services. After that reports

shall be made to the Norwegian Correctional Services, at 14-day intervals. Exclusion pursuant to items a to e of the first paragraph may only extend beyond one year if the prisoner himself or herself so wishes.

If partial exclusion from company exceeds a period of 30 days, this measure shall be reported to the regional level.

The staff shall see to prisoners who are completely excluded from company more than once a day. Notification of the exclusion shall be given to a medical practitioner without undue delay.

The Correctional Services may decide that all or some prisoners shall be wholly or partly excluded from company if it is probable that an unspecified number of prisoners have committed or are in the process of committing such acts as are mentioned in the first paragraph, or if urgent building or staff conditions necessitate this. Such exclusion may be maintained for up to three 24-hour periods. Regional level may extend the exclusion by up to three 24-hour periods if there are special reasons for doing so.

The Correctional Services may decide that a prisoner shall be wholly or partly excluded from company if building or staff conditions necessitate this, or if the prisoner himself or herself so wishes.

Section 17 second paragraph shall be applied in the event of exclusion from company in such departments as are mentioned in section 10-second paragraph.

### **§ 38. Use of coercive measures in prison**

The Correctional Services may make use of a security cell; a restraining bed, or other approved coercive measure in order to

- a) Prevent a serious attack on or injury to a person,
- b) Prevent the implementation of serious threats or considerable damage to property,
- c) Prevent serious riots or disturbances,
- d) Prevent escape from prison, during transportation to or from a destination,
- e) Prevent unlawful intrusion into a prison, or
- f) Secure entrance to a closed or barricaded room.

The Correctional Services shall use coercive measures only if the circumstances make this strictly necessary, and less forceful measures have been attempted in vain or will obviously be inadequate. Coercive measures shall be used cautiously so that no person shall unnecessarily be injured or made to suffer. As far as possible a medical opinion shall be obtained and taken into account in considering whether a decision shall be made to use a security cell or a restraining bed. The Correctional Services shall constantly consider whether grounds for maintaining the measure exist.

Use of a restraining bed for a period that exceeds 24 hours shall be reported to the regional level, which will decide whether the measure shall be maintained. The question shall be reconsidered after 24 hours. The measure shall be reported to the Norwegian Correctional Services, if a restraining bed is used for more than three 24-hour periods.

Use of a security cell for more than three 24-hour periods shall be reported to the regional level, which will decide whether the measure shall be maintained. The measure shall be reported to the Norwegian Correctional Services if a security cell is used for more than six 24-hour periods.

**§ 39. Immediate exclusion of prisoners as a consequence of breaches of execution of prison sentences and special criminal sanctions**

If it is probable that a prisoner has committed an act that may result in a sanction pursuant to section 40, second paragraph, items c, d and e, the Correctional Services may wholly or partly exclude the prisoner from company for up to 24 hours.

**§ 40. Sanctions to be used in connection with breaches of the execution of prison sentences and special criminal sanctions**

The Correctional Services may impose sanctions pursuant to this provision if prisoners wilfully or negligently breach the rules for peace, order and discipline or preconditions and conditions in or pursuant to this Act. This includes breaches committed during temporary absence from prison or during transportation to and from prison. A decision may also be made to impose sanctions on any person who has aided and abetted the breach.

The following sanctions may be imposed:

- a) A written reprimand,
- b) Loss of daily pay for a specified period,
- c) Loss of privileges,
- d) Exclusion from leisure company or other leisure activities for a period of up to 20 days for breaches that are assessed in the same sanctions case, or
- e) Loss of entitlement to leave of absence for a period not exceeding four months.

Convicted persons who serve their sentences outside prison pursuant to section 16, may, unless a decision has been made to return them to prison pursuant to section 14, fourth paragraph, be given a written reprimand. If as a consequence of a breach a convicted person is or will be transferred to prison, a decision to impose sanctions shall be made only if the convicted person has evaded execution of the sentence.

If prisoners have committed more than one breach, the Correctional Services shall decide to impose a joint sanction. A decision may be made to impose loss of a privilege in addition to a sanction pursuant to items a, b, d and e of the second paragraph. Alternatively, the Correctional Services may decide to impose loss of two privileges. Unless the prisoners have evaded execution of the sentence, a decision to impose sanctions shall not be made, if as a consequence of the breach, prisoners are or will be, transferred to a more restrictive prison,

The sanction may be suspended subject to a period of probation not exceeding three months. If during the period of probation prisoners become guilty of new breaches, the period of probation is interrupted. In such cases the Correctional Services shall decide on a new joint sanction.

If health or other special reasons so indicate, a sanction may be interrupted or wholly or partly remitted. If execution of an interrupted sanction is not resumed within three months, the sanction shall be remitted.

A person who wilfully evades execution of a sentence of imprisonment or special criminal sanctions shall be liable to fines or to imprisonment for a term not exceeding six months. A public prosecution shall only be instituted at the request of the Correctional Services.

**§ 41. Preparation for release**

The Correctional Services shall in good time make preparations and help to make suitable arrangements for release on probation. This applies as far as possible also to prisoners who are serving a rather short sentence of imprisonment. Contact shall, to the necessary extent, be made with public authorities, organizations or private persons who can assist in providing properly organized living conditions, work, training or other measures that will help to ensure a law-abiding way of life after release.

#### **§ 42. Release from a prison sentence**

The Correctional Services may release a convicted person on probation when the said person has served two-thirds of the sentence and not less than 60 days, including any period spent remanded in custody. If release on probation entails that the period of sentence remaining is less than 14 days, the convicted person may only be released on probation if there are weighty reasons for doing so. A convicted person who has been sentenced abroad to imprisonment for a term exceeding 21 years, and who is transferred to Norway to serve the sentence there, may be released on probation after serving a term of not less than 14 years' imprisonment.

The Correctional Services may decide that a convicted person who is no longer in prison, but who fulfils the conditions for release on probation pursuant to the first paragraph, shall be released on probation without being sent to prison again.

If half the sentence of imprisonment and not less than 60 days in prison has been served, including any period spent remanded in custody, the Correctional Services may release a convicted person on probation if there are special reasons for doing so.

If there are special reasons for doing so, the Correctional Services may release a convicted person a short time before he or she should otherwise be released.

The Correctional Services shall not decide to release a convicted person on probation if on an overall assessment the circumstances make such a release inadvisable. The Correctional Services shall attach particular weight to the convicted person's conduct while serving the sentence, and to whether there is reason to assume that the convicted person will commit new criminal acts during the probation period.

The Correctional Services may make release on probation subject to a condition that a deportation decision shall be implemented.

If it is of importance for an aggrieved person in criminal proceedings or for his or her surviving relatives to be informed of the date of release, the Correctional Services shall notify the aggrieved person or the said survivors beforehand.

The period of probation expires on the date the sentence of imprisonment would have been fully executed.

#### **§ 43. Conditions for release on probation from a prison sentence, determination and amendment**

It is a precondition for release on probation that the person so released does not commit a new criminal act during the probation period.

If it appears necessary for effecting the release on probation in a manner that satisfies the need for security, the Correctional Services shall impose a condition that the person so released shall during a limited period of time appear before the Correctional Services in a sober state. If it appears to be necessary from a security aspect, the Correctional Services shall during the period of duty to appear before it, determine that persons released on probation shall

- a) Comply with provisions relating to residence,
- b) Appear in a **sober** state before a public authority, person or organization in accordance with the instructions of the Correctional Services,
- c) Comply with provisions relating to treatment,
- d) Comply with provisions relating to where to stay, work or training, or
- e) Avoid the company of specific persons.

If it appears necessary in order to effect the release on probation in a manner that satisfies the need for security, conditions imposed during the period when there is a duty to

appear, may be abolished or amended, or the Correctional Services may lay down new conditions as specified in the second paragraph. If a breach of a condition laid down pursuant to section 43 is suspected, measures pursuant to section 56 may be instituted.

The Correctional Services may extend the period when there is a duty to appear, but not beyond the expiry of the probation period, on the same conditions as specified in the third paragraph.

***§ 44. Breaches of conditions for release on probation during the period when there is a duty to appear before the Correctional Services***

If the person released on probation wilfully or negligently breaches conditions laid down pursuant to section 43, second paragraph, the Correctional Services may order the person so released to appear for a discussion concerning the imposition of stricter conditions. During such a discussion the person so released shall be informed of the consequences of repeated breaches of conditions. If it appears necessary for preventing new breaches, the Correctional Services shall lay down conditions pursuant to section 43, second paragraph, or new conditions to the effect that the person released on probation shall

- a) Avoid the use of intoxicants, anaesthetics, hormone preparations or other chemical substances that are not lawfully prescribed, or
- b) Comply with provisions relating to a duty to report to the police or the Correctional Services in addition to the duty to appear pursuant to section 43, second paragraph.

If after the Correctional Services have held a discussion concerning the imposition of stricter conditions or laid down conditions pursuant to the first paragraph, the person released on probation again breaches conditions, regional level may bring the case before the district court with an application for returning him or her to prison for complete or partial execution of the remainder of the sentence. Section 28b first and third paragraphs of the Penal Code shall be correspondingly applied to cases of returning to prison persons released on probation to complete service of the remainder of their sentences.

If the person released on probation fails to appear for the discussion on imposing stricter conditions pursuant to the first paragraph, execution of the sentence may be interrupted. The same applies if the person released on probation again breaches conditions after completion of the discussion on imposing stricter conditions. If the regional level brings the case before the district court pursuant to the second paragraph, execution of the sentence is interrupted from the date the application is remitted to the court.

If the court makes an order deciding that the person released on probation shall be returned to prison to fully complete service of the remainder of the sentence, the Correctional Services may decide on a new release on probation even though the minimum periods laid down in section 42 first paragraph have not been fulfilled for the remainder of the sentence.

The Correctional Services may request the police to bring in the person released on probation pursuant to section 461 third paragraph of the Criminal Procedure Act if this is necessary in order to implement a sanction pursuant to the first paragraph.

***§ 45. Commission of a new criminal act during the probation period***

If a person released on probation commits a new criminal act during the probation period, and an indictment is preferred or an application is made for the case to be adjudicated not later than six months after the probation period has expired, the provisions of section 28b, second paragraph and the second to fourth sentences of the third paragraph, of the Penal Code shall apply correspondingly.

If a person released on probation is charged with a criminal act that may result in his or her being returned to prison to complete service of the remainder of the sentence pursuant to section 28b of the Penal Code, the execution of the sentence may be interrupted.

## **Chapter 4. Remand in custody and other sanctions when specially so provided by statute**

### **§ 46. General provisions**

The Correctional Services may not impose other restrictions of the liberty of prisoners pursuant to this chapter than those necessary for effecting the purpose of the imprisonment or maintaining peace, order and security in the prison. Detrimental effects of the imprisonment shall as far as possible be prevented.

The Correctional Services shall give priority to measures for remedying negative effects of isolation on persons remanded in custody who are subjected to restrictions pursuant to section 186, second paragraph of the Criminal Procedure Act.

### **§ 47. Location of prisoners**

The Correctional Services should locate prisoners in the vicinity of their home districts when this is practically possible. The same applies to persons remanded in custody, unless due consideration for the investigation or the defence of the person charged contraindicates it.

Persons remanded in custody may be transferred to another prison pursuant to section 14. The second sentence of the first paragraph applies correspondingly.

Persons remanded in custody cannot without their own consent be ordered to share rooms with others unless health conditions or the accommodation available so indicates.

### **§ 48. Company**

Repealed

### **§ 49. Work, training, programmes and other measures**

Prisoners are, in so far as it is practically possible, entitled to participate in work, training, programmes or other measures. The Correctional Services may not order persons remanded in custody to take part in such activities. They may, however, be ordered to help with necessary cleaning and other housework in the prison.

### **§ 50. Right to spend one's own money**

Persons remanded in custody are entitled to make use of their own money if this is compatible with peace, order and security in the prison. When they are sharing the company of other prisoners, the right to spend their own money may be restricted.

### **§ 51. Health service**

Persons remanded in custody have opportunities to receive visits and to let themselves be treated by their own doctors or dentists if there are reasonable grounds for doing so. The prescription of medicines shall be done in collaboration with the prison health service.

### **§ 52. Other provisions**

Otherwise the provisions of the Execution of Sentences Act shall apply as far as it is compatible with decisions regarding restrictions or isolation pursuant to the Criminal Procedure Act, section 186 and 186 a. §§ 12, 15, 16, 20, 33, 35, 36 and 41 to 45 in the Execution of the Sentences Act do not apply.

## **Chapter 5. Community sentence**

### **§ 53. Contents of a community sentence**

The hours constituting the term of a community sentence imposed pursuant to section 28a of the Penal Code shall be spent on

- a) Community service,
- b) Programmes, or
- c) Other measures suitable for preventing new criminality.

The Correctional Services will in each particular case determine the precise contents of the community sentence within the limits set by the court in its judgment. If the court has imposed a condition that the convicted person shall comply with provisions relating to residence, where to stay, work, training or treatment, the Correctional Services shall determine the precise contents of the provisions. The Correctional Services shall attach particular importance to measures that may enhance the convicted person's capacity to rectify his or her pattern of criminal behaviour. The Correctional Services shall also attach importance to measures that may enhance the convicted person's capacity to serve the sentence in accordance with the provisions prescribed in and pursuant to this Act.

The Correctional Services shall alter the contents when this appears necessary in order to execute the community sentence in a manner that satisfies the need for security. The Correctional Services may alter the contents if the staff situation so indicates.

### **§ 54. Requirements relating to the convicted person**

The convicted person shall serve the sentence in accordance with further instructions from the Correctional Services. The convicted person shall

- a) Appear at appointed times and places,
- b) Not be under the influence of intoxicants or anaesthetics when appearing,
- c) Provide information about his or her residence, means of support, and other matters of significance for the execution of the sentence,
- d) Comply with the conditions that the court has imposed pursuant to section 28a, third paragraph of the Penal Code, and
- e) Remain in Norway during the period of execution unless the Correctional Services otherwise permits.

The convicted person shall not behave in a way that may

- a) Threaten the security of persons who are taking part in the execution of sentence, or
- b) Have a particularly negative effect on the environment.

The convicted person shall not commit a new criminal act during the period of execution of sentence.

### **§ 55. Preventive prohibition of intoxicants**

If it appears necessary in order to prevent a new criminal act that is aimed at a person's life, health or liberty, the Correctional Services may at any time in the course of the execution of sentence prohibit the convicted person from using intoxicants or anaesthetics.

The Correctional Services shall lift the ban when it no longer appears necessary.

### **§ 56. Investigation in connection with the conditions or ban on intoxicants, or as a consequence of suspicion that the convicted person is under such influence when appearing**

If the court has imposed conditions pursuant to section 28a third paragraph of the Penal Code, or the Correctional Services have, pursuant to section 55 or section 58 first paragraph, prohibited the convicted person from using intoxicants or anaesthetics, the

Correctional Services shall investigate whether the condition or prohibition is being complied with. The investigation may entail unannounced visits to the person's home. When a ban on intoxicants is imposed, the Correctional Services may order the convicted person to provide a urine sample, a breath specimen or a blood specimen, or to cooperate in some other investigation that may be carried out without risk or particular discomfort. A blood specimen may only be taken by health-service personnel.

If there is reason to assume that the convicted person is under the influence of intoxicants or anaesthetics when appearing, the Correctional Services shall investigate the matter as soon as possible. The convicted person may be ordered to provide a urine sample, a breath specimen or a blood specimen, or to cooperate in other investigations that may be carried out without risk or particular discomfort. A blood specimen may only be taken by health-service personnel.

Measures that are part of an investigation pursuant to the first or second paragraph, shall not lead to a reduction in the number of hours of the sentence.

#### ***§ 57. Interruption of the sentence***

The Correctional Services may interrupt the execution of the sentence if the convicted person's state of health so indicates, or if there is other particularly weighty reasons that cannot be satisfied in any other way. If it appears necessary for ensuring that the interruption is effected in a manner that satisfies the need for security, the Correctional Services shall lay down such conditions for the interruption as are mentioned in section 58, first paragraph.

#### ***§ 58. Sanctions in the event of breaches***

If the convicted person wilfully or negligently breaches provisions laid down in or pursuant to section 54, first and second paragraphs, or section 55, the Correctional Services may order the convicted person to appear for a discussion on imposing stricter conditions. During such a discussion the convicted person shall be informed of the consequences of repeated breaches. If it appears necessary in order to prevent new breaches, the Correctional Services shall lay down conditions to the effect that the convicted person shall

- a) Comply with provisions relating to places where he stays,
- b) Avoid associating with specific persons,
- c) Avoid the use of intoxicants or anaesthetics, or
- d) Comply with provisions concerning a duty to report to the police or the Correctional Services.

If after the Correctional Services have held a discussion on imposing stricter conditions or have laid down conditions pursuant to the first paragraph, the convicted person again breaches the requirements or conditions laid down pursuant to the first paragraph items a to d, the regional level should bring the case before the district court with an application to the effect that the alternative sentence of imprisonment shall be wholly or partly executed pursuant to section 28b first and third paragraphs of the Penal Code.

If the convicted person fails to appear at the discussion on imposing stricter conditions pursuant to the first paragraph, the Correctional Services may interrupt the execution of the sentence. The same applies if, after the conclusion of the discussion on imposing stricter conditions, the convicted person again breaches the requirements. If the regional level decides to bring the case before the court, execution of the sentence shall be interrupted from the date the application is remitted to the court.

The Correctional Services may request the police to bring in the convicted person pursuant to section 461, third paragraph of the Criminal Procedure Act if it is necessary in order to implement a sanction pursuant to the first paragraph.

**§ 59. *New criminal act***

If the convicted person commits a new criminal act during the period of execution of the sentence, the provisions of section 28b, second and third paragraphs of the Penal Code shall apply.

If the convicted person is charged with a criminal act that may entail serving the alternative sentence of imprisonment pursuant to section 28b, second and third paragraphs, the execution of the sentence may be interrupted.

**§ 60. *Commencement***

This Act comes into force from the date decided on by the King.  
From the same date the Prison Act of 12 December 1958 shall be repealed. The regulations prescribed pursuant to the Prison Act and section 28b and section 53 item 6 of the Penal Code shall, however, continue to apply, in so far as they are not contrary to this Act, until they are repealed or amended by the King.