Text consolidated by Valsts valodas centrs (State Language Centre) with amending laws of:

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7 September 2006 [shall come into force on 5 October 2006];

4 April 2007 [shall come into force on 1 May 2007];

13 December 2007 [shall come into force on 12 January 2008];

27 November 2008 [shall come into force on 23 December 2008];

30 April 2009 [shall come into force on 21 May 2009];

16 June 2009 [shall come into force on 1 July 2009];

10 December 2009 [shall come into force on 13 January 2010];

10 June 2010 [shall come into force on 6 July 2010];

16 June 2011 [shall come into force on 7 July 2011];

14 July 2011 [shall come into force on 11 August 2011];

21 July 2011 [shall come into force on 1 October 2011];

15 December 2011 [shall come into force on 30 December 2011];

15 December 2011 [shall come into force on 30 December 2011];

13 December 2012 [shall come into force on 11 January 2013];

20 December 2012 [shall come into force on 1 April 2013];

12 September 2013 [shall come into force on 1 January 2014];

2 October 2014 [shall come into force on 1 February 2015];

17 December 2014 [shall come into force on 1 January 2015];

15 January 2015 [shall come into force on 1 February 2015];

18 June 2015 [shall come into force on 14 July 2015];

18 February 2016 [shall come into force on 23 March 2016];

28 April 2016 [shall come into force on 26 May 2016];

9 June 2016 [shall come into force on 13 July 2016];

18 May 2017 (Constitutional Court Judgment) [shall come into force on 19 May 2017];

22 June 2017 [shall come into force on 1 August 2017];

7 December 2017 [shall come into force on 21 December 2017];

7 November 2019 (Constitutional Court Judgment) [shall come into force on 11 November 2019];

28 May 2020 [shall come into force on 23 June 2020];

18 September 2020 (Constitutional Court Judgment) [shall come into force on 21 September 2020];

15 January 2021 (Constitutional Court Judgment) [shall come into force on 19 January 2021];

15 June 2021 [shall come into force on 29 June 2021];

27 January 2022 [shall come into force on 4 February 2022].

If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

Law of the Republic of Latvia

**Sentence Execution Code of Latvia**

**Division One**

**Legislation of the Republic of Latvia on the Execution of Sentences**

**Chapter One**

**Legislation on the Execution of Sentences**

**Section 1. Task of Criminal Sentence Execution**

The task of criminal sentence execution is to execute a criminal sentence in accordance with the fundamental principles for the execution of criminal sentences laid down in this Code by applying the resocialisation measures laid down in this Code to a convicted person, and also to achieve that the convicted person and other persons abide laws and refrain from committing criminal offences.

This Code governs the provisions and procedures for the execution of criminal sentences, the legal status of convicted persons and the competence of State and local government institutions in execution of sentences.

[*14 July 2011*]

**Section 2. Application of the Laws and Regulations Regarding Execution of Criminal Sentences**

Convicted persons shall serve their sentence in accordance with the laws and other legal acts which are in force at the time when the sentence is served, unless otherwise provided for in a law or legal act.

All persons who have been convicted in Latvia shall serve their sentence in the territory of Latvia, unless otherwise provided for in international agreements binding on the Republic of Latvia.

[*14 October 1998*]

**Section 3. Application of Correctional Work Legislation**

[17 November 1992]

**Section 4. Basis and Fundamental Principles for the Execution of a Criminal Sentence**

Basis for the execution of a criminal sentence is a court ruling or penal order of a prosecutor that has entered into effect, and also a court decision that has not entered in effect and the complaint submitted against which does not suspend its enforcement in accordance with the Criminal Procedure Law.

In executing any form of criminal sentence the following fundamental principles shall be followed:

1) the practice of sentence execution must ensure a convicted person the statutory guarantees against torture and imposition of an inhumane or degrading punishment; the objective for sentence execution shall not be to cause physical suffering or to degrade the human dignity, or to ostracise the person;

2) discrimination against a convicted person on the basis of race, nationality, language, gender, social and financial status, political opinion, religious beliefs or other criteria shall not be permitted;

3) all convicted persons are equal before the law.

[*14 October 1998; 14 July 2011*]

**Section 4.1 Basis for Suspending and Reinstating the Execution of a Criminal Sentence**

Execution of a custodial criminal sentence shall be suspended upon the transfer of the convicted person to a foreign country for further serving of the sentence or from the moment when a notice is received from the Ministry of Justice that a judgment has been given for enforcement in a foreign country.

Execution of a non-custodial criminal sentence shall be suspended from the moment when a notice is received from the Ministry of Justice that a judgment has been given for enforcement in a foreign country, except for the confiscation of property and restriction of rights. Carrying out of property confiscation and restriction of rights shall be continued regardless of whether a ruling of a Latvian court has been transferred for enforcement to the foreign country.

Execution of a criminal sentence shall be reinstated if the institution executing the criminal sentence receives a notice from the Ministry of Justice that the person has escaped from the foreign prison or that the execution of the non-custodial criminal sentence has been returned to Latvia.

Within the meaning of this Code, the case of a convicted person shall be suspended and shall not be terminated until the moment when information that the sentence has been fully executed in a foreign country is received from the Ministry of Justice.

[*15 December 2011*]

**Division Two**

**General Rules to be Respected when Executing a Sentence**

[*15 December 1994; 14 October 1998*]

**Chapter Two**

**General Rules to be Respected when Executing a Sentence**

[*15 December 1994; 14 October 1998*]

**Section 5. Institutions Executing Criminal Sentences**

Criminal sentences imposed as basic punishments shall be executed by:

1) prisons of the Latvian Prison Administration of the Ministry of Justice – deprivation of liberty;

2) [20 December 2012];

3) [22 June 2017];

4) the State Probation Service – community service.

Criminal sentences imposed as additional punishments shall be executed by bailiffs and institutions supervised by or subordinate to a ministry in accordance with their mandate. Property confiscation imposed as an additional punishment shall be carried out by bailiffs in accordance with the procedures laid down in the Civil Procedure Law.

If a court has imposed a conditional sentence or an early conditional release from serving a prison sentence, the State Probation Service shall control the enforcement of such court ruling and supervise the convicted persons.

[*14 October 1998; 18 December 2003; 12 February 2004; 28 April 2005; 4 April 2007; 16 June 2009; 20 December 2012; 22 June 2017; 15 June 2021 / Amendment regarding the replacement of the words “compulsory service” with the words “community service” shall come into force on 1 January 2022. See Paragraph 37 of Transitional Provisions*]

**Section 5.1 Enforcement of a Prosecutorʼs Penal Order**

Prosecutorʼs penal order shall be enforced in conformity with the provisions for execution of sentences provided for in this Code. A person on whom a punishment has been imposed under a prosecutorʼs penal order has the same status as a convicted person.

[*28 September 2005*]

**Section 6. Places for Serving Sentences**

[14 October 1998]

**Section 7. Notice to the Court on the Enforcement of a Judgment**

[14 July 2011]

**Section 8. Purpose of the Execution of a Sentence**

The purpose for the execution of a sentence is to efficiently apply all the provisions laid down in this Code for the execution of a sentence to a convicted person, thereby ensuring the resocialisation of the person and their lawful behaviour after the sentence is executed.

[*14 July 2011*]

**Section 9. Legal Status of the Person Serving a Sentence**

Persons serving a sentence have the statutory obligations and rights with the restrictions provided by laws for convicted persons and also such restrictions as result from a court ruling or prosecutorʼs penal order and the procedures for serving a sentence laid down by this Code for serving the relevant type of sentence.

[*17 November 1992; 15 December 1994; 14 October 1998; 14 July 2011*]

**Section 10. Public Participation in the Resocialisation of Convicted Persons**

The public shall participate in the resocialisation of convicted persons in accordance with the type and scope laid down in this Code and other laws and regulations.

[*14 July 2011*]

**Section 11. Administration of the System for the Execution of Custodial Sentences**

In the Republic of Latvia, prisons shall be established and liquidated by the Ministry of Justice.

[4 April 2007]

Employees authorised by the Ministry of Justice shall, on regular basis, carry out inspections or audits at prisons.

Procedures for inspections, as well as the powers, rights and duties of the employees referred to in Paragraph three of this Section shall be determined by the Minister for Justice.

The internal rules of procedure of a prison shall be approved by the Cabinet.

The Cabinet shall determine the technical requirements for the construction of prisons.

[*14 October 1998; 4 April 2007; 14 July 2011; 18 February 2016*]

**Section 12. Supervision of the Execution of a Sentence by the Prosecutor’s Office**

[14 July 2011]

**Division Three**

**Procedures and Provisions for the Execution of a Custodial Sentence**

**Chapter Three**

**Types of Prisons, Procedures for Transferring and Holding Convicted Persons Therein**

[*15 December 1994*]

**Section 13. Types of Prisons**

A custodial sentence shall be executed in a closed prison, a partly-closed prison or an open prison, or in a juvenile correctional institution. Closed, partly-closed or open prison sections may be organised at a prison.

Convicted persons may also serve their custodial sentence in the isolation sections or the maintenance service of remand prisons.

Persons of legal age who have been convicted under a custodial sentence shall serve their sentence in a closed prison, a partly-closed prison or an open prison, or in the isolation sections or the maintenance service of remand prisons, but male minors shall serve their sentence in juvenile correctional institutions, female minors – in separate sections of women’s prisons which are arranged as juvenile correctional institutions.

[*15 December 1994*]

**Section 13.1 Placement of Convicted Persons in a Prison**

The placement of convicted persons in a specific prison shall be determined by the head of the Latvian Prison Administration taking into account medical, security and crime prevention criteria. The decision of the head of the Latvian Prison Administration on placing a convicted person in a prison may not be contested and appealed.

[*18 June 2015*]

**Section 13.2 Allocation of Convicted Persons in a Prison**

The committee for the allocation of convicted persons established by the order of the head of a prison shall determine in which part, unit and cell of the prison the convicted person shall be placed, considering vacant places in cells, psychological compatibility, health conditions, attitude towards smoking, prior criminal record of the convicted persons.

A convicted person who has helped to uncover a crime committed by another person and to whom a court has reduced the punishment specified in the judgment shall be held separately from other convicted persons if so requested by such person.

If the convicted person is a judge, a person belonging to the judicial system, an employee, former employee of an investigative institution, an institution for the execution of criminal sentences, a State authority performing operational activities, municipal police or another State authority involved in ensuring national and public safety, their spouse or a first-degree relative, he or she shall be held separately from other convicted persons.

The decision taken by the committee for the allocation of convicted persons on the allocation of convicted persons may not be contested and appealed.

[*18 June 2015*]

**Section 14. Determination of the Type of Correctional Work Institution**

[15 December 1994]

**Section 15. Sending of Persons Convicted under a Custodial Sentence to Serve the Sentence**

Persons who are imprisoned shall be sent to serve the sentence not later than within ten working days from the day when the ruling has entered into lawful effect or from the day when the ruling has been transferred for enforcement.

The Latvian Prison Administration shall, within three working days after the day when information from a court on commencing the enforcement of the judgment and a copy of the judgment is received, send a registered letter to the person sentenced with temporary deprivation of liberty who is not imprisoned at the time when the judgment has entered into effect or has been transferred for enforcement, indicating in the letter the prison where and time when the person must arrive for serving the sentence for the temporary deprivation of liberty, and also informing the person of the liability laid down in the Criminal Law for evading the serving of sentence. The period between the day when the letter is sent and the day when serving of the sentence is commenced may not be less than ten working days.

If the person convicted under a sentence for the temporary deprivation of liberty does not arrive to the prison to serve the sentence at the specified time, the head of the prison shall send a submission to the State Police in order to decide the matter on commencing criminal proceedings and also shall send a submission to the court which sentenced the person with temporary deprivation of liberty with the request to announce the search for the convicted person.

The State Police shall transfer a detained person for whom the punishment has been replaced with a temporary deprivation of liberty or deprivation of liberty, or on whom a custodial sentence has been imposed and who is not imprisoned, to a prison to serve the sentence within seven working days after the detention thereof. If a temporary deprivation of liberty is imposed on a person, the head of the Latvian Prison Administration shall, within three working days after receipt of the request from the State Police, inform of the prison where the convicted person must serve his or her sentence.

As soon as a convicted person begins to serve the sentence, the administration of the prison shall ensure such person the possibility to immediately inform relatives of the place where the sentence is being served.

Photographs of the person and his or her unique features, and also a forensic characterisation of the person shall be prepared for each person convicted under a custodial sentence.

Convicted persons shall be admitted to a prison by the administration in accordance with the procedures laid down in the internal rules of procedure of the prison.

Information regarding persons convicted under a custodial sentence, photographs of such persons and their unique features, and also the forensic characterisation of such persons shall be registered in the Integrated Information System of the Interior. The photographs to be taken and the mandatory technical requirements laid down for them, as well as the scope of information to be included in the Integrated Information System of the Interior, the procedures for its inclusion and deletion, storage periods and the authorities to which access to the information stored in the aforementioned information system should be granted shall be determined by the Cabinet.

The administration of a prison shall, within 21 days after it has received information from a court on the enforcement of the judgment, inform a foreign citizen convicted in Latvia or a person whose permanent place of residence is not Latvia of their right to express a wish to serve the sentence in the country of their citizenship or permanent residence. The legal consequences of transferring a person for serving the sentence shall be explained to the convicted person in accordance with the provisions of the Criminal Procedure Law.

[*15 December 1994; 14 October 1998; 11 November 2004; 14 July 2011; 15 December 2011; 20 December 2012; 22 June 2017; 7 December 2017; 15 June 2021; 27 January 2022*]

**Section 15.1 Informing the Ministry of Justice of Foreign Citizens**

The Latvian Prison Administration shall, on a regular basis, however, not less than once in every four months, send information to the Ministry of Justice regarding foreign citizens who are serving a custodial sentence in prisons of Latvia.

[*15 December 2011*]

**Section 15.2 Placement of Convicted Persons in a Place of Temporary Detention**

After detention, a person who is convicted under a custodial sentence and wanted may be placed in a place of temporary detention until relocation to a prison. In the place of temporary detention, the convicted person is subject to the internal rules of procedure of the place of temporary detention, and the living conditions of a place of temporary detention shall be ensured to him or her.

[*28 April 2016*]

**Section 15.3 Personal File of a Convicted Person**

Employees of the prison shall create a personal file for each person convicted under a custodial sentence or continue a personal file of an arrested person if the convicted person has been sent to serve a sentence from a remand prison.

The personal file shall mandatorily include the following:

1) the court rulings referred to in Section 4, Paragraph one of this Code;

2) the dactyloscopic card of the convicted person;

3) information regarding detention if the convicted person has been detained or regarding arrival to commence serving of the custodial sentence;

4) the questionnaire of the convicted person;

5) photographs of the convicted person and his or her unique features, and also criminalistic characterisation of the convicted person;

6) the resocialisation plan and information regarding the resocialisation process of the convicted person;

7) information regarding the sentences imposed on the convicted person for violations of the requirements for the sentence serving regime, and also information regarding the incentives applied.

The personal file of the convicted person shall include the documents that provide information regarding the progress of execution of the custodial sentence and the administrative acts and other decisions taken in respect of the convicted person.

The personal file of the convicted person shall be accompanied by the following:

1) a passport or an identity card;

2) a temporary certificate, a return certificate, or an emergency travel document;

3) information available to the prison regarding education acquired by the convicted person.

In transferring the convicted person from a place of temporary detention to the prison, the documents referred to in Paragraph two, Clauses 1–3 of this Section and the documents removed from the convicted person shall be sent with him or her. In transferring the convicted person from the prison to the remand prison or vice versa, the personal file of the convicted person shall be sent with him or her.

The Cabinet shall determine the content of the questionnaire of the convicted person and lay down the procedures for drawing up thereof, and also the procedures for drawing up the personal file.

[*27 January 2022*]

**Section 16. Short-term Keeping of Convicted Persons in Remand Prisons**

A person convicted under a custodial sentence who must serve the sentence in a prison may be kept in a remand prison under a decision of the district, city or regional court prosecutor, for a period of up to three months, but under a decision of the Prosecutor General – for a period of up to six months if investigative actions need to be taken, or under a court decision taken based on the examination of the case in the court – for the period specified for the examination of the case.

If the convicted person is held criminally liable in another case and the security measure imposed on him or her is custody, the period for which he or she will be held in the remand prison shall be determined in accordance with the provisions of the Criminal Procedure Law.

[*17 November 1992; 15 December 1994; 14 October 1998; 11 November 2004; 4 April 2007*]

**Section 17. Keeping of Convicted Persons in Remand Prisons for Maintenance Service Work**

[*11 November 2004*]

**Section 18. Segregation of Convicted Persons in Prisons**

In prisons, men and women, as well as minors and adults shall be held separately. Convicted persons whose personal characteristics and criminal record negatively affect other convicted persons or who oppress and exploit other convicted persons shall also be segregated.

Persons to whom the security measure – detention – has been applied shall be segregated from convicted persons, except when they agree to communal placement or participation in joint activities and the investigative institution, the Prosecutor’s Office or the court which has the arrested person at the disposal thereof agrees thereto.

The requirements laid down in this Section for the segregation of convicted persons shall not apply to prison hospitals. Persons receiving treatment in such a hospital shall be held under conditions of such regime as is determined for such persons.

The persons convicted under a sentence for the temporary deprivation of liberty shall be segregated from other convicted persons in conformity with the provisions of the first sentence of Paragraph one of this Section, however, they may be involved in spiritual care and resocialisation measures along with other convicted persons.

the convicted persons involved in a resocialisation programme focused on treatment of addictions (hereinafter – the programme for treatment of addictions) shall be segregated from other convicted persons in compliance with the conditions specified in Paragraph one of this Section.

[*15 December 1994; 14 July 2011; 20 December 2012; 9 June 2016*]

**Section 19. Serving the Whole Sentence Imposed on Convicted Persons in One Correctional Work Institution**

[15 December 1994]

**Section 20. Transfer of Convicted Persons to a Remand Prison**

Transfer of a convicted person from prisons to a remand prison shall be permitted:

– in relation to court proceedings – by a court decision for the period specified for the examination of the case;

– in relation to investigative actions in a case regarding a criminal offence committed by the convicted person or another person – by a decision of the district, city or regional court prosecutor – for a time period of up to three months, but by a decision of the Prosecutor General of the Republic of Latvia – for a time period of up to six months.

The extent of the rights of a convicted person in a remand prison referred to in Paragraph one of this Section is laid down in this Code.

This Section shall not apply to the convicted persons who serve custodial sentence in open prisons.

[*17 November 1992; 15 December 1994; 14 October 1998; 11 November 2004; 14 July 2011*]

**Section 20.1 Basic Principles for Executing a Custodial Sentence**

The basic principles for executing a custodial sentence are the provision of the procedures for the execution of sentences (regime) and the resocialisation process of a convicted person (means for adjusting his or her social behaviour and social rehabilitation) stipulated in this Code.

[*14 July 2011*]

**Section 20.2 Visitation of a Prison**

Persons who come to a prison to visit convicted persons or to fulfil professional duties may not be under the influence or intoxication of alcohol, narcotic or other intoxicating substances.

[*28 May 2020; 15 June 2021*]

**Section 21. Changing Holding Conditions of Persons Convicted under a Custodial Sentence while the Sentence is being Served**

[15 December 1994]

**Chapter Four**

**Correctional Labour Colonies**

[15 December 1994]

**Chapter Five**

**Prisons**

[15 December 1994]

**Chapter Six**

**Educational Labour Colonies**

[15 December 1994]

**Chapter Seven**

**Regime at Prisons**

[*14 July 2011*]

**Section 41. Basic Provisions for the Regime at Prisons**

Basic provisions for the regime at prisons are the mandatory isolation and supervision of the convicted persons so that they would not have an opportunity to commit new criminal offences; precise and unconditional fulfilment of the obligations provided for them; various conditions of the regime depending on the nature of the criminal offence committed by the convicted person, his or her personality and behaviour.

Convicted persons shall wear their personal clothing or the type of clothing ensured by the administration of a prison in accordance with the internal rules of procedure of the prison. Requirements for the appearance of a convicted person shall be laid down in the internal rules of procedure of the prison. Convicted persons shall be subject to search which shall be conducted by a person of the same sex.

Convicted persons in all types of prisons and juvenile correctional institutions, as well as separate sections of a women’s prison which have been organised as juvenile correctional institutions shall be placed in locked premises or cells during the time provided for sleep but at the lowest level of the sentence serving regime in closed and partly-closed prisons – also during the time free from resocialisation activities.

Strictly regulated daily schedule shall be determined in prisons by an order of the head of the prison.

Convicted persons are not permitted to keep money, valuables, or objects the use of which in prisons is prohibited at their disposal. The prohibited objects and money found in the possession of convicted persons shall be seized. Money shall be transferred into the budget of the prison and it shall be used to improve the living conditions of the convicted persons. The list and quantity of objects and belongings which may be in the possession of convicted persons and the procedures for seizing money shall be governed by the internal rules of procedure of the prison.

The prohibition to keep money and valuables in one’s possession specified in Paragraph five of this Section shall not apply to convicted persons serving their sentence in open prisons. With the permission of the head of the prison, convicted persons serving their sentence in open prisons are also allowed to keep personal computer hardware with Internet access, if it is needed to ensure completion of education or employment of the convicted person, and also a personal mobile phone. The personal computer hardware and the mobile phone kept by convicted persons shall be subject to inspection.

[15 June 2021]

In order to prevent threat to the safety of prisons or public and also the transfer of prohibited objects or substances to convicted persons, the officials of the prison shall examine the content of the postal consignments and parcels addressed to convicted persons.

The head of the prison or the official of the prison authorised thereby has the right to request that visitors of the prison present a personal identification document, as well as to inspect and search such persons and their belongings.

Convicted persons have the obligation to pay for the paid services provided by the Latvian Prison Administration.

[*24 March 1977; 21 December 1987; 17 November 1992; 15 December 1994; 14 October 1998; 11 November 2004; 16 June 2009; 14 July 2011; 18 June 2015; 22 June 2017; 7 December 2017; 15 June 2021*]

**Section 41.1 Requirements of the Regime for the Undertakings Located in the Territory of Prison**

Administrative and engineering personnel, as well as qualified workers may work in the undertakings located in the territory of a prison on the basis of an employment contract to directly manage the work of convicted persons.

Persons working together with convicted persons must comply with the procedures laid down by the administration of the prison in mutual relations with the convicted persons. If these procedures are violated, the administration of the prison has the right to prohibit such persons from entering production facilities where convicted persons are working.

Objects, food products, money or objects which are prohibited to be used in prisons may not be given to convicted persons. Persons at fault shall be held liable in accordance with the procedures laid down in the law.

Where necessary, the administration has the right to inspect production facilities, as well as inspect the possessions and clothing of those persons who enter and exit the production facilities where convicted persons are working.

[*21 December 1987; 15 December 1994; 11 November 2004*]

**Section 42. Internal Procedures in Prisons**

In prisons, strictly regulated internal procedures shall be determined which provide for: procedures for the admission of convicted persons in prisons; rules of behaviour for convicted persons during work and rest periods; list of works and positions in which convicted persons may not be employed; list and quantity of objects and possessions which may be kept in their possession; procedures for seizing the objects prohibited to be used; regulations for inspections and meetings; regulations by which consignments, parcels, printed matters and correspondence for convicted persons shall be accepted and issued; and a list and quantity of food products and basic goods which may be sold to convicted persons.

The internal rules of procedure of a prison shall be placed at a location accessible to all convicted persons.

[*15 December 1994; 14 July 2011; 11 August 2011*]

**Section 43. Purchase of Food Products and Basic Goods**

Convicted persons may purchase food products and basic goods.

If convicted persons are not provided with work for a full month, they and convicted persons incapable of work, pregnant women, mothers breastfeeding children and minors have the right to purchase food products and basic goods with money in their personal accounts.

List of those food products and basic goods which may be sold to convicted persons shall be governed by the internal rules of procedure of the prison. Payment for the goods purchased in prisons, except for open prisons, shall not be made in cash but by a transfer. The sum of money for which a convicted person may purchase goods in one month shall be stipulated in this Code.

[*14 October 1998; 11 November 2004; 16 June 2009; 14 July 2011*]

**Section 44. Possibility for Convicted Persons to Purchase Literature and Stationery**

Irrespective of the regime determined for convicted persons, they may, without restriction, purchase literature in the book marketing network, subscribe to newspapers and magazines and purchase stationery with funds from their personal account.

[*13 June 1991; 17 November 1992; 15 December 1994; 18 June 2015*]

**Section 45. Meetings of Persons Convicted under a Custodial Sentence with Relatives and Other Persons**

Persons convicted under a custodial sentence, except for convicted persons involved in the programme for the treatment of addictions and persons convicted under a sentence for the temporary deprivation of liberty, have the possibility to meet their relatives and other persons without the presence of a representative of the prison in accordance with the procedures and to the extent laid down in this Code: short-duration visits – from one to two hours in order to facilitate maintenance and renewal of socially useful contacts; long-duration visits – from six to forty-eight hours in order to facilitate maintenance of kinship and family contacts.

The persons convicted under a sentence for temporary deprivation of liberty shall have the possibility to meet their relatives and other persons without the presence of a representative of the prison in accordance with the procedures and to the extent laid down in this Code: short-duration visits – from one to two hours in order to facilitate maintenance and renewal of socially useful contacts.

During long-term visits the convicted person shall be permitted to stay with his or her relatives – parents, children, siblings, a grandfather, a grandmother, grandchildren, or a spouse. With a decision of the head of a prison, long-duration visits with other persons may be permitted provided if the convicted person has had a common household or a common child with this person before beginning to serve the sentence.

Upon registering marriage, convicted persons, in addition, may be granted a longer meeting of up to 48 hours with the permission of the head of a prison.

The head of a prison may, by a decision, prohibit a convicted person to meet a specific person due to security reasons.

Upon a written submission of a convicted person who serves his or her sentence in a closed prison and with the permission of the head of the prison, short-duration or long-duration visits may be substituted with telephone conversations at the expense of the convicted person or persons with whom the conversations are held.

Procedures for meetings and their substitution with telephone conversations shall be governed by the internal rules of procedure of the prison.

In exceptional circumstances, the head of a prison may, upon evaluating each individual case, take a justified decision to hold the short-duration visits referred to in Paragraph one of this Section in the presence of a representative of the prison if it is necessary for security reasons or in the interest of the criminal proceedings, or if requested by the visitor.

When deciding on the duration of the meeting to be granted, the head of a prison shall take into consideration behaviour of the convicted person at the prison and the need to ensure a meeting possibility to other convicted persons.

The decisions of the head of a prison referred to in this Section may be contested to the head of the Latvian Prison Administration in accordance with the procedures laid down in the Administrative Procedure Law. The decision of the head of the Prison Administration may be appealed to the District Administrative Court in accordance with the procedures laid down in the Administrative Procedure Law. The judgment of a District Administrative Court may not be appealed.

[27 January 2022]

[*14 October 1998; 11 November 2004; 14 July 2011; 20 December 2012; 18 June 2015; 9 June 2016; judgment of the Constitutional Court of 15 January 2021; 15 June 2021; 27 January 2022*]

**Section 45.1 Temporary Departure from the Territory of a Prison**

[15 December 1994]

**Section 45.2 Procedures for Exercising the Right of a Person Convicted under Custodial Sentence to Meet with a Relative or Spouse who is Serving a Sentence at Another Prison**

If a convicted person has been granted the incentive referred to in Section 68, Paragraph one, Clause 6, 7, or 8 of this Code and during a temporary leave he or she wants to visit a relative or spouse who is serving the sentence at another prison, the convicted person shall submit a relevant submission to the head of that prison where he or she is serving the sentence. The prison where the relative or spouse is located, the information that the relative or spouse has been granted a short-duration or long-duration visit in accordance with the procedures laid down in this Code, the date and duration of the visit shall be indicated in the submission. The submission shall be submitted not later than one month before the expected visit.

The head of the prison shall, without delay, inform the head of such prison where the relative or spouse referred to in the submission is serving the sentence of the received submission and intended visit in writing. The photograph of the convicted person shall be sent together with the submission.

The head of such prison where the relative or spouse is serving the sentence may take a justified decision on the occurrence of the short-duration visit granted to the relative or spouse in the presence of a representative of the prison in the case referred to in Section 45, Paragraph eight of this Code.

The convicted person has the right, within one month, to request that the decision of the head of the prison referred to in Paragraph three of this Section is drawn up in writing. The decision shall be drafted in writing and issued in accordance with the procedures laid down in the Administrative Procedure Law.

The decision of the head of the prison referred to in Paragraph three of this Section may be contested and appealed in accordance with the procedures laid down in Section 45, Paragraph ten of this Code.

If the convicted person who is on his or her way to meet up with his or her relative or spouse at another prison, however he or she is not able to arrive due to objective and unforeseeable or unavoidable circumstances, he or she has the obligation to immediately inform the head of the prison who has granted the incentive referred to in Paragraph one of this Section thereof and return to the prison without any delay. If the convicted person does not arrive to a meeting with the relative or spouse, it is considered to be a gross violation of the sentence serving regime, except for the case when he or she has had objective and unforeseeable or avoidable reasons.

If, when arriving to the meeting provided for in Paragraph one of this Section or during thereof, it is established that the convicted person who has arrived to the meeting is under the influence or intoxication of alcoholic, narcotic or other intoxicating substances, then the head of that prison where the meeting takes place:

1) shall take the decision to isolate such convicted person for a period of time not exceeding 64 hours by placing him or her separately from other convicted persons;

2) shall immediately inform the head of that prison from which the convicted person has arrived;

3) shall immediately organise conveying of such convicted person back to the prison;

4) shall carry out the activities specified in this Code for the registration of the violation of the sentence serving regime and for the imposing of a punishment for the violation of the sentence serving regime.

[*15 June 2021*]

**Section 46. Legal Aid to Persons Convicted under a Custodial Sentence**

A convicted person may meet with a defence counsel, sworn notary and a provider State-ensured legal aid for the receipt of legal aid in accordance with the procedures laid down in laws and regulations.

Number of such meetings shall not be restricted and they shall not be included in the number of short-duration or long-duration meetings provided for in this Code and shall take place within the working hours of a prison.

Meetings with a defence counsel shall not be controlled.

Meetings with a sworn notary and a provider State-ensured legal aid shall take place under conditions of visual control.

[*4 April 2007*]

**Section 46.1 Spiritual Care in Prisons**

A prison shall provide a Chaplain Service. The Chaplain Service shall be subordinate to the Latvian Prison Administration.

Lawfully registered religious, benevolent and charitable societies shall be permitted to carry out moral development activities in prisons.

Procedures by which convicted persons shall be permitted to see a clergyman and participate in moral development activities shall be governed by the internal rules of procedure of a prison.

[*15 December 1994; 14 October 1998; 19 October 2000; 11 November 2004; 30 April 2009; 14 July 2011*]

**Section 47. Right of Convicted Persons to Receive Consignments and Parcels**

In prisons, only non-food goods shall be permitted to be received by way of consignments and parcels. The procedures by which consignments or parcels shall be admitted and issued, as well as the list of those objects which may be received by way of consignments and parcels shall be governed by Cabinet regulations.

In closed prisons, partly-closed prisons and juvenile correctional institutions, convicted persons who may wear personal clothing may receive such clothing by way of consignments and parcels.

Convicted persons may receive 12 consignments or parcels a year. Persons convicted under a sentence for the temporary deprivation of liberty may receive one consignment or parcel a month, or one consignment or parcel while serving the sentence if the term is shorter than one month.

Print publications and laws and regulations shall not be deemed to be consignments or parcels.

The decision of the head of a prison to refuse to accept objects which may not be received at the prison by way of consignments and parcels shall not be subject to contestation or appeal.

The right to receive consignments and parcels laid down in this Section shall not be applied to convicted persons involved in the programme for the treatment of addictions, except for educational materials if the convicted person acquires education.

[*11 November 2004; 4 April 2007; 20 December 2012; 18 June 2015; 9 June 2016*]

**Section 47.1 Right of Convicted Persons to Use Household Appliances**

Convicted persons may use TV sets and transistor radios (without voice recording functionality) of a prison and personal TV sets and transistor radios (without voice recording functionality) and also other personal household appliances to the extent, at the time and in accordance with the procedures laid down in the internal rules of procedure or the prison.

A complaint may be submitted to the head of the Latvian Prison Administration regarding the decision of the head of a prison to prohibit the convicted person from using personal TV sets and transistor radios (without voice recording functionality) and also other personal household appliances. The decision of the head of the Prison Administration shall not be subject to appeal.

The right specified in Paragraph one of this Section shall not apply to convicted persons involved in the programme for the treatment of addictions. Convicted persons involved in the programme for the treatment of addictions may use TV sets and transistor radios (without voice recording functionality) of the prison in common-use premises in accordance with the daily schedule determined by the head of the prison.

[*18 June 2015; 9 June 2016*]

**Section 47.2 Right of a Convicted Person to Use an Aid in the Study Process**

A convicted person may ask a permission by a written submission addressed to the head of the prison to receive and use, for a certain period of time, an aid for the development of a bachelor’s thesis, master’s thesis, or promotion thesis for the acquisition of higher education at an accredited higher education institution.

The following shall be indicated in the submission:

1) the higher education institution and the study programme in which he or she is studying;

2) the purpose of the use of an aid;

3) the intended duration of the use of an aid;

4) the technical description of an aid;

5) the identifying information of an aid;

6) the reason why the aid available at the prison cannot be ensured for the continuation of studies for the acquisition of higher education if a relevant aid ensured by the prison is available for a convicted person, when he or she is continuing the studies for the acquisition of higher education.

The convicted person shall append to the submission referred to in Paragraph two of this Section the documents at his or her disposal which confirm the information indicated in the submission.

In order to decide on the issue to grant a permission, the head of the prison, where necessary, shall request information from the institution of higher education where the convicted person is studying.

The head of the prison shall, within 10 working days after receipt of the information referred to in Paragraph four of this Section, decide on the granting of the permission referred to in Paragraph one of this Section, assessing the criteria for the security and prevention of crime, and also the possibilities to keep the aid referred to in Paragraph one of this Section at the premises of the prison. The head of the prison shall indicate in the permission the purpose of the use of the aid, the type, frequency, duration of the use thereof, and also the place and procedures for the storage of the aid.

Upon assessing each case individually, the head of the prison shall not allow the convicted person to use the aid referred to in Paragraph one of this Section if there is at least one of the following conditions:

1) the convicted person has been punished for the violation of the procedures for the use of personal household appliances, for the use or distribution of items or substances prohibited in a prison, or for the violation of the procedures for the use and storage of the aid, and fails to comply with the conditions of Section 50.3, Paragraph four of this Code;

2) the convicted person has provided false information in the submission referred to in Paragraph two of this Section;

3) the risks jeopardising the procedures laid down in a prison or public safety have been established.

The convicted person is punished for the violations of the use and storage of the aid in accordance with the procedures laid down in this Code.

The aid is subject to the inspection before and after the use thereof.

The convicted person may contest the decision of the head of the prison to refuse to give a permission for the use of an aid to the head of the Prison Administration. The decision of the head of the Prison Administration shall not be subject to appeal.

If it is established that the convicted person uses the aid not in conformity with the requirements laid down in the permission of the head of the prison or in this Code, the permission referred to in Paragraph one of this Section shall be regarded to be annulled. In such case the aid shall be immediately removed and transferred to a prison for storage or transferred to the person who has transferred the aid to the convicted person via consignment or parcel.

The convicted person has the obligation to immediately inform the head of the prison if the grounds for the use of the aid have disappeared.

[*15 June 2021*]

**Section 48. Money of Persons Convicted under a Custodial Sentence**

Convicted persons shall be permitted to receive money transfers with the intermediation of a prison without any restriction in respect of the amount, to send money transfers to relatives, but with the permission of the administration of a prison – also to other persons. The money which is received by a convicted person in the form of a transfer shall not be issued to him or her but transmitted into the account opened for the prisons of the Prison Administration in the Treasury or in the cash department of the prison.

The money of a convicted person shall be kept in the account opened for the prisons of the Prison Administration in the Treasury or in the cash department of the prison and accounted in the personal money accounting card of the convicted person. A convicted person shall make money transfers and money shall be disbursed to a convicted person in EUR. The money received in another currency shall be recalculated in EUR according to the currency exchange rate used in accounting at the beginning of the day when the money was received in the account opened for the prisons of the Prison Administration in the Treasury or in the cash department of the prison.

Accounting of the funds in the personal money accounting card of the convicted person, organising or control of the use thereof shall be ensured in electronic form by the Prison Administration.

The person who in a prison is responsible for the accounting of personal money of the convicted person shall, on the basis of a submission of the convicted person, make money transfers and settle accounts from the funds present in the personal money accounting card of the convicted person for the registered purchases of the convicted person at the permanent location of sale established by a merchant in the territory of a prison.

The Prison Administration shall provide the information at its disposal on the circulation personal money of the convicted person and the funds present in the personal money accounting card upon request of a State authority or official.

That laid down in this Section shall not apply to the convicted persons who are serving their sentence in an open prison.

[*15 June 2021*]

**Section 48.1 Possibility to Accumulate Funds in a Release Fund**

A convicted person may, by a written submission addressed to the head of a prison, request that a release fund be established for him or her. Upon receipt of such a submission, the head of a prison shall, without delay, assign the relevant official to organise an individual release fund cash accounting card for the convicted person.

A convicted person may, not more than once per month by way of a written submission, request for the money from his or her personal cash accounting card to be transferred into his or her release fund cash accounting card.

There shall be no restrictions stipulated for the amount of funds that may be accumulated in a release fund.

The Cabinet shall lay down the procedures for the establishment and closing of a release fund, the procedures for the issue, completion and closing of a release fund cash accounting card, as well as the procedures by which the funds accumulated in the release fund shall be disbursed to a convicted person who is released from a prison and the cases where they are necessary for the needs of health care of the convicted person in the prison or in an existing health care institution outside of it during the serving of a sentence, if the physician of the prison has certified that such health care is necessary.

[*13 December 2007*]

**Section 48.2 Use of the Funds Accumulated in a Release Fund**

A convicted person may not use the funds accumulated in a release fund during the serving of a custodial sentence, and they shall be disbursed to him or her on the day when the convicted person is released from a prison.

In exceptional cases, based on a written submission of the convicted person, the head of a prison may permit the funds accumulated in a release fund by the convicted person to be used for the needs of health care of the convicted person while serving the sentence at the prison or at a health care institution outside it if the physician of the prison has certified that such health care is necessary, and such health care service is not financed from State budget funds.

[*13 December 2007; 17 December 2014*]

**Section 49. Correspondence, Telegrams and Telephone Conversations of Persons Convicted under a Custodial Sentence**

Convicted persons may send and receive letters and telegrams without restriction as to their number. In order to prevent threats to safety of the prison or public and also the transfer of prohibited objects or substances to convicted persons, the officials of a prison shall examine the correspondence of convicted persons, except for correspondence with addressees referred to in Section 50, Paragraph three of this Law. An official of a prison shall examine the letter addressed to a convicted person or to be sent to his or her addressee by opening it. If an official of a prison has reasonable suspicions that the content of correspondence may threaten safety of the prison or public, fair regulation of criminal legal relations, rights of other persons or may facilitate committing of a criminal offence, the official of a prison responsible for security shall examine the letter addressed to the convicted person or to be sent to his or her addressee also by reading it.

Administration of a prison shall issue the letters and telegrams addressed to convicted persons to them, as well as send their letters and telegrams to the addressees not later than within three days from the day when the letter or telegram was received or handed over.

Letters and telegrams addressed to convicted persons and to be sent to their addressees shall be seized if:

1) their content endangers the objectives for the execution of the sentence, safety of the prison and the procedures determined therein;

2) forwarding of the content thereof might facilitate committing of an offence subject to a criminal or administrative punishment;

3) they may jeopardise the rights and interests of another person protected by law;

4) the purpose of the correspondence is the exchange of information between prisoners who have jointly committed a criminal offence.

The seized letters and telegrams shall be registered and kept by the official of the prison responsible for security who has been instructed to censor the correspondence.

Convicted persons may have, at their own expense or at the expense of their addressee, such number of telephone conversations as is specified in the relevant type of prison and corresponds to the level of the sentence serving regime.

In order to prevent threat to the safety of prisons or public, telephone conversations of the convicted person shall take place in the presence of a representative of the prison, except for telephone conversations with a defence counsel. If the content of the telephone conversation threatens the safety of prisons or public, fair regulation of criminal legal relations, rights of other persons or may facilitate committing of a criminal offence, the telephone conversation shall be ended and the convicted person shall be explained the reason for ending the telephone conversation, except when this may threaten the achievement of the purpose of the control of telephone conversations of convicted persons specified in this Paragraph.

The rights specified in Paragraph five of this Section shall not apply to convicted persons involved in the programme for the treatment of addictions. Convicted persons involved in the programme for the treatment of addictions may make telephone conversations at their own expense or at the expense of their addressee every day at the time specified in the daily schedule determined by the head of the prison. The duration of one telephone conversation cannot exceed 20 minutes and it shall take place under conditions of visual control.

[*14 July 2011; 9 June 2016; 7 December 2017; 15 June 2021*]

**Section 49.1 Obligation of a Convicted Person to Return to the Prison**

[13 December 2012]

**Section 49.2 Right of a Convicted Person to Temporarily Leave the Prison**

A convicted person who is serving the sentence at the highest level of the sentence serving regime in a closed or partly-closed prison, an open prison, or a juvenile correctional institution may request, by submitting a written submission to the head of the prison, a permission to temporarily leave the territory of the prison for up to five twenty-four hour periods due to a serious illness of a close relative that endangers the life of the sick person.

[18 June 2015]

In the submission referred to in this Section, a convicted person shall state the reason for temporarily leaving the prison, the place where he or she will stay during the temporary leave and the contact phone number if such is available, and shall append all the documents at his or her disposal which confirm the existence of the reasons for the temporary leave referred to in this Section, as well as provide additional information regarding the reasons for the temporary leave to the head of the prison. If the permission referred to in this Section is requested by a convicted minor, he or she shall indicate in the submission the given name and surname of the lawful representative or another adult who will accompany him or her.

The head of the prison shall, when evaluating the submission referred to in Paragraph one of this Section, verify the existence of the circumstances referred to in Paragraph one of this Section within three working days and may, having evaluated the possibility of the convicted person to visit the sick relative during the intended temporary leave, the violations committed during previous occasions of temporary leave, and returning to the prison at the specified time, permit the convicted person to temporarily leave the territory of the prison. When deciding to give the respective permission to a person convicted under a sentence for the deprivation of liberty for life (life imprisonment) (hereinafter – the life-sentenced prisoner), the head of the prison shall, in addition to the criteria referred to in this Section, take into account the type and severity of a criminal offence committed by the life-sentenced prisoner, and also the duration of the sentence imposed and the portion of the sentence served.

[18 June 2015]

The head of a prison shall not permit the convicted person to temporarily leave the territory of the prison if at least one of the following circumstances exists:

1) the convicted person has contracted a dangerous infectious disease in its active form or illness in its acute phase, and has not completed the medical treatment according to the opinion of the physician;

2) the convicted person has committed an intentional offence during the unserved term of the sentence if he or she has been previously conditionally released from serving the custodial sentence;

3) the convicted person has previously failed to return to the prison for unjustified reasons within the time period indicated in the permission referred to in Sections 49.7 and 78.4 of this Law;

4) the convicted person wishes to leave the territory of the Republic of Latvia;

5) the being of the convicted person outside the prison may threaten public safety.

The head of a prison shall indicate in the permit referred to in Paragraph four of this Section the time of leaving the prison and the time when the convicted person must return to the prison.

A convicted person may contest the refusal of the head of a prison to grant the permission to temporarily leave the territory of the prison to the head of the Latvian Prison Administration in accordance with the procedures laid down in the Administrative Procedure Law. The decision of the head of the Prison Administration may be appealed to the District Administrative Court in accordance with the procedures laid down in the Administrative Procedure Law. The ruling of the District Administrative Court may not be appealed.

Administration of a prison shall send information regarding the convicted person who has been permitted to temporarily leave the territory of the prison to the territorial unit of the State Police in the territory of which the convicted person intends to stay. Such information shall be forwarded immediately after giving of the permission but before the convicted person has temporarily left the prison.

The time period referred to in this Section that has been spent outside the prison shall be included in the term of serving the sentence.

The provision specified in this Section in respect of the right of the convicted person to request a permission to temporarily leave the prison shall not apply to convicted persons involved in the programme for the treatment of addictions, except when it is provided for in the conditions of the programme for the treatment of addictions. Convicted persons involved in the programme for the treatment of addictions may exercise the right to leave a prison only if accompanied by an official of the prison and for a time period of up to eight hours.

If the conditions of the programme for the treatment of addictions provide the right for the convicted person to temporarily leave the prison, the convicted person shall submit to the head of the prison a submission requesting for the permission to temporarily leave the prison, indicating the purpose for leaving the prison.

The head of the prison shall, upon evaluating the request referred to in Paragraph twelve of this Section, take into consideration the evaluation of the head of the programme for the treatment of addictions regarding the necessity to leave the prison, the criteria referred to in Paragraph six of this Section and also the following additional criteria:

1) participation of the convicted person in resocialisation measures for the treatment of addictions, attitude towards such measures and the results achieved;

2) behaviour of the convicted person;

3) nature of the disciplinary punishment imposed on the convicted person;

4) attitude of the convicted person towards other persons.

If the convicted person meets the criteria specified in the programme for the treatment of addictions and the criteria referred to in Paragraph thirteen of this Section, the head of the prison shall issue the order to permit the convicted person to leave the prison and shall appoint the official accompanying the convicted person. The convicted person shall be familiarised with the issued order within three working days.

If the head of a prison does not permit the convicted person to temporarily leave the territory of the prison, he or she shall prepare the relevant decision on such refusal. The convicted person shall be familiarised with the decision taken within three working days. The decision of the head of a prison may not be contested or appealed.

If the permission referred to in Paragraph fourteen of this Section is not used and the convicted person is relocated to a prison, the relevant permission shall be revoked.

[*13 December 2012; 18 June 2015; 9 June 2016; 18 September 2020; 27 January 2022*]

**Section 49.3 Obligation of a Convicted Person to Return to the Prison**

[27 January 2022]

**Section 49.4 Right of a Convicted Person to Say Goodbye to a Deceased Relative**

[27 January 2022]

**Section 49.5 Right of a Convicted Person to Say Goodbye to a Deceased Relative Outside the Territory of the Prison**

A convicted person may request, by submitting a written submission to the head of the prison, a permission to temporarily leave the territory of the prison in order to say goodbye to a deceased relative outside the territory of the prison. The convicted person shall indicate in the submission the planned date, time, and place for saying goodbye. If the respective permission is requested by a convicted minor, he or she shall indicate in the submission the given name and surname of the lawful representative or another adult who will accompany him or her. A convicted person shall append a copy of the death certificate of the relative and copies of the document verifying the kinship to the submission. The convicted person shall submit the submission at least two working days before the planned date for saying goodbye.

The right referred to in this Section shall apply to cases when a parent, a child, a sibling, a grandfather, a grandmother, a grandchild, or a spouse of the convicted person has died.

The head of the prison shall verify the existence of the circumstances referred to in Paragraph one of this Section not later than on the next working day.

If the prison has information at its disposal that the convicted person is a suspect or accused in other criminal proceedings, the head of the prison shall immediately request an opinion of the person directing the relevant proceedings as to whether the temporary leave from the territory of the prison is in the interests of the criminal proceedings.

When deciding whether to give the permission referred to in Paragraph one of this Section to the convicted person, the head of the prison shall take into account the following:

1) the type and severity of a criminal offence committed by the convicted person;

2) the duration of the sentence imposed and served;

3) the behaviour of the convicted person;

4) the potential threat to public safety;

5) the violations committed during previous occasions of temporary leave from the territory of the prison, and returning to the prison at the specified time if such absence has been permitted previously.

The head of the prison shall not give the permission referred to in Paragraph one of this Section to temporarily leave the territory of the prison in the following cases:

1) at least one of the circumstances referred to in Section 49.2, Paragraph six of this Code is present;

2) there may be a risk during such absence that the convicted person could escape or another significant threat to public safety;

3) the person directing the proceedings referred to in Paragraph four of this Section has indicated that the absence of the convicted person may threaten or threatens the interests of the criminal proceedings.

Upon assessing the facts referred to in this Section, the head of the prison shall take one of the following decisions:

1) permit the convicted person to temporarily leave the territory of the prison for up to two twenty-four hour periods in order to say goodbye to a deceased relative;

2) not to permit the convicted person to temporarily leave the territory of the prison in order to say goodbye to a deceased relative.

If the head of the prison takes the decision referred to in Paragraph seven, Clause 1 of this Section, it shall be drawn up on the basis of the submission of the convicted person in the form of a resolution indicating also the time of leaving the prison and the time when the convicted person must return to the prison, and immediately inform the convicted person of this fact. Information regarding the permission given to the convicted person in accordance with the procedures laid down in Section 49.2, Paragraph nine of this Code shall be immediately sent to the territorial unit of the State Police and also to the person directing the proceedings referred to in Paragraph four of this Section if the convicted person is a suspect or accused in other criminal proceedings.

The period referred to in this Section that has been spent outside the prison shall be included in the term of serving the sentence.

If the head of the prison takes the decision referred to in Paragraph seven, Clause 2 of this Section, the convicted person shall be immediately informed orally of the decision taken and also informed of the right of the convicted person which has been laid down in Section 49.6 of this Code to say goodbye to a deceased relative in the territory of the prison.

The convicted person has the right to, within a month, request that the decision of the head of the prison referred to in Paragraph seven, Clause 2 of this Section is drawn up in writing. The decision shall be drafted in writing and issued in accordance with the procedures laid down in the Administrative Procedure Law.

The convicted person may contest the decision referred to in Paragraph seven, Clause 2 of this Section to the head of the Prison Administration in accordance with the procedures laid down in the Administrative Procedure Law. The decision of the head of the Prison Administration may be appealed to the District Administrative Court in accordance with the procedures laid down in the Administrative Procedure Law. The ruling of the District Administrative Court may not be appealed.

[*27 January 2022*]

**Section 49.6 Right of a Convicted Person to Say Goodbye to a Deceased Relative in the Territory of the Prison**

A convicted person shall, by a written submission to the head of the prison, request the permission to say goodbye to a deceased relative within the territory of the prison and in the presence of a representative of the prison (under conditions of visual control).

The convicted person may also request such permission in the case where the head of the prison has not permitted him or her to temporarily leave the territory of the prison to say goodbye to a deceased relative.

A convicted person shall indicate the suggested date and time for saying goodbye in the submission referred to in Paragraph one of this Section. A convicted person shall append a copy of the death certificate of the relative and copies of the document verifying the kinship to the submission.

The right referred to in this Section shall apply to the cases where the person referred to in Section 49.5, Paragraph two of this Code has died.

[*27 January 2022*]

**Section 49.7 Obligation of a Convicted Person to Return to the Prison**

A convicted person to whom the head of the prison has permitted to temporarily leave the territory of the prison shall be obliged to return to the prison at the specified time.

If a convicted person to whom the head of a prison has permitted to temporarily leave the territory of the prison suddenly falls ill and is hospitalised in a medical treatment institution while outside the territory, and his or her health condition prevents him or her from returning to the prison at the specified time, the convicted person or his or her relatives have an obligation to immediately notify the head of the prison of the illness and the location of the convicted person.

Upon receiving the information referred to in Paragraph two of this Section, the head of a prison shall, in co-operation with the Latvian Prison Administration and the medical treatment institution in which the convicted person stays, decide on the time when the convicted person will return to the prison, as well as the possibility of moving the convicted person to the Prison Hospital of Latvia.

If a convicted person is unable to return to the prison within the time specified in the permit due to objective, unforeseeable or unavoidable circumstances, he or she has an obligation to immediately notify the head of the prison and to return to the prison as soon as possible.

The convicted person shall be held liable for the failure to return to the prison at the time specified in the permission in accordance with the procedures laid down in the Criminal Law regarding evasion from serving the sentence, except for the cases referred to in Paragraphs two and four of this Section.

[*27 January 2022*]

**Section 49.8 Right of Convicted Persons to Video Communication**

In addition to the right of communication specified in this Code, convicted persons who are serving the sentence in a juvenile correctional institution, convicted persons who are citizens of foreign countries, convicted persons whose permanent place of residence is other than Latvia, life-sentenced prisoners, and convicted persons with hearing impairment and deaf convicted persons have the right to video communication with their relatives, a spouse, and other persons without the presence of a representative of the prison to the following extent:

1) convicted persons who are serving the sentence in a juvenile correctional institution – once a month for a time of up to 30 minutes;

2) convicted persons who are citizens of foreign countries and convicted persons whose permanent place of residence is other than Latvia – twice a month for a time of up to 15 minutes;

3) convicted persons with hearing impairment and deaf convicted persons – without a limitation on the number for a time of up to 30 minutes;

4) life-sentenced prisoners: at the lowest level of the sentence serving regime – once a month for a time of up to one hour, but at the highest level of the sentence serving regime – three times a month for a time of up to one hour.

[*27 January 2022*]

**Section 50. Submissions of Persons Convicted under a Custodial Sentence**

Convicted persons have the right to write submissions to public authorities, public organisations and officials.

Submissions of a convicted person for matters related to the circumstances for the execution of the custodial sentence shall be examined by the head of a prison in accordance with the procedures laid down in the Law on Submissions. Submissions of a convicted person by which an administrative act issued by and an actual action of the administration of the prison are contested shall be examined by the head of the Latvian Prison Administration in accordance with the procedures laid down in the Administrative Procedure Law.

The correspondence of convicted persons with State and local government authorities, the Ombudsman’s Office, the human rights authorities of the United Nations Organisation or the Council of Europe, the Human Rights and Public Affairs Committee of the *Saeima*, the Prosecutor’s Office, court, defence counsel, person directing the proceedings, medical treatment institution and also the correspondence of a convicted foreign citizen with the diplomatic or consular mission of his or her country or the diplomatic or consular mission of the country which is authorised to represent his or her interests, shall not be subject to examination.

The correspondence of convicted persons with the Ombudsman’s Office, the human rights authorities of the United Nations Organisation or the Council of Europe, the Human Rights and Public Affairs Committee of the *Saeima*, the Prosecutor’s Office, court, person directing the proceedings, medical treatment institution and also the correspondence of a convicted foreign citizen with the diplomatic or consular mission of his or her country or the diplomatic or consular mission of the country which is authorised to represent his or her interests shall be covered from the funds of the prison. The correspondence of a convicted person with other State and local government authorities shall be covered from the resources of the prison if there are insufficient funds on the personal cash card of the convicted person to send a letter.

Convicted persons have the right to present a verbal submission to the relevant officials who receive visitors in the prison. If a convicted person so wishes, he or she shall be received without the presence of other persons.

[*27 November 2008; 7 December 2017; 27 January 2022*]

**Section 50.1 Progressive Execution of a Sentence**

Progressive execution of sentence is based on differentiation of convicted persons within the framework of each type of prison and regime of a prison, as well as the transfer of convicted persons from a prison of one type to a prison of another type, taking into account the portion of the sentence served and the behaviour of the convicted person. Its objective is to achieve conformity of the sentence execution regime with the behaviour and re-socialisation level of the convicted person in ensuring execution of the sentence, and his or her optimal involvement in life after release.

All convicted persons shall be subject to the progressive sentence execution system, except for the persons convicted under a sentence for the temporary deprivation of liberty.

Convicted persons shall commence serving the sentence at the lowest level of the sentence serving regime, except for the persons convicted under a sentence for the temporary deprivation of liberty and the convicted persons for whom the court has replaced the unserved sentence – community service (compulsory measure) or a fine – with temporary deprivation of liberty. The persons convicted under a sentence for the temporary deprivation of liberty and the convicted persons for whom the court has replaced the unserved sentence — community service (compulsory measure) or a fine – with temporary deprivation of liberty shall serve the sentence only at the highest level of the sentence serving regime of a partly-closed prison.

[*15 December 1994; 14 October 1998; 11 November 2004; 20 December 2012; 7 December 2017; 15 June 2021 / Amendment regarding the replacement of the words “compulsory service” with the words “community service” shall come into force on 1 January 2022. See Paragraph 37 of Transitional Provisions*]

**Section 50.2 Plan for the Sentence Execution Measures**

[14 July 2011]

**Section 50.3 Determination of a Regime for the Execution of a Sentence**

Convicted persons in closed prisons and partly-closed prisons shall serve the sentence at two levels of the sentence serving regime – the lowest and the highest. Levels of the regime for the execution of a sentence shall not be determined for convicted persons in open prisons and for minors in juvenile correctional institutions.

The regime for the execution of a sentence in closed and partly-closed prisons shall be determined by this Code which provides for the following regarding the regime for the execution of a sentence:

1) gradual mitigation to prepare the convicted person for release and facilitate his or her return to normal life after serving the sentence;

2) enhancing to ensure that the convicted person behaves according to the requirements of the law.

A convicted person may be transferred from the highest level of the sentence serving regime of a closed prison to the highest level of the sentence serving regime of a partly-closed prison, and from the highest level of the sentence serving regime of a partly-closed prison to an open prison.

When deciding on the progress of a convicted person within the scope of the progressive sentence execution system, it shall, in accordance with the provisions laid down in this Code, be evaluated whether one year has passed since the imposition of the punishment – placement in a punishment or disciplinary isolation cell – for the violation of the sentence serving regime, or six months have passed since the imposition of another punishment provided for in this Code for the violation of the sentence serving regime, or the convicted person has been subject to the incentive laid down in Section 68, Paragraph one, Clause 5 of this Code and the convicted person must be considered as not administratively penalised.

Under a decision of the evaluation committee of a prison (hereinafter – the evaluation committee), a convicted person may be transferred from an open prison to the highest level of the sentence serving regime of a partly-closed prison, and from a partly-closed prison to the lowest level of the sentence serving regime of a closed prison for an individual gross violation of the sentence serving regime or systematic violations.

The provisions of this Section for the gradual mitigation or enhancing of the sentence serving regime or the transfer of a convicted person shall not apply to persons convicted under a sentence for the temporary deprivation of liberty.

If a convicted person is convicted under a custodial sentence for committing another criminal offence or a court determines a final sentence while he or she is serving a sentence, the type of the prison and the sentence serving regime for committing a new criminal offence shall be determined anew in accordance with the procedures laid down in this Code.

In the cases referred to in Paragraph seven of this Section, the type of the prison and the sentence serving regime shall be determined based on the most serious criminal offence committed, taking into account all court rulings according to which the convicted person has not served the sentence yet or according to which a final sentence has been determined for the convicted person.

If a person is convicted of several criminal offences, the type of the prison and the sentence serving regime shall be determined on the basis of the most serious criminal offence committed by taking into account all court rulings according to which the convicted person has not yet served the sentence or according to which a final sentence has been imposed on the convicted person.

As regards a convicted person who has been conditionally released early and in respect of whom a court has taken a decision to substitute the time period of early supervision with the deprivation of liberty, the type of the prison and the sentence serving regime shall be re-determined on the basis of the most serious criminal offence committed by taking into account all court rulings according to which the convicted person has not yet served the sentence.

[*2 October 2014; 18 June 2015; 27 January 2022*]

**Section 50.4 Regime for the Execution of a Sentence in Closed Prisons**

Men who have received a custodial sentence for the commission of a serious or especially serious crime and convicted persons who have been transferred from a partly-closed prison due to gross or systematic regime violations shall serve their sentences in closed prisons.

Increased security and maximum surveillance of convicted persons shall be ensured in closed prisons.

[11 November 2004]

Convicted persons shall commence serving of the sentence at the lowest level of the regime and they shall serve at least one fourth of the term of the imposed sentence at this level. The time period spent under arrest shall be included in the portion of the sentence which must be served at the lowest level of the sentence serving regime. The convicted person shall serve at least one fourth of the term of the imposed sentence at the highest level of the sentence serving regime. The convicted person may be transferred from the highest level of the sentence serving regime to the highest level of the sentence serving regime of a partly-closed prison or conditionally released from serving the sentence early in accordance with the procedures laid down by law.

[27 January 2022]

[18 June 2015]

Convicted persons serving their sentence at the highest level of the sentence serving regime in a closed prison have the right:

1) to have eight long-duration visits from twenty-four to forty-eight hours and eight short-duration visits from one and a half to two hours per year;

2) [11 November 2004];

3) to shop at the permanent location of sale established by a merchant in the territory of the prison;

4) to have telephone conversations without a limitation on the number thereof;

5) to use a personal TV set and a transistor radio (without voice recording functionalities);

6) from the time of rising in the morning until night-quiet to be in a specified area outside the cell;

7) to wear personal clothing or clothing ensured by the administration of the prison;

8) to wear a short haircut;

9) at the time provided for on the daily schedule to independently visit the medical clinic of the prison, the permanent location of sale established by a merchant in the territory of the prison, the dining facility and library;

10) to participate in sports, cultural and religious events;

11) to attend religious services in the prison chapel and to meet with a clergyman in private.

[27 January 2022]

Convicted persons serving sentence at the lowest level of the sentence serving regime in a closed prison have the right:

1) to have five long-duration visits from twelve to twenty-four hours and four short-duration visits from one and a half to two hours per year;

2) [11 November 2004];

3) to shop, through employees of the prison, at the permanent location of sale established by a merchant in the territory of the prison;

4) have telephone conversations without a limitation on the number thereof;

5) to have walks or participate in sports games in the open air for at least one hour per day;

6) to receive (exchange) books in the prison library through employees of the prison;

7) at the time provided for on the daily schedule to watch television broadcasts in a room arranged outside the cell in the presence of employees of the prison or to use a private television in the cell with the permission of the head of the prison;

8) to attend religious services in the prison chapel and meet with a clergyman in private;

9) to wear personal clothing or clothing ensured by the administration of the prison;

10) to participate in cultural and religious events at the time provided for on the daily schedule.

[27 January 2022]

[27 January 2022]

[27 January 2022]

[27 January 2022]

[*15 December 1994; 14 October 1998; 8 June 2000; 11 November 2004; 7 September 2006; 4 April 2007; 27 November 2008; 14 July 2011; 15 December 2011; 20 December 2012; 2 October 2014; 18 June 2015; 7 December 2017; judgment of the Constitutional Court of 7 November 2019; 15 June 2021; 27 January 2022*]

**Section 50.5 Regime for the Execution of a Sentence in Partly-Closed Prisons**

The following persons shall serve a served in partly-closed prisons:

1) women for intentionally committed crimes;

2) men for intentionally committed less serious crimes;

3) persons convicted for committing a less serious crime through negligence if previously they have served a sentence in a prison for which a criminal record has not been cancelled or extinguished;

4) persons convicted for committing a less serious crime through negligence if they have received a custodial sentence for a period exceeding three years, however, not exceeding eight years;

5) men for committing a serious or especially serious crime if they had not attained eighteen years of age by the time the crime was committed;

6) persons for whom a fine has been replaced with deprivation of liberty;

7) [21 July 2011];

71) persons for whom the probation supervision has been replaced with deprivation of liberty;

8) convicted persons who have been transferred from closed prisons;

9) convicted persons who have been transferred from open prisons due to gross or systematic disciplinary violations;

10) convicted persons who have been transferred from juvenile correctional institutions after attaining legal age if they have been sentenced for the commission of a serious or especially serious crime.

Security and permanent surveillance of convicted persons shall be ensured in partly-closed prisons. Convicted persons at the lowest level of the sentence serving regime shall serve their sentence in locked cells.

A convicted person shall serve at least one fourth of the term of the imposed sentence at the lowest level of the sentence serving regime. The time period spent under arrest shall be included in the portion of the sentence which must be served at the lowest level of the sentence serving regime. He or she must serve at least one fourth of the term of the imposed sentence at the highest level of the sentence serving regime.

[27 January 2022]

The convicted person may be transferred from the highest level of the sentence serving regime to an open prison or conditionally released from serving the sentence early in accordance with the procedures laid down by law.

Women convicted under a sentence for the deprivation of liberty for life (life imprisonment) shall begin to serve the sentence at the lowest level of the sentence serving regime. After placement in a prison, they must serve at least seven years at this level. The time period spent under arrest shall be included in the portion of the sentence which must be served at the lowest level of the sentence serving regime. A convicted person at the highest level of the sentence serving regime may be conditionally released from serving the sentence early in accordance with the procedures laid down by law.

Convicted persons serving their sentence at the highest level of the sentence serving regime in a partly-closed prison have the right to:

1) have eight long-duration visits from twenty-four to forty-eight hours and eight short-duration visits from one and a half to two hours per year;

2) shop at the permanent location of sale established by a merchant in the territory of the prison;

3) have telephone conversations without a limitation on the number thereof;

4) exercise the rights provided for in Section 50.4, Paragraph seven, Clauses 5, 6, 7, 8, 9, 10, and 11 of this Code;

5) [13 December 2012].

Convicted persons serving their sentence at the lowest level of the sentence serving regime in a partly-closed prison have the right to:

1) have five long-duration visits from twelve to twenty-four hours and four short-duration visits from one and a half to two hours per year;

2) at the time provided for on the daily schedule to shop at the permanent location of sale established by a merchant in the territory of the prison;

3) have telephone conversations without a limitation on the number thereof;

4) exercise the rights provided for in Section 50.4, Paragraph nine, Clauses 5, 6, 7, 8, 9, and 10 of this Code.

[29 November 2012]

Persons convicted under a sentence for the temporary deprivation of liberty have the right to:

1) have a short-duration visit lasting at least one hour not less than once a month, however, not less than one short-duration visit during serving of the sentence, if it is less than one month;

2) shop at the permanent location of sale established by a merchant in the territory of the prison;

3) have telephone conversations without a limitation on the number thereof;

4) exercise the rights provided for in Section 50.4, Paragraph seven, Clauses 5, 6, 7, 8, 9, 10, and 11 of this Code.

[27 January 2022]

[27 January 2022]

[*14 October 1998; 8 June 2000; 11 November 2004; 4 April 2007; 27 November 2008; 14 July 2011; 21 July 2011; 15 December 2011; 15 December 2011; 13 December 2012; 20 December 2012; 2 October 2014; 18 June 2015; 7 December 2017; 15 June 2021; 27 January 2022*]

**Section 50.6 Regime for the Execution of a Sentence in Open Prisons**

The following convicted persons shall serve their sentence in open prisons:

1) [20 December 2012];

2) for committing a less serious offence due to negligence if the custodial sentence has been imposed a period not exceeding three years and previously they have not served a sentence in a prison or they have served a sentence in a prison and the criminal record for such a violation has been cancelled or extinguished in accordance with the procedures laid down in the law;

3) [20 December 2012];

4) who are transferred from a partly-closed prison;

5) for committing a criminal offence if a custodial sentence has been imposed.

Convicted men and women may be held in one open prison.

In open prisons, convicted persons shall live in hostel-type premises. The residential and maintenance premises may be fenced off without external security but convicted persons shall be supervised. Other requirements which must be fulfilled by convicted persons in open prisons shall be included in the internal rules of procedure of the prison.

[18 June 2015]

[14 July 2011]

Convicted persons in open prisons have the right:

1) to move independently in the territory determined in Paragraph three of this Section from the morning inspection until night-quiet in accordance with the determined daily procedures;

2) to wear personal clothing, to keep money, valuables, personal computer hardware with Internet access and a personal mobile phone that are registered in accordance with the procedures laid down by the head of the prison and also to use money (make purchases) at their own discretion;

3) [11 November 2004];

4) to receive guests at the time specified in the daily schedule of the prison, to receive consignments or parcels without any restrictions;

5) to purchase and store food products and basic necessity goods purchased in a store outside the territory of the prison.

The head of a prison may permit a convicted person to acquire education in an educational institution located outside the territory of the prison if this does not threaten public safety and does not contradict the daily schedule of convicted persons determined in the prison. The head of a prison shall provide a possibility for a convicted person to leave the territory of the prison for the period necessary to take examinations in a general or vocational education institution.

[22 June 2017]

With the permission of the head of the prison, a convicted person may visit State and local government institutions if this is necessary to solve his or her social problems, also to participate in preventative measures for unemployment reduction in accordance with the provisions laid down in the laws and regulations regarding the support for unemployed persons and persons seeking employment.

If a child is born to a woman during the serving of sentence in an open prison, by a decision of the head of the Latvian Prison Administration, she may be relocated together with the child to a partly-closed prison unit where sentence is served by women with children, provided that it conforms to the best interests of the child. The convicted female shall stay in the respective unit until the end of the sentence term or until the moment the child reaches one year of age. In the respective unit, the convicted female has the rights provided for in an open prison insofar as such rights can be ensured in a partly-closed prison.

A convicted person may submit a complaint to the head of the Latvian Prison Administration in relation to the decisions referred to in this Section taken by the head of a prison. The decision of the head of the Prison Administration shall not be subject to appeal.

[*15 December 1994; 14 October 1998; 8 June 2000; 11 November 2004; 27 November 2008; 14 July 2011; 15 December 2011; 20 December 2012; 18 June 2015; 22 June 2017*]

**Section 50.7 Regime for the Execution of the Sentence in Juvenile Correctional Institutions**

Convicted male minors shall begin to serve a custodial sentence in juvenile correctional institutions. Female minors shall begin to serve a sentence in separate sections of women’s prisons which have been equipped in conformity with the requirements laid down for juvenile correctional institutions.

Convicted persons who have attained 18 years of age and who are in juvenile correctional institutions on the day a court ruling enters into effect shall commence serving of the sentence in a juvenile correctional institution. An issue regarding imposition of the sentence serving regime on such convicted person shall be decided at a next meeting of the evaluation committee.

All provisions provided for in this Section shall be applicable to the persons referred to in Paragraphs one and two of this Section.

Convicted male minors shall serve the sentence of temporary deprivation of liberty in juvenile correctional institutions while female minors shall serve such sentence in separate units of a female prison which have been arranged in conformity with the requirements laid down for juvenile correctional institutions. The provisions of Paragraphs seven, eight, nine, and ten of this Section shall be applicable to such persons.

By a decision of the evaluation committee, convicted minors who have attained eighteen years of age may be transferred to prisons for convicted adults if the behaviour of the convicted person rules out the possibility of leaving him or her in a juvenile correctional institution or releasing him or her from the serving the sentence early. In such a case, the convicted person shall be transferred to the highest level of a partly-closed prison.

In order to strengthen the results of resocialisation and provide the possibility to acquire general education or to complete vocational training, convicted persons who have attained eighteen years of age may, by a decision of the evaluation committee, be left in a juvenile correctional institution until the end of the academic year or the end of the sentence term, but not longer than until they attain twenty-five years of age. In exceptional cases, the convicted person who has attained twenty-five years of age may, with a decision of the evaluation committee, be left in the juvenile correctional institution until the end of the academic year.

The regime, working conditions, standards for food, financial and living conditions determined for convicted minors shall apply to convicted persons who have attained 18 years of age and have been left in a juvenile correctional institution in accordance with Paragraphs two and six of this Section.

A convicted minor may:

1) have 15 long-duration visits from 36 to 48 hours per year with close relatives;

2) have 12 short-duration visits from one and a half hours to two hours per year;

3) shop at the permanent location of sale established by a merchant in the territory of a juvenile correctional institution without limits to the amount of money;

4) have telephone conversations without a limitation on the number thereof.

Educational process in juvenile correctional institutions shall be implemented as closely as possible to the requirements for a general education institution.

The head of a juvenile correctional institution shall provide a convicted minor with a possibility to leave the territory of the institution for a period necessary to take examinations in a general or vocational education institution. Within this period, the correctional institution shall ensure the supervision of the convicted minor.

A convicted minor who has suffered from unlawful acts shall be ensured the possibility to receive assistance in accordance with the laws and regulations regarding assistance to children who have suffered from unlawful acts.

[*27 January 2022*]

**Section 50.8 Sentence Execution Regime of Life-sentenced Prisoners**

Life-sentenced prisoners shall commence serving of the sentence in a separate division of a closed prison (hereinafter – the separate division). Life-sentenced prisoners in the separate division shall serve the sentence at two levels of the sentence serving regime – the lowest and the highest.

Life-sentenced prisoners who are serving the sentence in the separate division at the highest level of the sentence serving regime have the right:

1) to have eight long-duration visits from twenty-four to forty-eight hours and eight short-duration visits from one and a half to two hours per year;

2) to shop, through employees of the prison, at the permanent location of sale established by a merchant in the territory of the prison;

3) to have telephone conversations without a limitation on the number thereof;

4) to receive (exchange) books in the prison library through employees of the prison;

5) at the time provided for on the daily schedule to watch television broadcasts in a room arranged outside the cell in the presence of employees of the prison or to use a private television in the cell with the permission of the head of the prison;

6) from the time of rising in the morning until night-quiet to be in a specified area outside the cell;

7) to attend religious services in the prison chapel and meet with a clergyman in private;

8) to wear personal clothing with the permission of the administration;

9) to wear a short haircut;

10) to participate in sports, cultural, and religious events at the time provided for on the daily schedule.

Life-sentenced prisoners who are serving the sentence in the separate division at the lowest level of the sentence serving regime have the right:

1) to have five long-duration visits from twelve to twenty-four hours and four short-duration visits from one and a half to two hours per year;

2) to shop, through employees of the prison, at the permanent location of sale established by a merchant in the territory of the prison;

3) to have telephone conversations without a limitation on the number thereof;

4) to have walks or to participate in sports games in the open air for at least one hour per day;

5) to receive (exchange) books in the prison library through employees of the prison;

6) at the time provided for on the daily schedule to watch television broadcasts in a room arranged outside the cell in the presence of employees of the prison or to use a private television in the cell with the permission of the head of the prison;

7) to attend religious services in the prison chapel and meet with a clergyman in private;

8) to wear personal clothing with the permission of the administration;

9) to wear a short haircut;

10) to participate in cultural and religious events at the time provided for on the daily schedule.

A life-sentenced prisoner shall commence serving of the sentence at the lowest level of the sentence serving regime in the separate division. A life-sentenced prisoner may be transferred from the lowest level of the sentence serving regime in the separate division to the highest level of the sentence serving regime in the separate division if the life-sentenced prisoner has served at least seven years at the lowest level of the sentence serving regime in the separate division. The time period spent under arrest shall be included in the portion of the sentence which must be served at the lowest level of the sentence serving regime in the separate division. A life-sentenced prisoner may be transferred from the highest level of the sentence serving regime in the separate division to the highest level of the sentence serving regime in a closed prison if the life-sentenced prisoner has served at least three years at the highest level of the sentence serving regime in the separate division or he or she may be conditionally released from serving the sentence early in accordance with the procedures laid down by law.

A life-sentenced prisoner may be transferred from the highest level of the sentence serving regime in a closed prison to the highest level of the sentence serving regime in a partly-closed prison if the life-sentenced prisoner has served at least seven years at the highest level of the sentence serving regime in the closed prison or he or she may be conditionally released from serving the sentence early in accordance with the procedures laid down by law. A life-sentenced prisoner at the highest level of the sentence serving regime in a partly-closed prison may be conditionally released from serving the sentence early in accordance with the procedures laid down by law. A life-sentenced prisoner shall not be transferred to an open prison for further serving of the sentence.

A life-sentenced prisoner who is serving the sentence at the highest or lowest level of the sentence serving regime in a closed prison may be transferred back to a relevant level of the sentence service regime in the separate division by a decision of the evaluation committee if the life-sentenced prisoner has submitted a submission to the head of a prison with a respective request.

Execution of the sentence imposed on a life-sentenced prisoner who has been transferred to a closed or partly-closed prison for serving the sentence shall take place in accordance with the provisions of this Code regarding execution of the sentence in the relevant prison, except for the exceptions determined in this Code in respect of life-sentenced prisoners.

A life-sentenced prisoner who has been conditionally released early and in respect of whom a court has taken a decision to substitute the time period of early supervision with the deprivation of liberty for life shall commence serving of the sentence at the lowest level of the sentence serving regime at which convicted persons other than those convicted for life are serving their sentence.

[*27 January 2022*]

**Chapter Seven “A”**

**Administrative Committees of Prisons**

[2 October 2014 / See Paragraph 27 of the Transitional Provisions]

**Section 50.9 Establishment Procedures, Composition and Work Procedures of Administrative Committees**

[2 October 2014]

**Section 50.10 Functions of the Administrative Committee**

[2 October 2014]

**Section 50.11 Decisions of Administrative Committees**

[2 October 2014]

**Section 50.12 Administrative Committee Meetings**

[2 October 2014]

**Section 50.13 Appeal of Administrative Committee Decisions**

[2 October 2014]

**Section 50.14 Review of the Sentence Execution Regime Imposed on a Person Convicted under a Custodial Sentence Taken Over from a Foreign Country by the Administrative Committee**

[2 October 2014]

**Chapter Seven “B”**

**Evaluation Committee**

[*2 October 2014*]

**Section 50.15 Principles for the Establishment and Operation of the Evaluation Committee**

By an order of the head of the Latvian Prison Administration, an evaluation committee shall be established in each prison which shall ensure the progress of a convicted person in the progressive sentence execution system and allocation of convicted persons (also a person convicted under a custodial sentence who is taken over from a foreign country) in prisons in accordance with the provisions laid down in this Code.

[27 January 2022]

The Cabinet shall determine the composition, work procedures of the evaluation committee, and the procedures for evaluating the criteria for taking decisions.

[*27 January 2022*]

**Section 50.16 Matters Examined by the Evaluation Committee**

The evaluation committee shall examine:

1) the submission of a convicted person regarding mitigation of the imposed sentence serving regime;

2) the proposal of the administration of the prison regarding enhancing of the imposed sentence serving regime;

3) the proposal of the administration of the prison regarding imposition of the sentence serving regime on a person convicted under a custodial sentence and taken over from a foreign country;

4) the proposal of the administration of the prison regarding imposition of the sentence serving regime on a convicted person who is serving the sentence in a juvenile correctional institution;

5) the submission of a life-sentenced prisoner regarding his or her transfer for serving the sentence from the separate division to a closed prison or from a closed prison to the separate division.

The submission of a convicted person referred to in Paragraph one of this Section shall be addressed to the head of the prison.

The meeting of the evaluation committee shall be examine in the decisions which are registered not later than 20 days prior to the meeting of the committee.

[*18 June 2015; 27 January 2022*]

**Section 50.17 Participants of the Meeting of the Evaluation Committee**

The submission of a convicted person referred to in Section 50.16, Paragraph one of this Code or the proposal of the administration of the prison shall be examined in the meeting of the evaluation committee in the presence of the convicted person and, if the convicted person has expressed such wish, in the presence of his or her defence counsel, hearing the objections and explanations.

In juvenile correctional institutions, lawful representatives may also take part in the meetings of the evaluation committee.

Absence of the defence counsel in the meeting of the evaluation committee shall not serve as basis for the non-examination of a matter.

**Section 50.18 Decisions of the Evaluation Committee**

In respect of mitigation of the sentence serving regime the evaluation committee may take the following decisions:

1) to transfer a convicted person from a closed prison to a partly-closed prison;

2) to transfer a convicted person from a partly-closed prison to an open prison;

3) to transfer a convicted person from the lowest level of the sentence serving regime to the highest level of the sentence serving regime;

4) [27 January 2022];

5) [27 January 2022];

6) [27 January 2022];

7) [27 January 2022].

In respect of enhancing of the sentence serving regime, the evaluation committee may take the following decisions:

1) to transfer a convicted person from an open prison to the highest level of the sentence serving regime in a partly-closed prison;

2) to transfer a convicted person from the highest level of the sentence serving regime in a partly-closed prison to the lowest level of the sentence serving regime in a partly-closed prison;

3) to transfer a convicted person from the lowest level of the sentence serving regime in a partly-closed prison to the lowest level of the sentence serving regime in a closed prison;

4) to transfer a convicted person from the highest level of the sentence serving regime in a closed prison to the lowest level of the sentence serving regime in a closed prison;

5) [27 January 2022].

Upon deciding on the level of sentence serving regime to be imposed on a person convicted under a custodial sentence who is taken over from a foreign country for the execution of the sentence, the evaluation committee may take the following decisions:

1) to leave the convicted person at the lowest level of the sentence serving regime;

2) to transfer a convicted person from the lowest level of the sentence serving regime to the highest level of the sentence serving regime.

The evaluation committee may take the following decisions regarding imposition of the sentence serving regime on convicted persons who are serving the sentence in a juvenile correctional institution:

1) to keep a convicted person who has attained eighteen years of age in the juvenile correctional institution until the end of the academic year or until the end of the term of the sentence, but not longer than until attaining twenty-five years of age;

2) to keep a convicted person who has attained twenty-five years of age in the juvenile correctional institution until the end of the academic year;

3) to transfer a convicted person from a juvenile correctional institution to the highest level of the sentence serving regime in a partly-closed prison.

The evaluation committee may take the following decisions regarding mitigation of the sentence serving regime in respect of a life-sentenced prisoner:

1) to transfer a life-sentenced prisoner from the lowest level of the sentence serving regime in the separate division to the highest level of the sentence serving regime in the separate division;

2) to transfer a life-sentenced prisoner from the highest level of the sentence serving regime in a closed prison to the highest level of the sentence serving regime in a partly-closed prison;

3) to transfer a life-sentenced prisoner from the lowest level of the sentence serving regime in a closed prison to the highest level of the sentence serving regime in a closed prison;

4) to transfer a life-sentenced prisoner from the lowest level of the sentence serving regime in a partly-closed prison to the highest level of the sentence serving regime in a partly-closed prison.

The evaluation committee may take the following decisions regarding transfer of a life-sentenced prisoner:

1) to transfer a life-sentenced prisoner from the highest level of the sentence serving regime in the separate division to the highest level of the sentence serving regime in a closed prison;

2) to transfer a life-sentenced prisoner from the lowest level of the sentence serving regime in a closed prison to the lowest level of the sentence serving regime in the separate division;

3) to transfer a life-sentenced prisoner from the highest level of the sentence serving regime in a closed prison to the highest level of the sentence serving regime in the separate division.

The evaluation committee may take the following decisions regarding enhancing of the sentence serving regime in respect of a life-sentenced prisoner:

1) to transfer a life-sentenced prisoner from the highest level of the sentence serving regime in a partly-closed prison to the lowest level of the sentence serving regime in a partly-closed prison;

2) to transfer a life-sentenced prisoner from the lowest level of the sentence serving regime in a partly-closed prison to the lowest level of the sentence serving regime in a closed prison;

3) to transfer a life-sentenced prisoner from the highest level of the sentence serving regime in a closed prison to the lowest level of the sentence serving regime in a closed prison;

4) to transfer a life-sentenced prisoner from the lowest level of the sentence serving regime in a closed prison to the lowest level of the sentence serving regime in the separate division;

5) to transfer a life-sentenced prisoner from the highest level of the sentence serving regime in the separate division to the lowest level of the sentence serving regime in the separate division.

The decision taken during the meeting of the evaluation committee shall be notified to the convicted person and the rights to contest such decision to the Latvian Prison Administration shall be explained to him or her.

The decision of the evaluation committee shall be enforceable immediately.

[*27 January 2022*]

**Section 50.19 Preconditions for Examining a Matter at the Meeting of the Evaluation Committee**

If the head of the prison establishes that a convicted person does not conform to at least one of the conditions referred to in Section 50.3, Paragraph four of this Code, has not served the part of the imposed sentence specified in this Code or three months or six months, in the case of a life-sentenced prisoner, have not passed since the day when the case regarding the mitigation of the sentence serving regime was examined by the evaluation committee, the submission of the convicted person shall not be forwarded for examination at the meeting of the evaluation committee, but shall be returned to the convicted person, stating the reasons for not forwarding the submission and the time period after which the convicted person will have the right to mitigation of the sentence serving regime.

[*18 June 2015; 27 January 2022*]

**Section 50.20 Expulsion of a Convicted Person from the Meeting of the Evaluation Committee**

If in examining an issue regarding mitigation of the imposed sentence serving regime or an issue regarding transfer of a life-sentenced prisoner, the convicted person disturbs the course of the meeting of the evaluation committee and fails to comply with the instructions of the chairperson of the evaluation committee, the convicted person shall be expelled from the meeting room. In such case, the evaluation committee shall not examine the submission of the convicted person regarding mitigation of the sentence serving regime or transfer of a life-sentenced prisoner and shall make a note thereof in the minutes of the meeting of the evaluation committee.

If in examining an issue regarding imposition or enhancing of the sentence serving regime the convicted person disturbs the course of the meeting of the evaluation committee and fails to comply with the instructions of the chairperson of the evaluation committee, the convicted person shall be expelled from the meeting room, the issue shall be further examined without the presence of the convicted person, and a note thereof shall be made in the minutes of the meeting of the evaluation committee.

[*27 January 2022*]

**Section 50.21 Contesting and Appealing of the Decisions of the Evaluation Committee**

The decision of the evaluation committee may be contested by the convicted person to the head of the Latvian Prison Administration in accordance with the procedures laid down in the Administration Procedure Law. The submission of a complaint shall not suspend the validity of the decision of the evaluation committee.

If the head of the Latvian Prison Administration has revoked the decision of the evaluation committee, the case shall be examined repeatedly at the next meeting of the evaluation committee.

The decision of the head of the Latvian Prison Administration may be contested by the convicted person in accordance with the procedures laid down in the Administration Procedure Law. The contesting of the decision of the head of the Latvian Prison Administration shall not suspend its validity. If the applicant has requested and the court considers that it is more effective to examine the case in a court hearing, it may determine the examination of such case in the oral procedure. If the District Administrative Court revokes the decision of the head of the Latvian Prison Administration, the case shall be examined repeatedly at the next meeting of the evaluation committee.

The decision of the District Administrative Court may be appealed by submitting a cassation complaint to the Department of Administrative Cases of the Supreme Court.

[*7 December 2017*]

**Section 50.22 Review of the Sentence Execution Regime Imposed on a Person Convicted under a Custodial Sentence Taken Over from a Foreign Country by the Evaluation Committee**

The evaluation committee shall, within 50 days from the day when serving of the sentence was commenced at the prison, review the sentence execution regime imposed on a convicted person taken over from a foreign country, taking into account the time period spent in imprisonment in the foreign country and in Latvia and the part of the sentence served according to the provisions laid down in this Code regarding the parts of the sentence to be served at the level of the sentence serving regime.

If a person convicted under a custodial sentence who is transferred from a foreign country to serve the sentence in a prison commits a gross or systematic violation of the sentence serving regime from the day when serving of the sentence in the prison is commenced until the meeting of the evaluation committee, the evaluation committee shall decide on leaving the convicted person at the lowest level of the sentence serving regime.

**Section 50.23 Criteria for Taking Decisions of the Evaluation Committee**

When deciding an issue regarding mitigation of the sentence serving regime or an issue regarding transfer of a life-sentenced prisoner from the highest level of the sentence serving regime in the separate division to the highest level of the sentence serving regime in a closed prison, the evaluation committee shall take into account the following:

1) whether the convicted person has served the part of the sentence specified in this Code at the relevant level of the sentence serving regime;

2) whether the convicted person meets the conditions referred to in Section 50.3, Paragraph four of this Code;

3) behaviour of the convicted person;

4) resocialisation results of the convicted person.

When deciding an issue regarding imposition of the sentence serving regime on convicted persons who are serving the sentence in a juvenile correctional institution, the evaluation committee shall take into account the criteria referred to in Paragraph one, Clauses 2, 3, and 4 of this Section. When deciding an issue regarding imposition of the sentence serving regime on a person convicted under a custodial sentence and taken over from a foreign country, the evaluation committee shall take into account the criteria referred to in Paragraph one, Clauses 1 and 3 of this Section.

The evaluation committee shall take the decision regarding transfer of a life-sentenced prisoner which has been referred to in Section 50.18, Paragraph six, Clauses 2 and 3 of this Code on the basis of the request indicated in the submission of the life-sentenced prisoner referred to in Section 50.8, Paragraph six of this Code.

When deciding an issue regarding enhancing of the sentence serving regime, the evaluation committee shall take into account the behaviour of the convicted person.

[*27 January 2022*]

**Chapter Seven “C”**

**Evaluation Committee of Life-sentenced Prisoners**

[*27 January 2022*]

**Section 50.24 Establishment of the Evaluation Committee of Life-sentenced Prisoners, Competence Thereof, and Procedures for Contesting Decisions Thereof**

The head of the prison shall, by an order, establish an evaluation committee of life-sentenced prisoners in a closed prison where the separate division has been established and this committee shall examine the issues regarding the following:

1) the need to apply special means, i.e. handcuffs, to a life-sentenced prisoner who is serving the sentence in the separate division when he or she is transferred in the territory of the prison;

2) the course of a visit of or a meeting with a life-sentenced prisoner under conditions of a physical barrier.

The evaluation committee of life-sentenced prisoners shall be comprised of the heads of the divisions responsible for resocialisation, supervision, safety, and health care of convicted persons, and a prison’s psychologist who works with life-sentenced prisoners. The chairperson of the evaluation committee of life-sentenced prisoners shall be the head of the relevant prison.

A life-sentenced prisoner may contest a decision of the evaluation committee of life-sentenced prisoners to the head of the Prison Administration. The decision of the head of the Prison Administration shall not be subject to appeal.

[*27 January 2022*]

**Section 50.25 Procedures for Applying Special Means, i.e. Handcuffs, and a Physical Barrier**

Special means, i.e. handcuffs, may be applied to the life-sentenced prisoners who are serving the sentence in the separate division when they are transferred in the territory of the prison if during that period such person may pose a threat to the accompanying officials, employees, or other persons or there is a reasonable suspicion of possible escape of the convicted person.

In order to prevent a threat to officials and employees of the prison, persons who have arrived at the prison for the performance of their professional duties, or any other persons, the committee referred to in Section 50.24 of this Code may take the decision regarding the course of a visit of or a meeting with a life-sentenced prisoner under conditions of a physical barrier upon request of a visitor or if information has been received from an official or employee of the prison regarding a potential threat to the safety of the person. The committee referred to in Section 50.24 of this Code may take the decision regarding the course of a visit of or a meeting with a life-sentenced prisoner under conditions of a physical barrier for a specific time period not exceeding three months or regarding the course of a visit of or a meeting under conditions of a physical barrier with a specific person.

When deciding the issues referred to in this Section, the committee referred to in Section 50.24 of this Code shall take into account information provided by the members thereof and also the following:

1) previous attacks carried out by the life-sentenced prisoner, attempts to attack, or his or her threats made to officials and employees of the prison, or to other persons;

2) behaviour of the life-sentenced prisoner which may pose a threat to his or her safety or health or that of other persons;

3) risk of committing an infringement of the law;

4) information regarding escape or attempted escape of the life-sentenced prisoner;

5) violations of the requirements for the sentence serving regime committed by the life-sentenced prisoner that are related to violence or threat to use violence.

If the committee referred to in Section 50.24 of this Code has taken the decision regarding the need to apply special means, i.e. handcuffs, to a life-sentenced person, it shall, at least once every six months, reassess the dangerousness of the convicted person and the need for the application of special means, i.e. handcuffs, when being transferred in the territory of the prison.

[*27 January 2022*]

**Chapter Eight**

**Work of Persons Convicted under a Custodial Sentence**

[16 June 2011]

**Section 51. Involvement in Work of Persons Convicted under a Custodial Sentence**

[16 June 2011]

**Section 52. Working Conditions of Persons Convicted under a Custodial Sentence**

[16 June 2011]

**Section 53. Provision of Pensions to Persons Convicted under a Custodial Sentence in Cases of Loss of Work Capacity**

[14 October 1998]

**Section 54. Work Remuneration of Persons Convicted under a Custodial Sentence**

[14 October 1998]

**Section 55. Deductions from Work Remuneration of Persons Convicted under a Custodial Sentence**

[16 June 2011]

**Section 56. Involvement of Persons Convicted under a Custodial Sentence in Work without Remuneration**

[16 June 2011]

**Chapter Eight “A”**

**General Provisions for Employing Persons Convicted under a Custodial Sentence**

[*16 June 2011*]

**Section 56.1 Types of Employment for Persons Convicted under a Custodial Sentence**

In order to ensure accomplishing of resocialisation objectives, the convicted persons who serve their sentence in a remand prison, a prison or a juvenile correctional institution shall be employed with or without remuneration.

**Section 56.2 Employment of Persons Convicted under a Custodial Sentence for Remuneration**

A convicted person shall be employed for remuneration if he or she has submitted a written submission to the head of the prison and the convicted person may be employed in the prison or outside of it.

Convicted persons shall be employed for remuneration:

1) in the facility management of the prison;

2) at work places created by merchants in the prison;

3) outside the prison if permitted by the sentence serving regime imposed on the convicted person.

If several convicted persons apply for the same work place, preference shall be given to the applicant with the relevant education, work experience or skills.

If several convicted persons with the same education, work experience and skills apply for the same work place, preference shall be given to the applicant whose submission for employment in the prison was registered first.

Convicted persons involved in the programme for the treatment of addictions may be employed for remuneration in accordance with the conditions of the programme for the treatment of addictions and also in compliance with the procedures laid down in this Code.

[*9 June 2016*]

**Section 56.3 Basis for Employing Persons Convicted under a Custodial Sentence for Remuneration**

If a merchant which has concluded a cooperation agreement with a prison for organising employment of convicted persons, seeks to employ a convicted person who is serving his or her sentence in a closed prison or a partly-closed prison, the merchant and the convicted person shall enter into an agreement (hereinafter – the agreement) on the performance of work prior to commencing the work. If a merchant seeks to employ a convicted person who is serving his or her sentence in an open prison in an enterprise located outside the territory of the prison, the merchant and the convicted person shall enter into an employment contract prior to commencing the work.

If a convicted person can be employed in the facility management of the prison, then prior to commencing the work, an agreement shall be entered into with a convicted person who is serving his or her sentence in a closed prison or a partly-closed prison; an employment contract shall be entered into with a convicted person who is serving his or her sentence in an open prison.

In order to ensure employment of a convicted person, the head of the prison shall issue a relevant order which shall simultaneously serve as a permission for the convicted person to be at a particular work place during the working hours. The order shall be an integral part of the agreement or the employment contract referred to in this Section. When issuing the order, the head of a prison shall take into account the sentence serving regime imposed on the convicted person. Refusal to issue an order on the employment of a convicted person must be substantiated. The order on the refusal to employ a convicted person may be contested to the Latvian Prison Administration. The decision of the Latvian Prison Administration may not be appealed.

An agreement or an employment contract shall provide a legal basis for a merchant or prison, as the employer of the convicted person, to make tax payments provided for in the laws and regulations (including the employer’s mandatory social insurance contributions) and make deductions from the income of the convicted person according to the executive documents in accordance with the procedures laid down in the Civil Procedure Law.

**Section 56.4 Legal Status of a Person Convicted under a Custodial Sentence who is Employed for Remuneration**

The norms of this Code, as well as Chapters 4, 22, 23, 30, 32 and 33, Sections 9, 29, 31, 67, 68, 75, 132, 142 and 156, Section 154, Paragraphs one, two, three and four of the Labour Law shall apply to a convicted person who is serving his or her sentence in a remand prison, a closed prison or a partly-closed prison, or a juvenile correctional institution, and who is employed on the basis of an agreement.

The norms of the Labour Law shall apply to a convicted person who is serving his or her sentence in an open prison and is employed on the basis of an employment contract insofar as this Code does not provide otherwise.

Working conditions provided to a convicted person shall meet the labour protection requirements laid down in the laws and regulations.

**Section 56.5 General Provisions for Employing Persons Convicted under a Custodial Sentence for Remuneration**

Convicted persons shall work in the territory of the prison. The work of convicted persons shall be arranged considering the terms of the sentence serving regime imposed on them and ensuring their mutual isolation.

[18 June 2015]

Convicted persons who are serving their sentence in an open prison may be employed according to a written decision of the head of the prison which has been approved by the Latvian Prison Administration outside the territory of the local government in which the prisons is located. The prison shall ensure supervision of the convicted persons and their return to the facility after the end of the working time. A complaint may be submitted to the head of the Latvian Prison Administration in relation to the decision taken by the head of the prison to prohibit the employment of the convicted person who is serving sentence in an open prison outside the territory of the local government where the prisons is located. The decision of the head of the Prison Administration shall not be subject to appeal.

The work and trades in which employment of convicted persons is prohibited shall be determined by the internal rules of procedure of prisons.

[*14 July 2011; 20 December 2012; 18 June 2015*]

**Section 56.6 Procedures by which Persons Convicted under a Custodial Sentence shall be Employed for Remuneration**

The procedures by which persons convicted under a custodial sentence shall be employed for remuneration shall be determined by the Cabinet.

**Section 56.7 General Provisions for the Working Time of Persons Convicted under a Custodial Sentence**

A standard weekly working time – forty hours and an eight-hour workday in five-day working week – shall be determined for convicted persons. If due to the nature of the work a five-day working week cannot be determined for convicted persons, a six-day working week shall be determined, however, in such case the daily working time may not exceed seven hours and the weekly working time – forty hours. The beginning and end of work (shift) shall be determined in the daily schedule of the prison. Convicted persons shall not be employed during public holidays and weekends.

Sunday shall be the general rest day of the week. If it is necessary to ensure continuous work, it shall be allowed to employ a convicted person on a Sunday, granting him or her rest time on another day of the week.

In the types of work where, due to the circumstances of production, the standard period of daily or weekly work specified for convicted persons cannot be complied with, an aggregated working time may be determined provided that the working time in the reporting period does not exceed the standard working hours determined for the relevant employee.

Unless the terms of an agreement or an employment contract provide for a longer reporting period, the reporting period of the aggregated working time shall be one month. A convicted person and his or her employer may agree in writing on a different reporting period, however, it may not exceed three months.

The length of the working day, as well as the weekly rest time for convicted persons who are serving their sentence in juvenile correctional institutions shall be determined in accordance with the Labour Law.

**Section 56.8 Leave of Persons Convicted under a Custodial Sentence who are Employed for Remuneration**

A six-working day period of annual paid leave shall be granted to convicted persons employed for remuneration, a 12-working day period of paid annual leave shall be granted to the employed convicted minors.

A convicted person may request the granting of a paid annual leave for the first year of work if he or she has been continuously employed by the employer for not less than six months.

An employed convicted woman shall be granted, upon her request, a paid annual leave before maternity leave or immediately thereafter regardless of the term of her employment with the relevant employer.

The annual leave shall be postponed or extended in the event of temporary work incapacity of the convicted person.

Leave of a convicted person may not be transferred to the following year.

The time period which provides entitlement to a paid annual leave shall include the time period when the convicted person was actually employed by the relevant employer and the time when the convicted person did not perform work due to a justified reason, including the following:

1) the time period of temporary work incapacity;

2) the time period of maternity leave;

3) the time period of forced absence from work if the convicted person has been unlawfully released from work and has been reinstated to the previous work.

The time period referred to in Paragraph six of this Section shall not include a parental leave.

In exceptional cases, upon mutual agreement, the convicted person may be granted a 20-working day period of an unpaid study leave, if the convicted person is involved in the acquisition of general, vocational or academic education, and the study leave is necessary for taking of a State examination or drawing up and defending of a diploma paper.

**Section 56.9 Rights and Duties of an Employer of Persons Convicted under a Custodial Sentence**

A merchant and a prison employing convicted persons have all the rights and obligation of an employer laid down in the Labour Law insofar as it is not determined otherwise in this Code.

A merchant and a prison employing convicted persons have all the obligations of an employer laid down in the law On Taxes and Fees, law On Personal Income Tax and law On State Social Insurance.

In addition to the provisions of Paragraphs one and two of this Section, a merchant has an obligation to notify, in writing, the administration of the prison on the following without delay:

1) the absence of a convicted person from work, changes in the working hours and changes in the terms of work remuneration of the convicted person and on assigning the convicted person to another job in another place of work location;

2) the termination of, amendments to or expiry of the agreement or the employment contract.

**Section 56.10 Employing Persons Convicted under a Custodial Sentence Without Remuneration**

Persons convicted under a custodial sentence shall be employed without remuneration solely in work aimed at the management, maintenance and improvement of prisons and their surrounding territory, as well as work aimed at improving the cultural and living conditions of the convicted persons.

Persons convicted under a custodial sentence, except for minors, pregnant women, women following childbirth up to one year, breastfeeding women, convicted persons who have reached the retirement age, and also the convicted persons with group I or II disability shall be employed without remuneration without their consent.

Convicted persons shall be employed without remuneration according to a schedule outside of working hours for not more than four hours a day.

A convicted person may be employed in work without remuneration for a longer period of time if the convicted person has expressed such a request.

Convicted persons employed for remuneration for more than four hours a day shall not be employed in work without remuneration.

During the referred-to work the administration of the prison shall ensure conformity with the requirements of the laws and regulations governing labour protection.

Convicted persons involved in the programme for the treatment of addictions may be employed without remuneration in accordance with the conditions of the programme for the treatment of addictions and also in compliance with the procedures laid down in this Code.

Convicted persons who are serving their sentence at the highest level of the sentence serving regime in a closed prison or a partly-closed prison may, based on a written decision of the head of the prison which has been approved by the Latvian Prison Administration, be employed outside the territory of the prison in works aimed at the management, maintenance and improvement of the surrounding territory of the prison without security guards ensuring their supervision. Supervision of convicted persons shall be ensured by the prison.

[*14 July 2011; 18 June 2015; 9 June 2016; 15 June 2021*]

**Section 56.11 Temporary Release of Persons Convicted under a Custodial Sentence from Employment**

On the basis of the opinion of a physician of the prison, a convicted person shall be released from employment for the time period of temporary work incapacity.

A person convicted under a custodial sentence shall be released from employment for the time period that is necessary in relation to investigative actions or examination of the case in a court, meeting with his or her defendant, sworn notary or provider of State-ensured legal aid, as well as to ensure the enforcement of the rights of the convicted person provided for in this Code according to the sentence serving regime.

**Section 56.12 Procedures for the Settling of Disputes between a Person Convicted under a Custodial Sentence and an Employer**

Disputes between a convicted person and a merchant or a convicted person and a prison regarding employment matters of the convicted person shall be settled by mutual agreement.

Disputes regarding legal relationships established on the basis of an agreement shall be settled in accordance with the procedures laid down in the Civil Procedure Law.

Disputes regarding legal relationships established on the basis of an employment contract, if an agreement is not reached, shall be settled in accordance with the procedures laid down in the Labour Dispute Law.

Disputes arising from employment of a convicted person without remuneration shall be examined by the head of the prison. The decision of the head of a prison may be contested to the Latvian Prison Administration. The decision of the Latvian Prison Administration may not be appealed.

**Chapter Eight “B”**

**Involving Merchants in Employment of Persons Convicted under a Custodial Sentence**

[*16 June 2011* / *See Paragraph 15 of the Transitional Provisions*]

**Section 56.13 Procedures for Involving Merchants in Employment of Persons Convicted under a Custodial Sentence**

In order to involve merchants in the employment of convicted persons, a prison shall announce a tender for the right to employ convicted persons in accordance with the procedures laid down in this Code on the Internet website of the Latvian Prison Administration.

In announcing the tender, the following information shall be indicated:

1) the number of convicted persons who can be employed, the sentence serving regime of the convicted persons, their education, work experience and skills, the amount of work remuneration for convicted persons laid down in the laws and regulations;

2) information in accordance with the laws and regulations regarding the procedures for leasing out State and local government property, the methodology for determining a lease fee and the standard terms and conditions of a lease contract.

**Section 56.14 Evaluation of the Proposals of Merchants**

A prison shall establish a committee for the evaluation of the proposals submitted by merchants.

A prison shall evaluate the proposals, decide on the proposal corresponding the most to the resocialisation needs and determine the winning merchant.

A prison shall enter into a cooperation agreement with the merchant who won the contract for the organisation of employment of convicted persons, as well as other necessary contracts for the use of the resources of the prison (e.g. utility services, the lease of premises, buildings and land).

The prison shall notify the merchant which has not been recognised as the winner of the decision of the committee in writing within 10 working days after taking of the decision and the right to contest the decision to the head of the Prison Administration within one month. The decision of the committee according to which a merchant is not recognised as the winner must be substantiated. The decision of the head of the Prison Administration shall not be subject to appeal.

The Cabinet shall lay down the procedures by which merchants shall apply for employing convicted persons, the procedures for the selection of merchants, the composition of the committee for the evaluation of merchants, the criteria for the selection of merchants, the decision-making procedures and the procedures according to which cooperation agreements should be entered into regarding organising employment of convicted persons.

[*18 June 2015*]

**Chapter Eight “C”**

**Work Remuneration of Persons Convicted under a Custodial Sentence**

[*16 June 2011*]

**Section 56.15 General Provisions for the Determination of Work Remuneration for Persons Convicted under a Custodial Sentence**

Work remuneration shall be a regular disbursement of work remuneration to the employed convicted person. Work remuneration shall include wage and additional payments stipulated in the laws and regulations, the employment contract or the agreement, as well as bonuses and any other kind of remuneration in relation to work.

Work remuneration to a convicted person shall be determined applying:

1) a time-based wage system – according to the amount of a monthly remuneration stipulated in this Code (hourly tariff rate) and the actual hours worked (in hours);

2) a piece-work wage system – according to the amount of work done (according to the price for the job activity or service) during a calendar month.

Work remuneration to a convicted person employed in a work place created by a merchant shall be determined upon mutual agreement between the merchant and the convicted person and in conformity with the minimum hourly tariff rate and minimum monthly wages stipulated for convicted persons.

For a convicted person employed in the facility management, the organisation of work remuneration (time-based wage system or piece-work wage system), the amount of work remuneration, as well as the daily working hours shall be determined by the order of the head of the prison in accordance with the conditions referred to in this Code.

For a convicted person employed part-time, part-time being shorter than the normal daily or weekly working time, work remuneration shall be calculated in proportion to the time of employment.

Work remuneration for a convicted person within the scope of normal working time shall not be less than the amount of the minimum wage stipulated in this Code.

**Section 56.16 Minimum Hourly Tariff Rate and Minimum Monthly Work Remuneration of a Person Convicted under a Custodial Sentence**

The minimum hourly tariff rate and minimum monthly work remuneration of a convicted person according to the work performed by the him or her and the resocialisation objectives shall be as follows:

1) 50 per cent of the minimum hourly tariff rate and minimum monthly work remuneration determined in the State for the standard working time – to a convicted person serving his or her sentence in a closed prison or a partly-closed prison;

2) equivalent to the minimum hourly tariff rate determined in the State – to a convicted person serving his or her sentence in an open prison;

3) 50 per cent of the minimum hourly tariff rate determined in the State for an adolescent minor – to a convicted minor.

**Section 56.17 Deductions from Remuneration for Work**

A prison or a merchant employing a convicted person for remuneration shall make the mandatory State social insurance contributions for each employed convicted person, as well as pay in the State mandatory social insurance contributions and personal income tax deducted from the work remuneration of the convicted person into the State budget.

Deductions from the calculated work remuneration of a convicted person shall be made on the basis of executive documents in accordance with the procedures laid down in the Civil Procedure Law in such an amount as to ensure that at least 20 per cent of the calculated work remuneration could be transferred to the personal account of the convicted person after all deductions are made, but in respect of the convicted persons who have attained the retirement age, the convicted persons with Group I and II disability, minors, pregnant women, and also convicted women with children in the children’s home of the prison – at least 40 per cent of the calculated work remuneration. The amount of deductions from remuneration for work and equivalent payments specified in the Civil Procedure Law shall not apply to the deductions specified in this Section from remuneration for work calculated to a convicted person.

If a convicted person has been imposed an additional punishment – a fine, then the administration of the prison shall, upon request of the convicted person, transfer funds on a monthly basis from his or her work remuneration to the designated Treasury account for the settlement of the fine.

[*18 June 2015; 15 June 2021*]

**Chapter Nine**

**Correctional Work to be Performed at Prisons**

[14 July 2011]

**Chapter Nine “A”**

**Resocialisation of Persons Convicted under a Custodial Sentence**

[*14 July 2011*]

**Section 61.1 Resocialisation of Persons Convicted under a Custodial Sentence**

The process of resocialisation of persons convicted under a custodial sentence (hereinafter – the resocialisation of convicted persons) is an aggregate of social behaviour correction and social rehabilitation measures aimed at promoting lawful behaviour of the convicted person and forming his or her understanding of socially positive values.

Correction of the social behaviour of persons convicted under a custodial sentence (hereinafter – the correction of the social behaviour of convicted persons) is an aggregate of measures implemented within the scope of execution of the custodial sentence in order to promote lawful behaviour of the convicted person and to prevent the causes of unlawful behaviour.

Social rehabilitation of persons convicted under a custodial sentence (hereinafter – the social rehabilitation of convicted persons) is an aggregate of measures implemented within the scope of execution of the custodial sentence so that the convicted person would maintain or acquire social skills, vocational or general knowledge and skills. The social rehabilitation of convicted persons stipulated in this Code shall not involve providing of the social services and social assistance laid down in laws and regulations.

The participation of convicted persons in resocialisation shall be stimulated and positively assessed in accordance with the procedures laid down in this Code.

**Section 61.2 Resocialisation Means of Convicted Persons**

Resocialisation of convicted persons shall be implemented by applying the measures for correcting the social behaviour of convicted persons or social rehabilitation.

Resocialisation measures of convicted persons shall be applied individually or by means of group work according to the type of prison, the imposed sentence execution regime and assessment of the risks and needs of the convicted person.

**Section 61.3 Means for the Social Rehabilitation of Convicted Persons**

Means for the social rehabilitation of convicted persons are:

1) education – involving of a convicted person in general, vocational and interest educational programmes;

2) involving of convicted persons, as determined by this Code, in the performance of socially useful work (work of convicted persons in the facility management of prisons, work places created by a merchant at the prison or outside it depending on the sentence serving regime imposed on the convicted person, employment without remuneration laid down in the law);

3) solving the social problems of the convicted person by taking into account the consequences of imprisonment (improvement, renewal and ensuring of acquisition of social skills by a convicted person, provision of information regarding the possibilities of receiving social services and social assistance after release from the prison, taking care of personal identification documents);

4) psychological assistance – psychological study of the convicted person, preparation of the opinion of a psychologist, psychological consultation individually, in a group, or in a crisis situation at the prison;

5) organisation of leisure time events – involvement of the convicted person in cultural, informative, art, amateur and sports events;

6) programme for the treatment of addictions – involvement of the convicted person in an aggregate of targeted and structured measures for the development of social skills, improvement of behavioural patterns and formation of a socially acceptable value system.

[*9 June 2016; 15 June 2021*]

**Section 61.4 Means for Correcting the Social Behaviour of Convicted Persons**

A social behaviour correction programme shall be the means for correcting the social behaviour of convicted persons.

**Section 61.5 Course of Resocialisation Work**

Within two months after placement of a convicted person in a prison in order to being serving the sentence, the head of the institution shall ensure an assessment of the risks and needs of the convicted person, determining:

1) the resocialisation needs of the convicted person, the degree of risk of anti-social behaviour and committing a repeated criminal offence in the prison;

2) the most appropriate social behaviour correction or social rehabilitation measures and other measures to be implemented during execution of the sentence and to be included in the resocialisation plan of the convicted person.

A re-assessment of the risks and needs of the convicted person shall be performed not less than once a year throughout the term of serving the sentence. The resocialisation plan of the convicted person shall be amended according to the results of the assessment of the risks and needs.

The Cabinet shall lay down the procedures for the implementation of resocialisation of convicted persons.

Resocialisation of convicted persons shall be organised by the head of the prison, and all the staff of the prison and representatives of other institutions determined in the laws and regulations shall participate in their implementation.

The risks and needs of a person convicted under a sentence for the temporary deprivation of liberty shall be identified within two weeks after his or her placement in the prison in order to begin serving the sentence.

[*20 December 2012*]

**Section 61.6 Resocialisation Plan of a Person Convicted under a Custodial Sentence**

The resocialisation plan of a convicted person shall provide for the course of resocialisation of the convicted person and reflect the results of resocialisation of the convicted person. The resocialisation plan shall be formed as a section in the personal file of the convicted person.

The provisions laid down in Paragraph one of this Section shall not apply to a person convicted under a sentence for the temporary deprivation of liberty, and information regarding his or her involvement in resocialisation measures shall be recorded in the personal file of the convicted person.

[*20 December 2012*]

**Section 61.7 Specific Characteristics of Resocialisation of Life-sentenced Prisoners**

Upon assessing security considerations, joint resocialisation measures together with other convicted persons may be organised for the life-sentenced prisoners who are serving the sentence in the separate division if this would promote resocialisation of a life-sentenced prisoner.

[*27 January 2022*]

**Section 61.8 Specific Characteristics of Resocialisation of Convicted Persons Involved in the Programme for the Treatment of Addictions**

A convicted person may be involved in the programme for the treatment of addictions, if he or she has a high risk of the use of alcohol, narcotic or other intoxicating substances. The duration of the programme for the treatment of addictions shall be up to 24 months and is implemented by ensuring the isolation of the convicted persons involved in the programme from other convicted persons throughout the entire programme implementation period.

A convicted person who expresses the wish to become involved in the programme for the treatment of addictions shall submit the relevant submission to the head of the prison. The head of a prison, taking into account the assessment of the risks and needs of the convicted person, shall prepare a proposal for the involvement of the convicted person in the programme for the treatment of addictions and shall send it to the head of the Latvian Prison Administration. The head of the Latvian Prison Administration, having evaluated the proposal of the head of a prison, shall decide whether to involve or refuse to involve the convicted person in the programme for the treatment of addictions or to postpone the involvement of the convicted person in the programme for the treatment of addictions and shall inform the head of the prison and the convicted person thereof in writing. The proposal of the head of a prison to involve a convicted person in the programme for the treatment of addictions or refusal to prepare such proposal and the decision of the head of the Latvian Prison Administration on the involvement of the convicted person or refusal to involve the convicted person in the programme for the treatment of addictions, or the decision to postpone the involvement of the convicted person in the programme for the treatment of addictions may not be contested or appealed.

The provisions laid down in Sections 50.4–50.8 of this Code regarding the part of the sentence to be served shall apply to the convicted person involved in the programme for the treatment of addictions in order to ensure the progress of the convicted person within the scope of the progressive sentence execution system, but the rights referred to in these Sections shall not apply thereto.

If a convicted person who is involved in the programme for the treatment of addictions commits a violation of the sentence serving regime, fails to comply with the programme conditions, after extensive evaluation does not conform to the programme conditions or due to health condition cannot participate in the programme for the treatment of addictions, he or she may be excluded from the programme for the treatment of addictions by a decision of the prison taken on the basis of a proposal of the head of the programme for the treatment of addictions. The convicted person shall be informed of the abovementioned decision in writing. Such decision may not be contested or appealed.

If by a decision of the evaluation committee the sentence serving regime of a convicted person who is involved in the programme for the treatment of addictions is mitigated, the convicted person shall continue serving the sentence in the isolated premises of the implementation of the programme for the treatment of addictions.

Convicted persons involved in the programme for the treatment of addictions may be permitted the visits of relatives and other persons in the presence of the representatives of the prison once a month for a time period from one hour up to six hours in order to facilitate the maintaining and renewal of socially useful contacts.

Internal rules of procedure in the structural unit of a prison where the programme for the treatment of addictions is implemented, the procedures for the selection, admission and relocation of convicted persons and also the procedures by which a convicted person is excluded from the programme for the treatment of addictions and the criteria for taking the relevant decisions shall be determined by the Cabinet.

[*9 June 2016; 15 June 2021*]

**Chapter Ten**

**General Education, Vocational Technical Education and Vocational Training of Persons Convicted under a Custodial Sentence**

[*14 October 1998*]

**Section 62. General Education of Convicted Persons Under s Custodial Sentence**

Training shall be ensured within the scope of resocialisation at a prison in order to ensure that convicted young persons may acquire general education.

General learning activities of convicted persons sentenced under a custodial sentence shall be promoted and taken into account when determining their resocialisation level.

A convicted person who is involved in the programme for the treatment of addictions may be involved in the acquisition of general education if allowed by the conditions of the programme for the treatment of addictions.

[*14 July 2011; 9 June 2016*]

**Section 63. Training of Individual Categories of Convicted Persons**

[19 July 1986]

**Section 64. Vocational Education of Persons Convicted under a Custodial Sentence**

Within the scope of resocialisation, acquisition of vocational basic education shall be organised in a prison so that convicted persons may work while being in the prison and after being released from serving the sentence.

Convicted persons who are persons with Group I or II disability shall be involved in obtaining vocational education upon their wish.

A convicted person who is involved in the programme for the treatment of addictions may be involved in the acquisition of vocational education if allowed by the conditions of the programme for the treatment of addictions.

[*11 November 2004; 14 July 2011; 9 June 2016; 15 June 2021*]

**Section 65. Improvement of Professional Qualification of Persons Convicted under a Custodial Sentence**

The improvement of professional qualification of persons convicted under a custodial sentence may be organised at the prison within the scope of resocialisation and by involving in the acquisition of new trades that may be useful after serving the sentence.

Vocational training or improvement of professional qualification of a person convicted under a custodial sentence shall be promoted and taken into account in determining their resocialisation level.

A convicted person who is involved in the programme for the treatment of addictions may be involved in improvement of professional qualification and acquisition of new trades, if allowed by the conditions of the programme for the treatment of addictions.

[*14 July 2011; 9 June 2016*]

**Section 66. Release of Convicted Persons from Work in Prisons in Relation to Preparation for and Taking of Examinations**

Convicted persons shall be released from work in prisons to take examinations for the time provided for in labour legislation.

Wages for this period shall not be calculated and the sustenance shall be provided free of charge.

Convicted persons in open prisons shall, for the purposes of taking examinations, be permitted to leave the prison.

[*14 October 1998*]

**Section 67. Procedures for Organising Learning Process of Convicted Persons for the Acquisition of General and Vocational Education**

Learning process of convicted persons for the acquisition of general and vocational education shall be organised in accordance with the procedures laid down in the laws and regulations governing the acquisition of general and vocational education.

[*11 November 2004*]

**Section 67.1 Involvement of Persons Convicted under a Sentence for the Temporary Deprivation of Liberty in the Acquisition of Education and Social Behaviour Correction Activities**

Persons convicted under a sentence for the temporary deprivation of liberty shall not be involved in the acquisition of general or vocational education, however, to the extent possible, measures of interest education shall be organised for them and they shall be involved in the social behaviour correction activities. Acquisition of compulsory education shall be ensured to minors.

[*20 December 2012*]

**Chapter Eleven**

**Incentives and Sanctions Applicable to Persons Convicted under a Custodial Sentence**

[*14 October 1998*]

**Section 68. Incentives Applicable to Persons Convicted under a Custodial Sentence**

For good behaviour and conscientious attitude towards work or educational activities, the administration of the prison may apply the following incentives to convicted persons:

1) expression of gratitude;

2) [27 January 2022];

3) grant additional short-duration or long-duration visits, but no more than six additional visits per year;

4) in juvenile correctional institutions – permission to leave the institution for up to eight hours accompanied by their parents or employees of the institution;

5) recognition of convicted person as conforming to the conditions referred to in Section 50.3, Paragraph four of this Code before expiry of the time period laid down therein;

6) in open prisons – to leave the prison territory with the permission of the head of the prison once a month for up to 2 twenty-four hour periods, but during holidays – up to 5 twenty-four hour periods;

7) to temporarily leave the territory of a prison with the permission of the head of the prison for up to 3 twenty-four hour periods a year;

8) to temporarily leave the territory of the juvenile correctional institution with the permission of the head of the juvenile correctional institution for up to 5 twenty-four hour periods a year;

9) convicted persons involved in the programme for the treatment of addictions – the right to use the video communication possibility for the time period up to 30 minutes twice per month without the presence of a representative of the prison.

[14 July 2011]

The incentive referred to in Paragraph one, Clause 5 of this Section shall not apply to the validity of an administrative punishment.

The administration of a prison may acknowledge the convicted person as conforming to the conditions referred to in Section 50.3, Paragraph four of this Code before expiry of the time period laid down therein, provided the following time periods have elapsed:

1) at least six months after imposition of the punishment – placement in a punishment isolation cell – for the violation of the sentence serving regime;

2) at least three months after imposition of the punishment – placement in a disciplinary isolation cell – for the violation of the sentence serving regime;

3) at least three months after imposition of another punishment stipulated in this Code for the violation of the sentence serving regime, if the punishment was imposed on an adult person, or at least one month if the punishment was imposed on a minor.

The incentive referred to in Paragraph one, Clause 7 of this Section may only be applied to convicted persons who are serving the sentence at the highest level of the sentence serving regime in a closed or partly-closed prison, except for persons convicted under a sentence for the deprivation of liberty for life (life imprisonment). The incentive referred to in Paragraph one, Clauses 6, 7, and 8 of this Section shall not be granted to the convicted person who is a suspect or accused in other criminal proceedings, but if it has already been granted – it shall not be fulfilled.

The time period referred to in Paragraph one, Clauses 7 and 8 of this Section spent outside the prison shall be included in the term of serving the sentence.

Administration of a prison shall send information regarding the convicted person who has been permitted to temporarily leave the territory of the prison to the territorial unit of the State Police in the territory of which the convicted person intends to stay. Such information must be sent not later than five working days before the day when the convicted person temporarily leaves the prison. During a temporary leave the convicted person shall follow the provisions laid down in Section 49.7 of this Code.

A convicted person involved in the programme for the treatment of addictions may be subject to the application of the incentives referred to in Paragraph one, Clauses 1, 5, and 9 of this Section. The incentive referred to in Paragraph one, Clause 5 of this Section shall be applied in compliance with the conditions laid down in Paragraph four of this Section.

Decisions on incentives taken prior to the involvement of a convicted person in the programme for the treatment of addictions shall not be executed during the programme implementation period.

A convicted person involved in the programme for the treatment of addictions may be granted the right to use the video communication possibility if, in addition to the conditions referred to in Paragraph one of this Section, communication with family members can have a positive impact on the re-socialisation process of the convicted person.

[*13 June 1991; 17 November 1992; 15 December 1994; 14 October 1998; 11 November 2004; 16 June 2009; 14 July 2011; 13 December 2012; 2 October 2014; 18 June 2015; 9 June 2016; 15 June 2021; 27 January 2022*]

**Section 69. Procedures for the Application of Means of Incentive to Convicted Persons**

[15 December 1994]

**Section 70. Punishments for Persons Deprived of Liberty**

For the violation of the requirements of the sentence serving regime the following punishments may be imposed on convicted persons:

1) giving of a warning;

11) prohibition to use a personal TV set or a transistor radio (without voice recording functions) for a period of up to one month and have it transferred for storage at the warehouse of the prison or transfer it to the persons who transferred it in the use of the convicted person;

2) issuing of a reprimand;

3) prohibition to purchase food products and tobacco products at the permanent location of sale established by a merchant in the territory of the prison for a period of up to one month;

4) [27 January 2022];

41) prohibition of telephone conversations for a period of up to 10 days for convicted persons who are serving the sentence at the lowest level of the sentence serving regime;

42) prohibition of the regular video communication possibility for the life-sentenced prisoners who are serving the sentence in the separate division;

5) prohibition of the current visit;

6) placement of the convicted persons who are serving sentences in prisons in a punishment isolation cell for a period of up to 14 twenty-four hour periods;

7) placement of convicted persons who are serving the sentence in juvenile correctional institutions in a disciplinary isolation cell for up to three twenty-four hour periods.

Women who are in prison with infants and pregnant women may not be placed in a punishment isolation cell.

Only the convicted persons who have committed gross or systematic violations of the sentence serving regime may be placed in a punishment isolation cell.

The following shall be considered as gross violations of the sentence serving regime:

1) physical resistance to employees of the prison or defamation thereof;

2) physical coercion of other convicted persons or other ways of debasing them;

3) use, keeping, distribution of alcohol, narcotic or other intoxicating substances;

4) refusal to be inspected for the purpose of ascertaining whether the convicted person has used alcohol, narcotic or other intoxicating substances;

41) refusal to go to a medical treatment institution for the purpose of performing a medical examination, if the convicted person refuses to undergo breath alcohol tests or the results thereof;

5) participation in a game of cards or other gambling to gain material or other benefits, and extort winnings;

6) refusal to fulfil the lawful requests of an employee of the prison;

7) organisation of groups of convicted persons and participation therein to resist the lawful actions of the administration of the prison or to subject other convicted persons to themselves;

8) inciting other convicted persons to offences;

9) use and storage of a mobile telephone, its component parts and SIM card (except in open prisons);

10) intentional damage to prison property;

11) arbitrarily leaving the territory of an open prison.

The violations of the internal rules of procedure of a prison that have been committed two or more times within the last six months shall be considered as systematic violations of the regime.

The following punishments may be imposed on convicted persons for the violations of sentence serving regime in open prisons:

1) issuing of a reprimand;

2) prohibition to leave the territory indicated by the administration of the prison for a period of up to three months;

3) placement in a punishment isolation cell for period of up to 14 twenty-four hour periods;

4) [11 November 2004].

The punishment provided for in Paragraph one, Clause 1.1 of this Section shall only be imposed for the violation of the procedures laid down in the internal rules of procedure of the prison in respect of the use of a personal TV set or a transistor radio (without voice recording functions).

If the conditions for walks provided for in the internal rules of procedure of the prison are violated during a walk, the walk shall be terminated and a punishment shall be imposed on the convicted person for the violation of the sentence serving regime.

The following punishments may be imposed for violating the requirements of the sentence serving regime by convicted persons involved in the programme for treatment of addictions:

1) giving of a warning;

2) issuing of a reprimand;

3) prohibition to purchase food products and tobacco products in the shop of the prison for a period of up to one month;

4) prohibition of the current visit of relatives and other persons;

5) placement in a punishment isolation cell for up to 14 twenty-four hour periods or in a disciplinary isolation cell for up to three twenty-four hour periods;

6) revoking of the previously granted incentive.

[*15 December 1994; 14 October 1998; 11 November 2004; 27 November 2008; 14 July 2011; 2 October 2014; 18 June 2015; 9 June 2016; 15 June 2021; 27 January 2022*]

**Section 71. Procedures for Imposing Punishments on Persons Convicted under a Custodial Sentence**

When imposing a punishment, the circumstances under which the violation has been committed, the behaviour of the convicted person prior to the violation, the number and nature of previously imposed punishments and his or her explanations in respect of the nature of the violation shall be taken into account. The imposed punishment shall correspond to the seriousness and nature of the violation committed by the convicted person.

Punishment may be imposed only on the person who has committed the violation. For several concurrently committed violations one punishment shall be imposed.

A punishment shall be imposed not later than ten days after the day when the violation is established, but if in connection with the violation an investigation is carried out, within ten days from the day of its completion.

The punishment imposed shall be executed immediately or not later than within one month from the day it was imposed. If the punishment has not been executed within a month from the day it was imposed, it shall not be executed, except for the case where after imposition of the punishment, i.e. placement in a punishment isolation cell, a convicted person has been transferred to the Prison Hospital of Latvia or moved to a medical treatment institution which is located outside the prison. In such case, the imposed punishment – placement in a punishment isolation cell – shall be executed after return of the convicted person to the prison.

A convicted person may contest the punishment imposed to the head of the Latvian Prison Administration within one month in accordance with the procedures laid down in the Administrative Procedure Law. The submission of a complaint shall not suspend the execution of the punishment. The decision of the head of the Latvian Prison Administration may be appealed in accordance with the procedures laid down in the Administrative Procedure Law. The judgment of the District Administrative Court which has been given for imposing the punishments referred to in Section 70, Paragraph one, Clauses 1, 2, 3, 4, 4.1, 4.2, and 5 and Paragraph six, Clauses 1 and 2 of this Code on a convicted person may not be appealed. The judgment of a District Administrative Court which has been given for imposing the punishments referred to in Section 70, Paragraph one, Clauses 6 and 7 and Paragraph six, Clause 3 of this Code on a convicted person may be appealed by submitting a cassation complaint to the Department of Administrative Cases of the Supreme Court.

The punishments provided for in Section 70, Paragraphs one, six and nine of this Law shall be imposed according to a written decision of the head of the prison, except for warnings which can be notified verbally. A convicted person has the right to request within one month for the warning to be drafted in writing. The warning shall be drafted and issued in accordance with the procedures laid down in the Administrative Procedure Law.

All the punishments provided for in this Code for the violations of the sentence serving regime, also repeated placement in a punishment or disciplinary isolation cell, the commencement whereof shall be considered the last day of serving of the previous punishment, may be applied to a convicted person who has violated the sentence serving regime while in a punishment or disciplinary isolation cell.

[*13 June 1991; 17 November 1992; 15 December 1994; 14 October 1998; 11 November 2004; 28 April 2005; 4 April 2007; 16 June 2009; 14 July 2011; 18 June 2015; 9 June 2016; 27 January 2022*]

**Section 72. Officials who Apply Incentives and Impose Disciplinary Punishments on Convicted Persons**

The list of those officials who have the right to apply incentives and impose punishments for the violation of the sentence serving regime on convicted persons, as well as the scope of their authority shall be regulated by the internal rules of procedure of the prison.

[*14 October 1998; 14 July 2011*]

**Section 73. Regime in Cell-Type Rooms and Solitary Cells of Correctional Labour Colonies**

[15 December 1994]

**Section 74. Regime in Punishment and Disciplinary Isolation Cells**

Convicted persons who are held in punishment or disciplinary isolation cells do not have the right to have visitors, receive consignments, parcels or printed matter, purchase food products, send letters to private individuals and use board games; they are prohibited from smoking and watching TV.

Convicted persons who are held in disciplinary isolation cells may have a one-hour walk each day and correspondence with the family.

Convicted persons who are held in punishment isolation cells and are brought to work shall work separately from other convicted persons.

Convicted persons who are held in disciplinary isolation cells shall be ensured with a possibility to continue the acquisition of education and vocational training.

[*14 July 2011*]

**Chapter Twelve**

**Civil Liability of the Persons Convicted under a Custodial Sentence**

[*14 October 1998*]

**Section 75. Liability of the Persons Convicted under a Custodial Sentence for the Losses Caused**

If a convicted person who is serving a custodial sentence has caused losses to another person by his or her illegal activities, he or she shall be liable for such losses in accordance with the Civil Law.

**Section 76. Procedures for the Recovery of Losses**

If a person convicted under a custodial sentence voluntarily agrees to reimburse the losses which have been caused to another person during the serving of sentence, he or she shall draw up an appropriate promissory note which shall be submitted to the head of the prison, and the losses for the benefit of the injured party shall be deducted from the wage of the guilty party or from the funds on his or her personal account, in accordance with an order of the head of the prison.

If a person convicted under a custodial sentence fails to voluntarily reimburse the losses caused during the serving of sentence, they shall be recovered according to general civil litigation procedures.

**Chapter Twelve “A”**

**Administrative Offences in the Field of the Execution of Criminal Sentences and Competence in the Administrative Offence Proceedings**

[*28 May 2020*]

**Section 76.1 Illegal Transfer of Substances, Products and Objects to a Convicted Person or Illegal Receipt of Substances, Products and Objects from a Convicted Person**

For the illegal transfer of money, correspondence, food products, alcohol and other substances, products and objects that have been hidden from an inspection or for actions with the aim of transferring them to a convicted person in any manner, a fine of up to fourteen units of fine shall be imposed.

For the illegal receipt of substances, products and objects from a convicted person, a fine of up to fourteen units of fine shall be imposed.

[*28 May 2020 / Section shall come into force on 1 July 2020. See Paragraph 34 of Transitional Provisions*]

**Section 76.2 Violation of the Provisions of Police Control**

For the violation of the provisions of police control which has been committed by a person to which police control has been determined, a fine of up to fourteen units of fine shall be imposed.

[*28 May 2020 / Section shall come into force on 1 July 2020. See Paragraph 34 of Transitional Provisions*]

**Section 76.3 Competence in Administrative Offence Proceedings**

[*Paragraphs one and two shall come into force concurrently with amendments to the Law on Administrative Liability which provide a mandate to the Prison Administration for conducting the administrative offence proceedings, and will be included in the wording of the law as of the day when the relevant amendments to the Law on Administrative Liability come into force. See Paragraph 35 of Transitional Provisions*]

Administrative offence proceedings regarding the offence referred to in Section 76.2 of this Law shall be conducted by the State Police.

[*28 May 2020 / Paragraph three shall come into force on 1 July 2020. See Paragraph 34 of Transitional Provisions*]

**Chapter Thirteen**

**Satisfaction of Material and Everyday Needs of and Provision of Medical Assistance to Persons Convicted Under a Custodial Sentence**

[*21 December 1987; 14 October 1998*]

**Section 77. Satisfaction of Material and Everyday Needs of Persons Convicted under a Custodial Sentence**

Convicted persons who are serving sentences in prisons shall be provided with living conditions in conformity with epidemiological safety and hygienic provisions. The norm for living space for one convicted person shall not be smaller than 4 square metres, but in solitary cells – not smaller than 9 square metres.

Convicted persons shall be allotted individual sleeping berths and shall be issued bedding. Convicted persons shall be provided with linen suitable for the season.

Convicted persons shall receive nourishment which ensures normal life functions of the organism.

Pregnant women, mothers who are breastfeeding infants, minors and sick persons shall have improved premises and living conditions and increased nourishment norms shall be provided thereto. Under an opinion of a commission of physicians, such persons may be permitted to receive additional parcels and deliveries of food products.

On the basis of a request from a convicted mother and with the consent of the Orphan’s and Custody Court, a child up to four years of age may reside together with the mother in a prison under full responsibility of the State. During the time period when the Orphan’s and Custody Court takes the relevant decision, the child shall reside together with his or her mother in the prison but not longer than one month from the day when the child has been admitted to the prison. The Cabinet shall stipulate the standards for the maintenance of the child, hygiene articles, clothes and necessary equipment for care in a prison. Children who are staying in a prison together with their convicted mothers shall receive health care services in accordance with the same procedures and in the same amount in which it is received by the children who are outside a prison.

The administration of a prison shall, not later than three months prior to the date when the child reaches four years of age, notify the Orphan’s and Custody Court at the place of residence of the parents of the child that the period for which the child may reside together with the mother in a prison is coming to an end. The Orphan’s and Custody Court shall, having previously examined the circumstances at the place of residence of the father of the child, shall transfer the child to the care of the father. If the child cannot be given to the father, the Orphan’s and Custody Court shall ensure out-of-family care for the child. When choosing the future place of residence of the child, the Orphan’s and Custody Court shall take into account the point of view of the mother of the child.

Norms for the nourishment and material provision of everyday needs shall be stipulated by the Cabinet.

If a convicted person does not have personal clothing or footwear that is appropriate for the season and suitable for wearing, the administration of a prison shall ensure him or her with clothing and footwear.

The phone conversations specified in this Code for convicted persons at the closed prisons, partly-closed prisons, and juvenile correctional institutions shall be ensured via phone conversation devices located in the prison for the funds of convicted persons or addressee. The administration of the prison shall select the merchant which ensures the phone conversation devices, their servicing, and phone conversation service in accordance with the laws and regulations regarding the procedures for the lease of the property of a public person.

For the convicted persons who are serving the sentence in a closed prison, a partly-closed prison, or a juvenile correctional institution, the right to purchase specified in this Code shall be ensured at the permanent location of sale established by a merchant in the territory of the prison where it is possible to purchase food and basic necessity goods. The merchant shall coordinate the assortment of such goods with the Prison Administration. The Prison Administration shall select the merchant who ensures sales services of goods for convicted persons in closed prisons, partly closed prisons, and juvenile correctional institutions in accordance with the laws and regulations regarding the procedures for the lease of the property of a public person.

[*24 March 1977; 23 February 1989; 17 November 1992; 15 December 1994; 14 October 1998; 11 November 2004; 7 September 2006; 27 November 2008; 14 July 2011; 18 June 2015; 15 June 2021; 27 January 2022*]

**Section 77.1 Procedures for the Use of a One-time Childbirth Benefit Granted to Convicted Persons**

The one-time childbirth benefit to mothers who are residing in a prison with children shall be transferred to the personal account of the mother and shall be disbursed not earlier than on the day of the release of the mother.

In exceptional cases – in accordance with instructions from the physician treating the child and upon receipt of a permission from the head of the prison – the convicted person may use the one-time childbirth benefit for the medical treatment of the child.

If the period determined in Section 77, Paragraph five of this Code which the child may spend together with the mother in a prison under full responsibility of the State has ended, and the child is transferred to a guardianship, a foster family or to a child care institution, the benefit or the remaining amount of the benefit shall transferred to the relevant guardian, foster family or child care institution.

The decision of the head of the prison referred to in Paragraph two of this Section may be contested to the head of the Latvian Prison Administration. The decision of the head of the Prison Administration may be appealed to the District Administrative Court in accordance with the procedures laid down in the Administrative Procedure Law. The decision of the District Administrative Court may not be appealed.

[*4 April 2007; 18 June 2015*]

**Section 78. Health Care of Persons Convicted under a Custodial Sentence**

Persons convicted under a conditional sentence shall receive health care services financed from the State budget in the amount and in accordance with the procedures laid down in the laws and regulations regarding the financing and organising of health care. Persons convicted under a custodial sentence shall receive health care services not financed from the State budget in accordance with the procedures laid down in the Medical Treatment Law.

In addition to the amount of health care laid down in the laws and regulations regarding the financing and organising of health care, persons convicted under a custodial sentence shall receive emergency stomatological assistance.

The Cabinet shall determine the procedures for the implementation of health care of convicted persons.

[*17 December 2014*]

**Section 78.1 Organising of Health Care to Persons Convicted under a Custodial Sentence**

Health care of persons convicted under a custodial sentence shall be provided in the medical clinic of the prison or the Prison Hospital of Latvia. If persons convicted under a custodial sentence require health care services which cannot be provided at a prison or the Prison Hospital of Latvia, the convicted persons shall be transferred to such medical treatment institution outside the prison which provides the relevant services.

If persons convicted under a custodial sentence require emergency medical assistance which cannot be provided in a prison, such assistance shall be provided thereto in another medical treatment institution outside the prison.

In the case referred to in the second sentence of Paragraph one of this Section, the prison shall ensure the transfer and security of a convicted person at a medical treatment institution, whereas in the case referred to in Paragraph two of this Section – guarding of a convicted person during receipt of the health care service.

Expenses for health care services provided to persons convicted under custodial sentence in medical treatment institutions outside a prison shall be covered by the administration of the prison and in the amount and in accordance with the procedures laid down in the laws and regulations regarding the financing and organising of health care.

A convicted person who is in a medical treatment institution outside a prison has the obligation to stay only in the premises specified by a medical practitioner or an official of the prison.

A convicted person while staying in a medical treatment institution outside the prison is permitted to keep with himself or herself only personal hygiene items. The rights specified in this Code to have walks or to participate in sports games in the open air, to receive consignments and parcels, to receive, send, and use money transfers, to meet relatives and other persons, to purchase literature and stationery, to send and receive letters and telegrams, to use personal household appliances, to make telephone conversations, to make purchases at the permanent location of sale established by a merchant in the territory of the prison, to store food products, except for those provided by a medical treatment institution, shall not apply to a convicted person who is in a medical treatment institution outside the prison.

[*17 December 2014; 18 June 2015; 15 June 2021*]

**Section 78.2 Procedures for the Movement and Security of Persons Convicted under a Custodial Sentence During the Receipt of Health Care Services**

The Cabinet shall determine the procedures for the movement and security of persons convicted under a custodial sentence during the receipt of health care services in a medical treatment institution outside the prison.

[*17 December 2014*]

**Section 78.3 Registration of the Child of a Woman Convicted under Custodial Sentence**

If a child is born to a woman convicted under a custodial sentence during serving the sentence, it is the obligation of the administration of the prison for the purpose of registering the birth of the child to inform, in writing, the General Registry Office in territory of operation of which the prison is located.

[*17 December 2014*]

**Section 78.4 Procedures for Exercising the Rights of a Convicted Person to Receive Health Care Services Outside a Prison**

In order to receive health care services by using personal means in medical treatment institutions outside a prison, a convicted person who is serving the sentence at the highest level of the sentence serving regime in a closed or partly-closed prison, in an open prison, or in a juvenile correctional institution may request permission to temporarily leave the territory of the prison for a time period from one hour up to three twenty-four hour periods by submitting a written submission to the head of the prison.

The convicted person shall specify in the submission the justification for the necessity to receive the health care service, the medical treatment institution where the health care service will be received, the place where he or she will stay during the temporary leave, contact telephone, if available, and shall enclose all documents at the disposal of him or her attesting the existence of the reasons for temporary absence referred to in this Section. If the permission referred to in Paragraph one of this Section is requested by a convicted minor, he or she shall indicate the given name and surname of the adult who will accompany him or her.

The head of a prison shall indicate in the permission referred to in Paragraph one of this Section the time of leaving the prison and the time when the convicted person must return to the prison.

The administration of a prison shall send information regarding the convicted person who has been authorised to temporarily leave the territory of the prison to such territorial unit of the State Police in the territory of which the convicted person intends to stay. Such information shall be sent immediately after giving the permission but before the convicted person has temporarily left the prison.

The period referred to in this Section that has been spent outside the prison shall be included in the term of serving the sentence.

The provisions laid down in Section 49.7 of this Code shall apply to the convicted person to whom the head of the prison has permitted to temporarily leave the territory of the prison for the receipt of health care services.

[*18 June 2015; 27 January 2022*]

**Section 78.5 Criteria for Giving the Permission and Procedures for Contesting the Refusal Thereof**

The head of a prison, when deciding on the permission referred to in Section 78.4 of this Code, shall evaluate the possibility of the convicted person to get to the place where health care services are received and receiving the service during the planned period of temporary leave, the violations committed during previous occasions of temporary leave and returning to the prison at the specified time, and also the opinion of the physician of the prison on the necessity of such service.

The head of the prison shall not permit the convicted person to temporarily leave the territory of the prison for the receipt of a health care service if at least one of the following circumstances exists:

1) the health care service can be received at the prison;

2) the health care service can be received at the Prison Hospital of Latvia;

3) the health care service can be received closer to the location of the prison;

4) the opinion of the physician of the prison does not include any indications attesting the necessity to receive the health care service;

5) the convicted person has contracted a dangerous infectious disease in its active form or illness in its acute phase, and has not completed the medical treatment according to the opinion of the medical practitioner;

6) the convicted person has committed an intentional offence during the unserved term of the sentence if he or she has been previously conditionally early released from serving a custodial sentence;

7) the convicted person had failed to return to the prison due to unjustified reasons within the time period indicated in the permission referred to in Sections 49.7 and 78.4 of this Law;

8) the convicted person wishes to receive the health care service outside the territory of the Republic of Latvia;

9) the being of the convicted person outside the prison may threaten public safety.

When deciding on the permission to temporarily leave the territory of the prison for the receipt of health care services, Paragraph two, Clause 6 of this Section shall not be applied to the convicted person serving sentence in an open prison. When deciding to give the permission referred to in Section 78.4 of this Code to a life-sentenced prisoner, the head of the prison shall, in addition to the criteria referred to in this Section, take into account the type and severity of a criminal offence committed by the life-sentenced prisoner and also the duration of the sentence imposed and the portion of the sentence served.

A convicted person may submit a complaint to the head of the Latvian Prison Administration regarding the refusal of the head of the prison to give the permission to temporarily leave the territory of the prison for the receipt of a health care service. The head of the Latvian Prison Administration shall examine the submitted complaint within one month and the decision taken thereby shall may not be appealed.

Paragraph two, Clause 6 of this Section shall not be taken into account in respect of convicted persons serving sentence in open prisons.

[*18 June 2015; 7 December 2017; 27 January 2022*]

**Section 78.6 Restrictions on the Rights of Convicted Persons in the Medical Clinic of a Prison**

Convicted persons shall be placed in the medical clinic of a prison in accordance with the instructions of a physician and medical indications.

During a time period when a convicted person is in the medical clinic of a prison, he or she shall exercise the rights specified in this Code in accordance with the instructions of a physician and medical indications. This condition shall not apply to the right of a convicted person to the mitigation of the sentence serving regime and to the conditional early release.

[*27 January 2022*]

**Section 78.7 Sentence Execution Regime in the Prison Hospital of Latvia**

Convicted persons shall be placed in the Prison Hospital of Latvia by an order of the head of the Prison Administration in accordance with the instructions of a physician and medical indications. Convicted persons who are serving the sentence in the Olaine Prison shall be placed in the Prison Hospital of Latvia by a decision of the head of the Olaine Prison in accordance with the instructions of a physician and medical indications.

Security and permanent surveillance of convicted persons shall be ensured in the Prison Hospital of Latvia. Convicted persons in the Prison Hospital of Latvia shall be placed in closed wards in accordance with medical indications, regardless of the level of the sentence serving regime determined for convicted persons and type of a prison, but taking into account the provisions laid down in Section 18, Paragraph one of this Code. In certain cases, taking into account the safety criteria and the criteria for the prevention of crime and in accordance with the instructions of a physician, convicted persons may be placed in the same ward as arrested persons if their medical indications so permit.

While being in the Prison Hospital of Latvia, a convicted person has the right to address the head of a prison with a submission regarding mitigation of the sentence serving regime or conditional early release from serving the sentence in accordance with the procedures laid down in this Code.

A convicted person placed in the Prison Hospital of Latvia has the right to a short-duration visit. In accordance with the instructions of a physician, a short-duration visit can be replaced with a video call or a telephone conversation, or postponed. The number and duration of such video calls and telephone conversations shall be determined in accordance with the number and duration of short-duration visits laid down in this Code for the respective level of the sentence serving regime at which the convicted person is serving the sentence. While being in the Prison Hospital of Latvia, the number and duration of short-duration visits for the convicted persons who are serving the sentence in an open prison shall be the same as that for the convicted persons at the highest level of the sentence serving regime in a partly-closed prison.

Convicted persons in the Prison Hospital of Latvia have the following rights:

1) to shop, through employees of the prison, at the permanent location of sale established by a merchant in the prison four times a month;

2) to have telephone conversations to the extent acceptable at the level of the sentence serving regime determined for a convicted person;

3) to use a personal TV set and a transistor radio (without voice recording functionalities), use a TV set issued by the administration of the Prison Hospital of Latvia at the time indicated by the administration, or watch television broadcasts at the time specified on the daily schedule with the permission of an attending physician in a room arranged outside a ward;

4) to wear personal clothing with the permission of the prison administration;

5) to receive (exchange) books through employees of the prison;

6) to have walks in the open air with the permission of an attending physician for at least one hour a day;

7) to meet with a clergyman in private and attend religious services with the permission of an attending physician;

8) to participate in sports, cultural, and religious events with the permission of an attending physician;

9) to smoke during walks;

10) to store tobacco products, lighters containing gas, and matches in a place outside a ward indicated by the administration of the Prison Hospital of Latvia.

The duration of the telephone conversation referred to in this Section shall not exceed 10 minutes. The duration of video communication shall not exceed 15 minutes.

The head of a prison may restrict the rights specified in this Section in accordance with the instructions of a physician and medical indications.

[*27 January 2022*]

**Section 79. Provision of Medical Treatment to Convicted Persons who have Contracted Dangerous Infectious Diseases**

The administration of a prison shall ensure that necessary measures are taken in the institution to prevent and combat infectious diseases in cases where there is a threat of the spread of such diseases.

Convicted persons who have contracted tuberculosis in its active form shall be treated in the Prison Hospital of Latvia.

[*14 October 1998; 27 January 2022*]

**Chapter Thirteen “A”**

**Proposal to Conditionally Release a Convicted Person from Serving a Sentence Early**

[*2 October 2014* / *The provisions specified in Chapter in relation to conditional early release from serving a sentence with determination of electronic monitoring shall be applied from 1 July 2015. See Paragraph 32 of Transitional Provisions*]

**Section 79.1 Preconditions for Proposing Conditional Early Release from Serving a Sentence**

A convicted person may request conditional early release from serving the sentence, including with determination of electronic monitoring, if he or she meets the conditions referred to in Section 50.3, Paragraph four of this Code, has actually served the part of the term of the sentence specified in the Criminal Law and meets other criteria laid down in the Criminal Law and this Code.

Conditional early release from serving the sentence with determination of electronic monitoring shall not be proposed if the convicted person has already served the part of the term of sentence specified in the Criminal Law that has to be served in order to propose conditional early release from the serving a sentence.

[*7 December 2017*]

**Section 79.2 Procedures for Evaluating the Submission for the Conditional Early Release of a Convicted Person from Serving a Sentence**

A convicted person shall submit the submission requesting conditional early release from serving the sentence, including with determination of electronic monitoring, to the head of the prison.

Having received the submission referred to in Paragraph one of this Section, the head of the prison shall, within three working days, examine whether the convicted person conforms to the conditions referred to in Section 79.1 of this Code. If it is established that the convicted person meets at least one of the mentioned conditions, the submission shall be returned to the convicted person, stating the reasons for not forwarding the submission and the time period after which the convicted person will have the right to conditional early release from serving the sentence with or without the determination of electronic monitoring. The response of the head of the prison may not be contested or appealed.

**Section 79.3 Forwarding of the Submission for the Conditional Early Release of a Convicted Person from Serving a Sentence**

If a convicted person meets the conditions referred to in Section 79.1 of this Code, the head of the prison shall, within five working days after the inspection referred to in Section 79.2, Paragraph two of this Code, send to the State Probation Service a request for an evaluation report, stating whether the convicted person requests to evaluate the possibility of his or her conditional early release from serving the sentence with determination of electronic monitoring, and requests an official of the prison to prepare a statement on the progress of executing the sentence.

The statement on the progress of executing the sentence shall include information characterising the behaviour of the convicted person, involvement in resocialisation measures and resocialisation results, his or her attitude towards participation in resocialisation measures throughout the entire term of serving the sentence. If the respective statement has been prepared in respect of the progress of executing the sentence of a life-sentenced prisoner, the statement on the progress of executing the sentence shall be accompanied by information regarding mental health of a convicted person, if the convicted person has been provided with psychiatric assistance, and by an extract from the cooperation report of a psychologist.

The procedures by which the statement on the progress of executing the sentence shall be prepared and the content and volume of information included therein shall be determined by the Cabinet.

The State Probation Service shall, within 15 working days after receipt of the request referred to in Paragraph one of this Section, prepare an evaluation report and send it to the prison.

The head of the prison shall, within five working days after receipt of the evaluation report referred to in this Section, send it together with the submission referred to in Section 79.2 of this Code, statement on the progress of executing the sentence and submission of the prison for conditional early release of a convicted person from serving the sentence to a district (city) court in territory of operation of which the prison is located.

[*27 January 2022*]

**Section 79.4 Repeated Submission of the Submission for the Conditional Early Release from Serving a Sentence**

If a court refuses the conditional early release of a convicted person from serving the sentence, the convicted person may submit a repeated submission not earlier than four months after the date of taking the respective decision.

If a court refuses the conditional early release of a life-sentenced prisoner from serving the sentence, the convicted person may submit a repeated submission not earlier than one year after the date of taking the respective decision.

[*22 June 2017; 27 January 2022*]

**Chapter Fourteen**

**Transfer of Persons Convicted under a Custodial Sentence without Escort**

[14 October 1998]

**Chapter Fifteen**

**Security Measures and Grounds for Using Weapons**

[11 November 2004]

**Division Three “A”**

**Procedures and Provisions to be Complied With when Executing Suspended Custodial Sentences by Compulsorily Involving Convicted Persons in Work and Conditional Release from Prisons by Compulsorily Involving Convicted Persons in Work**

[25 May 1993]

**Division Four**

**Procedures and Provisions to be Followed in Executing Sentences of Displacement**

[14 October 1998]

**Chapter Eighteen**

**Procedures and Provisions for the Execution of Correctional Works Sentences without Deprivation of Liberty**

[25 May 1993]

**Division Five**

**Basis for Release from Serving a Sentence;**

**Assistance to Persons Released from Prisons; Their Surveillance and Supervision**

[*14 July 2011*]

**Chapter Nineteen**

**Basis and Procedures for Release from Serving a Sentence**

**Section 111. Basis for Release from Serving A Sentence**

The basis for the release of convicted persons from serving a sentence shall be:

1) the serving of the sentence determined in the court ruling;

2) the granting of amnesty;

3) clemency;

4) the ruling on the conditional early release from serving the sentence;

5) the ruling on the release from the serving the sentence in connection with the convicted person having mental dysfunction or some other serious disease which prevents from continuing to serve the sentence;

6) receipt of information from the Ministry of Justice that the foreign judgment that was enforced in Latvia has been cancelled.

[*14 October 1998; 15 December 2011; 7 December 2017*]

**Section 112. Procedures for Release from Prisons**

After serving the sentence determined in a court ruling, persons shall be released from a prison in the first half of the last day of the term of the sentence. If the term of the sentence is calculated in months, the term shall expire on the relevant date of the last month, but if this month has no relevant date, on the last day of the month.

The administration shall complete the documents for the release from the prison received by the end of the working day immediately but those received after the end of the working day – in the morning of the next day.

The head of the prison shall, without delay, notify the prosecutor and the head of the Latvian Prison Administration of any release where the time period stipulated in this Section is breached.

The head of the prison or the person substituting for him or her shall explain to the person to be released his or her rights and obligations after release.

Full settlement of accounts shall be made with the person to be released by transferring the money present in his or her personal account and release fund to his or her account in a credit institution or by disbursing from the cash department. Valuables and possessions belonging to a convicted person, his or her personal documents and documents regarding the education and qualifications acquired in the prison, and also a statement in which the basis for release and the actual term of custodial sentence served are indicated shall also be issued to the convicted person. At the request of the person to be released, he or she shall be issued a reference.

Persons released from juvenile correctional institutions who have not attained 18 years of age shall be sent to their parents or persons substituting for them. If the parents have died, are unknown or have been deprived of custody or care rights, or a guardian has been dismissed, the administration of a prison shall notify the Orphan’s and Custody Court of the previous place of residence of the released person.

If the person to be released does not accept its belongings on the day of his or her release or leaves them in the place of imprisonment, the belongings shall be kept at the place of imprisonment for three months after release of the person. After the end of this time period, the belongings of the convicted person shall be destroyed at the place of imprisonment in accordance with the laws and regulations regarding the procedures by which property belonging to the State shall be registered, assessed, disposed of, transferred free of charge, destroyed and sales proceeds shall be transferred to the State budget.

If a convicted person has been sentenced with a temporary deprivation of liberty and on the day of the release he or she is in a place of temporary detention while waiting for the transfer to a prison, he or she shall be released from the place of temporary detention. The person to be released shall receive his or her belongings, personal documents and the statement indicating the basis for the release and the actual term of the custodial sentence served. If a person is released from a place of temporary detention, the State Police shall, immediately after the release of the convicted person, send information regarding the convicted person in the cases specified in Sections 112.1, 112.2, 112.3, and 112.4 of this Code and shall also inform the court and the Latvian Prison Administration of the release of the convicted person.

[*15 December 1994; 14 October 1998; 18 December 2003; 11 November 2004; 13 December 2007; 27 November 2008; 16 June 2009; 14 July 2011; 18 June 2015; 18 February 2016; 7 December 2017; 15 June 2021*]

**Section 112.1 Sending of Information to the Territorial Unit of the State Police**

The administration of a prison shall, prior to the release of a convicted person after the full term of the sentence provided for in the court judgment has been served, send the information on the convicted person to the territorial unit of the State Police. This information shall be sent not later than 15 working days prior to the release of the convicted person, but in respect of convicted persons who are released under amnesty or clemency procedures information shall be sent immediately after receipt of the amnesty or clemency statement.

The information referred to in Paragraph one of this Section shall be sent to the territorial unit of the State Police in accordance with the address of the previous declared place of residence of the convicted person. If the convicted person does not have a declared place of residence, the information shall be sent to the territorial unit of the State Police in the territory of which the convicted person has decided to reside after the release. If the convicted person has a declared place of residence, but he or she has specified another address of a selected place of residence, the information shall be sent to the territorial unit of the State Police in the territory of which the convicted person has decided to reside after the release.

The information referred to in this Section shall indicate the given name, surname, personal identity number of the convicted person, the Section of the Criminal Law under which he or she has been convicted, the term of the imposed sentence, the time of the release, and also the selected place of residence.

The information referred to in this Section shall be restricted access information.

[*18 June 2009*]

**Section 112.2 Sending of Information to the Orphan’s and Custody Court**

The administration of a prison shall, prior to the release of the convicted person after the full term of the sentence provided for in the court judgment has been served, send information to the Orphan’s and Custody Court regarding the convicted person serving sentence for intentional violent criminal offences or criminal offences against sexual inviolability and morality. This information shall be sent not later than 15 working days prior to the intended release of the convicted person from the prison, but in respect of convicted persons who are released under amnesty or clemency procedures information shall be sent immediately after receipt of the amnesty or clemency statement.

The information sent to the Orphan’s and Custody Court shall indicate the given name, surname, personal identity number of the convicted person, the Section of the Criminal Law under which he or she has been convicted, the term of the imposed sentence and the intended date of the release, and also the selected place of residence.

The information referred to in this Section shall be sent to the Orphan’s and Custody Court in accordance with the address of the previous declared place of residence of the convicted person. If the convicted person does not have a declared place of residence, the information shall be sent to the Orphan’s and Custody Court in the territory of which the convicted person has decided to reside after the release. If the convicted person has a declared place of residence, but he or she has specified another address of a selected place of residence, the information shall be sent to the Orphan’s and Custody Court in accordance with the address of the previous place of residence of the convicted person and to the Orphan’s and Custody Court in the territory of which the convicted person has decided to reside after the release.

The information referred to in this Section shall be restricted access information.

[*18 June 2009*]

**Section 112.3 Sending of Information to the Institution Controlling the Execution of Additional Punishment – Restriction of Rights**

The administration of a prison shall, before releasing a convicted person after the full term of the sentence provided for in the court judgment has been served, send information regarding the additional punishment – restriction of rights – to the authority controlling its execution in accordance with the procedures laid down in the internal rules of procedure of the prison if the relevant institution can be identified from the information at the disposal of the administration.

The information referred to in Paragraph one of this Section shall indicate the given name, surname, personal identity number of the convicted person, the Section of the Criminal Law under which he or she has been convicted, the term of the imposed sentence and the intended date of release.

The information referred to in Paragraph two of this Section shall be sent not later than 15 working days before release of the convicted person, but in respect of convicted persons who are released early under amnesty or clemency procedures information shall be sent immediately after receipt of the court ruling, the amnesty or clemency statement.

The information referred to in this Section shall be restricted access information.

[*13 December 2012*]

**Section 112.4 Sending of Information to a Victim**

The administration of a prison shall send information to a victim on the release or escape of a convicted person from the prison if a notice on the need for the provision of such information has been received from the person directing the proceedings.

If a convicted person is released after serving the full term of the sentence provided for in the court judgment, information shall be sent to the victim not later than 15 working days prior to the intended release of the convicted person from the prison. If a convicted person has been released from a prison on other grounds or has escaped from such institution, information to the victim shall be sent immediately after the respective document on the release of the convicted person or information on his or her escape has been received.

The information to be sent to a victim shall indicate the given name, surname and date when he person has been released or has escaped from the serving the sentence.

The information referred to in this Section shall be sent to a victim in accordance with the address and manner of notification specified in the notice of the person directing the proceedings.

The information indicated in the notice shall be restricted access information.

A convicted person, his or her defence counsel or another interested person may not be made acquainted with the notice of the person directing the proceedings referred to in Paragraph one of this Section and the information sent to a victim.

[*18 February 2016*]

**Section 113. Procedures for the Release from Serving Sentences of Displacement or Deportation**

[14 October 1998]

**Section 114. Procedures for the Release from Serving a Sentence of Correctional Work without Deprivation of Liberty**

[25 May 1993]

**Section 115. Proposal to Conditionally Release a Convicted Person from Serving a Sentence Early**

[2 October 2014]

**Section 115.1 Supervision of the Persons Released Early and Conditionally**

[2 October 2014 / See Paragraph 31 of Transitional Provisions]

**Section 116. Release from Serving a Sentence Due to Illness**

If during serving of the sentence the convicted person has become ill with a mental illness or other serious incurable disease due to which he or she is incapable of continuing to serve the sentence, the sentence execution institution shall ensure that an expert-examination is carried out in accordance with the law. Taking into account the opinion of the commission of physicians the institution executing the sentence may propose the court to released such person from further serving of the sentence.

A submission for the release of the convicted person from further serving of the sentence together with the opinion of the commission of physicians and information regarding the health or mental condition of the convicted person during the serving of the sentence, as well as information regarding the possible future location of the person shall be sent to the district (city) court in the territory of operation of which the prison is located.

[*11 November 2004*]

**Chapter Twenty**

**Assistance to Persons Released from Prisons**

[*14 October 1998*]

**Section 117. Co-operation of Prisons with the State Probation Service**

[16 June 2009]

**Section 118. Financial Assistance to Persons Released from Prisons**

Transport fee to the place of residence or workplace shall be covered for a person who is released from a prison. A person who is released from a prison shall be ensured with clothing and footwear that is appropriate for a season and suitable for wearing if the person does not have such clothing and footwear.

The Cabinet shall determine the amount of the material assistance referred to in Paragraph one of this Section and the procedures by which assistance is provided to the persons who are released from a prison.

[*15 June 2021*]

**Section 119. Arrangement of Employment and Provision of Residential Space for Persons Released from Prison**

Persons released from prisons have the right to register in the State Employment Agency in accordance with the procedures laid down in the law for acquiring the status of an unemployed person.

A local government city council shall provide low-income persons released from serving the sentence with residential space in accordance with the procedures laid down in the law On Assistance in Solving Apartment Matters.

Persons with disability and persons of retirement age shall, upon their request, be placed in social care institutions.

For minors whose parents have died or are unknown or whose parents have been deprived of parental authority, the Orphan’s and Custody Court of the previous place of residence shall appoint a guardian or take the decision to place them in an educational institution for orphaned children or in a foster family.

[*27 November 2008; 10 December 2009; 14 July 2011; 15 June 2021*]

**Chapter Twenty “A”**

**Procedures for the Supervision of a Person Released Early and Conditionally from Serving the Sentence**

[*2 October 2014* / *The provisions specified in Chapter in relation to conditional early release from serving a sentence with determination of electronic monitoring shall be applied from 1 July 2015. See Paragraph 32 of Transitional Provisions*]

**Section 119.1 Organising of the Supervision of a Person Released Conditionally from the Serving of Sentence before the End of the Term**

In carrying out supervision of a person released early and conditionally from serving the sentence before the end of the term (hereinafter – the conditionally released person), the State Probation Service shall control how the conditionally released person fulfils the obligations determined by an official of the State Probation Service and provided for in the laws and regulations governing the sentence execution, and also shall provide consultations to the conditionally released person according to its competence.

[*15 June 2021*]

**Section 119.2 Plan for the Supervision of a Conditionally Released Person**

A conditionally released person shall be supervised in accordance with the supervision plan drawn up by an official of the State Probation Service. A conditionally released person shall be involved in the drawing up thereof.

During the unserved part of the sentence an official of the State Probation Service who is carrying out the supervision of a conditionally released person may amend the supervision plan.

**Section 119.3 Electronic Monitoring Schedule**

An official of the State Probation Service shall determine restrictions for the freedom of movement to the conditionally released person for whom electronic monitoring has been determined in addition to the supervision plan specified in Section 119.2 of this Code, preparing an electronic monitoring schedule.

Upon determining restrictions for the freedom of movement, an official of the State Probation Service shall take into account the assessment of risks and needs of a convicted person, planning time in the electronic monitoring schedule for resolving issues of a criminal nature and socio-psychological needs in accordance with the supervision plan.

The conditionality released person may promptly, but not later than one working day in advance, address an official of the State Probation Service with a written request to amend the electronic monitoring schedule, if amendments are necessary in relation to the health condition, an issue of a criminal nature or socio-psychological needs, or other objectively substantiated reasons.

**Section 119.4 Obligations of a Conditionally Released Person**

A conditionally released person has an obligation to:

1) appear at the territorial unit of the State Probation Service in accordance with his or her place of residence within three working days after the release from the prison;

2) fulfil the obligations and lawful requirements determined by an official of the State Probation Service;

3) appear at the territorial unit of the State Probation Service at the time determined by the official of the State Probation Service;

4) notify an official of the State Probation Service of his or her place of residence, work place or study institution, and also notify of the change thereof without delay;

5) receive permission from the State Probation Service to leave the place of residence for a period exceeding 15 days. This Clause shall not apply to a conditionally released person for whom electronic monitoring has been determined;

6) submit information on fulfilment of the imposed obligations to an official of the State Probation Service;

7) submit information on the means of subsistence of the convicted person to an official of the State Probation Service.

During the period of the non-served sentence when arriving at the State Probation Service, the conditionally released person may not be under the influence or intoxication of alcohol, narcotic or other intoxicating substances.

[*15 June 2021*]

**Section 119.5 Additional Obligations of a Conditionally Released Person during Electronic Monitoring**

In addition to the obligations specified in Section 119.4 of this Code, a conditionality released person for whom electronic monitoring is determined during the electronic monitoring has an obligation:

1) not to change his or her place of residence without the permission of the State Probation Service;

2) not to use alcohol, narcotic or other intoxicating substances;

3) not to damage electronic devices with the help of which intense control of the compliance with restriction for his or her freedom of movement is ensured and to ensure continuous operation thereof;

4) to immediately inform an official of the State Probation Service in the event of a damage of electronic devices with the help of which intense control of the compliance with restriction for his or her freedom of movement is ensured;

5) to comply with the electronic monitoring schedule prepared by an official of the State Probation Service;

6) to inform an official of the State Probation Service of the persons permanently residing in his or her place of residence, to immediately inform of the persons planning to permanently reside at his or her place of residence after installation of electronic devices;

7) to prevent the possible obstacles which could hinder an official of the State Probation Service to access his or her place of residence at any time of the day;

8) to carry out the measurement for a breath alcohol test if an electronic device which additionally allows to control the possible use of the substances containing alcohol has been installed.

[*15 June 2021*]

**Section 119.6 Rights of a Conditionally Released Person**

During the unserved part of the sentence, a conditionality released person has the right to:

1) participate in drawing up of the supervision plan;

2) become acquainted with the supervision plan;

3) request, stating reasons, another official of the State Probation Service to be assigned for supervision;

4) request, stating reasons, to make amendments to the supervision plan or the electronic monitoring schedule;

5) request, stating reasons, permission to leave the place of residence for a period exceeding 15 days, to change the place of residence or to leave a specific administrative territory.

**Section 119.7 Obligations to be Imposed on a Conditionally Released Person**

An official of the State Probation Service shall impose one or more of the following obligations on a conditionality released person:

1) to comply with the prohibition to leave the place of residence at a specific time of the day;

2) to comply with the prohibition to change his or her place of residence without permission of the State Probation Service;

3) to comply with the prohibition to visit specific public places;

4) to comply with the prohibition to contact specific people;

5) to comply with the prohibition to leave a specific administrative territory without the permission of the State Probation Service;

6) to comply with the prohibition to use alcohol, narcotic or other intoxicating substances;

7) to comply with the route of movement coordinated with an official of the State Probation Service;

8) to participate in one or more probation programmes;

9) to comply with the prohibition to purchase, carry or keep particular items;

10) to comply with the prohibition to approach specific objects, places or institutions;

11) to see the specialist indicated by the State Probation Service for resolving issues of a criminal nature if the conditionally released person agrees to pay the additional expenses related to such visits or it does not result in additional expenses for the conditionally released person and to follow the instructions of the specialist;

12) to follow the instructions of the State Probation Service aimed at deriving legal subsistence means or resolving of practical matters in a socially acceptable way.

An official of the State Probation Service may completely or partially revoke the imposed obligations if the following is established during supervision:

1) the imposed are not necessary in the future for resolving issues of a criminal nature and socio-psychological needs of the conditionally released person;

2) the conditionally released person is no longer capable of further fulfilling the imposed obligations due to justified reasons.

[*15 June 2021*]

**Section 119.8 Revocation of Conditional Early Release from Serving a Sentence**

If an official of the State Probation Service establishes that a conditionally released person violates the obligations specified in Sections 119.4 and 119.5 of this Code or the obligations specified in Section 119.7 of this Code without justified reasons, he or she shall draw up and send to a court the submission for the execution of the unserved part of the sentence.

If a conditionally released person for whom electronic monitoring has been determined revokes his or her permission for it or implementation of electronic monitoring is no longer possible in the conditions in which he or she lives, the State Probation Service shall draw up and send to a court the submission for the execution of the unserved part of the sentence.

**Section 119.9 Revocation and Reinforcement of Electronic Monitoring**

If the term laid down in the Criminal Law has set in when conditional release from the serving of sentence before the end of the term is possible without determination of electronic monitoring, but the term of electronic monitoring determined by a court has not expired in respect of a conditionally released person for whom electronic monitoring has been applied, the State Probation Service may address the court with the request to revoke electronic monitoring, if the conditionally released person has, in exemplary manner, fulfilled the obligations provided for in the law governing the execution of criminal punishments and the obligations imposed by an official of the State Probation Service.

If the conditionally released person on whom electronic monitoring has been imposed has received the warning on the non-fulfilment of the obligation referred to in Section 119.5, Clause 2 of this Code, the official of the State Probation Service may decide on the installation of such electronic device which additionally allows to control the possible use of the substances containing alcohol.

If the conditionally released person on whom electronic monitoring has been imposed has received the warning on the non-fulfilment of the obligation referred to in Section 119.5, Clause 5, Section 119.7, Paragraph one, Clauses 3, 5, 7, and 10 of this Code, the official of the State Probation Service may decide on the installation of such electronic device which additionally allows to determine his or her location.

[*15 June 2021*]

**Section 119.10 Refusal to Undergo Breath Alcohol Test or Examination of Influence of Narcotic or other Intoxicating Substances and the Consequences of Such Refusal**

If the conditionally released person does not agree to undergo a breath alcohol test or with the results of such test and refuses go to a medical treatment institution for medical examination or detection of the influence of narcotic or other intoxicating substances, such action of the conditionally released person shall be considered as a failure to fulfil the obligations imposed on him or her.

[*18 June 2015; 15 June 2021*]

**Section 119.11 Decisions Taken During Supervision of a Conditionally Released Person and Contesting or Appeal Thereof**

The territorial unit of the State Probation Service shall take the decision to prohibit a conditionally released person to leave the place of residence for a period exceeding 15 days, to change the place of residence or to leave a specific administrative territory if leaving the place of residence, the change of the place of residence or leaving a specific administrative territory by the conditionally released person might:

1) threaten public safety;

2) lead to committing another criminal offence;

3) make the fulfilment of the obligations determined by law or an official of the State Probation Service impossible.

A conditionally released person may contest the decision of the territorial unit of the State Probation Service to prohibit the conditionally released person to leave the place of residence for a period exceeding 15 days, to change the place of residence or to leave a specific administrative territory to the head of the State Probation Service. The decision of the head of the State Probation Service may not be appealed. Contesting of the decision of the territorial unit of the State Probation Service to prohibit a conditionally released person to leave the place of residence for a period exceeding 15 days, to change the place of residence or to leave a specific administrative territory shall not suspend the validity thereof.

During the supervision of a conditionally released person the decisions taken by the State Probation Service may not be contested or appealed, except for the cases referred to in Paragraph two of this Section.

**Section 119.12 Covering the Public Transport Expenses to a Conditionally Released Person**

The State Probation Service shall cover the public transport expenses to a conditionally released person if such expenses are related to arrival to the probation programme intended for persons who have committed a criminal offence against morality and sexual inviolability of a person, and the probation programme is implemented outside the territory of operation of the territorial unit of the State Probation Service where supervision of the conditionally released person is ensured.

[*22 June 2017*]

**Chapter Twenty-One**

**Establishment and Functions of the Probation Service**

[18 December 2003]

**Chapter Twenty-Two**

**Police Control of Persons Released from a Prison after Serving the Basic Punishment**

[21 July 2011]

**Section 123. Restrictions for Persons for Whom Police Control has been Determined**

[21 July 2011]

**Section 124. Procedures for Application of Police Control**

[21 July 2011]

**Section 125. Substitution of Police Control for Deprivation of Liberty**

[21 July 2011]

**Section 126. Reduction of the Term of Police Control or Suspension Thereof**

[21 July 2011]

**Section 126.1 Informing of the Orphan’s and Custody Court during Carrying Out of Police Control**

[21 July 2011]

**Division Six**

**Arrest**

[20 December 2012]

**Chapter Twenty-Three**

**Procedures for the Execution of Arrest**

[20 December 2012]

**Section 127. Places for the Execution of Arrest, Segregation of Convicted Persons**

[20 December 2012]

**Section 128. Legal Status of Persons Sentenced with Arrest, Transfer to the Institution Executing the Sentence and Acceptance Therein**

[20 December 2012]

**Section 129. Rights and Restrictions of Rights of Persons Sentenced with Arrest**

[20 December 2012]

**Section 130. Ensuring Living Conditions and Medical Assistance**

[20 December 2012]

**Section 131. Involvement of Persons Sentenced with Arrest in Work**

[20 December 2012]

**Section 132. Incentives and Disciplinary Punishments Applicable to Persons Sentenced with Arrest**

[20 December 2012]

**Division Seven**

**Execution of Non-Custodial Criminal Sentences**

[*14 October 1998*]

**Chapter Twenty-Four**

**Procedures for the Execution of Community Service**

[*15 June 2021* / *Amendment regarding the replacement of the words “compulsory service” with the words “community service” shall come into force on 1 January 2022. See Paragraph 37 of Transitional Provisions*]

**Section 133. Obligation of a Convicted Person to Apply for Serving the Sentence at the Territorial Unit of the State Probation Service**

A convicted person on whom community service has been imposed has the obligation to apply for the commencement of the execution of community service at the territorial unit of the State Probation Service according to the declared place of residence or if the convicted person does not have a declared place of residence – at the territorial unit of the State Probation Service in the territory of operation of which his or her actual place of residence is located, within ten working days from the day on which the court ruling or the prosecutor’s penal order has entered into effect, or within ten working days after release of the convicted person from the prison if community service has been imposed together with the custodial sentence. If the court has taken the decision on the early release of a convicted person from serving the sentence, the convicted person must appear at the territorial unit of the State Probation Service according to his or her place of residence to apply for the commencement of the execution of community service within three working days after release from the prison.

If the convicted person does not apply to the territorial unit of the State Probation Service within the specified time period in order to evade from serving the sentence, he or she shall be warned of the substitution of the community service with temporary deprivation of liberty. If community service has been imposed on the person who, at the time of committing a criminal offence, was a minor, the person sentenced with community service shall be warned of the substitution of community service with probation supervision.

The State Probation Service shall cover the transport expenses related to appearing at the territorial unit of the State Probation Service and the transport expenses related to the performance of community service for the convicted person if the convicted person is a minor or the status of needy household has been granted to the household of the convicted person.

The decision taken by the State Probation Service to cover the public transport expenses or to refuse to cover the public transport expenses may not be appealed.

[*28 April 2005; 16 June 2009; 14 July 2011; 20 December 2012; 18 June 2015; 15 June 2021 / The new wording of Paragraph two and amendment regarding the replacement of the words “compulsory service” with the words “community service” shall come into force on 1 January 2022. See Paragraph 37 of Transitional Provisions*]

**Section 134. Organisation of the Execution of Community Service**

A local government has the right to determine the priority publicly necessary work in its territory with which the convicted persons to whom community service has been adjudged shall be engaged. The list of such work shall be submitted by the local government to the territorial unit of the State Probation Service, and it shall regularly inform the local government of the course of implementation of such work.

After receipt of the court ruling or the prosecutor’s penal order on the imposition of community service, the territorial unit of the State Probation Service has the obligation:

1) to control when the convicted person appears to apply for the serving of sentence;

2) to register the convicted person who has applied for the serving the sentence;

3) to explain to the convicted person the conditions and procedures for serving the sentence;

4) to issue a referral with an employer to the convicted person;

5) to enter into a contract with an employer for the involvement of the convicted person in community service;

6) to control the performance of work on part of the convicted person and receive information regarding it from the relevant employer;

7) to maintain records of the hours worked;

8) if the convicted person evades from serving the sentence, to submit the submission to a court with the request to replace the punishment imposed on the convicted person – community service – with a temporary deprivation of liberty or with probation supervision if the community service is suitable for a person who was a minor at the time of committing a criminal offence;

9) after execution of the ruling or the prosecutor’s penal order, to notify thereof the person imposing the punishment who has made the ruling or the prosecutor’s penal order.

If community service for the convicted person has been determined in the amount of eighty hours and more and the convicted person has actually served less than half of the imposed punishment, has fulfilled the obligations provided for in this Code, complied with the provisions and procedures for the execution of community service and fulfilled community service in an exemplary manner, the official of the State Probation Service may submit the submission to a court on the release of the convicted person from further serving the sentence. The execution of community service shall be suspended until examination of the case in a court.

The execution of community service is suspended and continued after release of the convicted person from the institution executing custodial sentence if:

1) the convicted person has been sentenced with the basic punishment or additional punishment – community service – together with suspended sentence, and the court has taken the decision to revoke the suspended sentence and to execute the sentence determined in the judgment;

2) the convicted person has been sentenced with the basic punishment – community service – together with deprivation of liberty, the convicted person has been released early and conditionally from serving the custodial sentence, and the court has taken the decision to execute the unserved part of the sentence;

3) the convicted person has been sentenced with the basic punishment – community service – together with the additional punishment – probation supervision – and the court has taken the decision to replace probation supervision with deprivation of liberty;

4) the convicted person has been sentenced with the basic punishment – community service – together with the basic punishment – probation supervision – or with the basic punishment – probation supervision – together with the additional punishment – community service – and the court has taken the decision to replace probation supervision with deprivation of liberty.

The damage caused by the convicted person during the course of the execution of community service to an employer or third person shall be examined in accordance with the procedures laid down in the Civil Procedure Law.

[*28 April 2005; 30 April 2009; 16 June 2009; 14 July 2011; 20 December 2012; 18 June 2015; 7 December 2017; 15 June 2021 / The new wording of Paragraph two, Clause 8, the wording of Paragraph four, Clause 4, and amendment regarding the replacement of the words “compulsory service” with the words “community service” shall come into force on 1 January 2022. See Paragraph 37 of Transitional Provisions*]

**Section 135. Conditions to be Conformed to by Convicted Persons Sentenced with Community Service**

While serving sentence, persons involved in community service must comply with the internal rules of procedure, work discipline, work safety and work protection regulations adopted in the place of employment, conscientiously carry out the assigned work, fulfil the employer’s instructions, and work the determined number of hours according to a work schedule.

While serving the sentence, a convicted person may not be under the influence or intoxication of alcohol, narcotic or other intoxicating substances at the State Probation Service and at the place of the execution of community service.

The convicted person has the obligation to appear at the territorial unit of the State Probation Service at the time determined by the official of the State Probation Service.

If the convicted person cannot appear at the territorial unit of the State Probation Service due to sickness in order to commence or continue the execution of community service, he or she shall notify the official of the State Probation Service thereof. The official of the State Probation Service shall allow not to commence or continue the execution of community service during sickness and shall make the relevant entry thereon in the person’s file.

If the convicted person cannot appear at the territorial unit of the State Probation Service due to other reasons important for him or her in order to commence or continue the execution of community service, he or she shall notify the official of the State Probation Service thereof. If the official of the State Probation Service recognises the reasons of the convicted persons for non-appearance as justifiable, it may permit not to commence or continue the execution of community service for a time period not longer than one month and shall make a relevant entry in the person’s file. A leave from the permanent place of employment or a study leave of the convicted person shall not serve as basis for permitting temporary release from community service.

The convicted person may not leave the country during the execution of community service without a written permission of the official of the State Probation Service.

If the official of the State Probation Service has taken the decision to reject the submission of the convicted person requesting a permission to leave the country or a permission not to perform community service due to other compelling reasons, the convicted person must immediately begin or continue the execution of community service.

The official of the State Probation Service may reject the request of the convicted person for the permission to temporarily release from the execution of community service if:

1) the convicted person has not applied for the beginning of the execution of community service at the State Probation Service at the time specified in the laws and regulations governing the execution of sentences and has been warned thereon;

2) the convicted person has received a warning during execution of community service on violation of the provisions and procedures for the execution of community service;

3) the execution of community service cannot be completed within two years from the day of the entry into effect of the convicting judgment or the prosecutor’s penal order.

The decision taken by the official of the State Probation Service to reject the request of the convicted person to permit temporary release from the execution of community service may be contested by the convicted person or his or her representative to the head of the State Probation Service. The decision of the head of the State Probation Service may not be appealed. The contesting of the decision of the official of the State Probation Service shall not suspend the operation thereof.

[*28 April 2005; 4 April 2007; 14 July 2011; 2 October 2014; 18 June 2015; 15 June 2021 / Amendment regarding the replacement of the words “compulsory service” with the words “community service” shall come into force on 1 January 2022. See Paragraph 37 of Transitional Provisions*]

**Section 136. Term of Serving a Community Service**

The hours which a convicted person has worked at the work assigned by a territorial unit of the State Probation Service according to a work schedule shall be included in the term of serving a community service.

The convicted person may be employed in community service during working days for not more than two hours, but with the consent of the convicted person – not more than four hours after work in his or her permanent place of employment or his or her studies, and not more than eight hours during weekends and holidays. If the convicted person does not work and does not study, he or she may be employed for up to eight hours per day.

Convicted persons who are involved in community service shall work not less than 12 hours per week but if a territorial unit of the State Probation Service is unable to regularly provide convicted persons with work, they may be employed in community service less than 12 hours per week.

If a convicted person is less than 15 years of age or continues the acquisition of basic education until 18 years of age, he or she may be employed for no longer than two hours a day and 10 hours a week if community service is carried out during the study year, and not more than four hours a day and 20 hours a week if he or she fulfils community service during holidays.

If a convicted person has more than 15 years of age, however, has not reached 18 years of age and is not continuing the acquisition of basic education, he or she may be employed no more than seven hours a day and 35 hours a week.

If the permanent place of employment of a convicted person is located abroad or is related to periodic stay in a foreign country, or the educational institution where the convicted person acquires education is located in a foreign country, the convicted person shall, within a year from the day of the entry into effect of the court ruling or the prosecutor’s penal order or beginning the execution of community service after his or her release from a prison, serve at least half of the imposed sentence if the community service has been imposed together with the custodial sentence.

[*28 April 2005; 4 April 2007; 14 July 2011; 18 June 2015; 15 June 2021* / *Amendment regarding the replacement of the words “compulsory service” with the words “community service” shall come into force on 1 January 2022. See Paragraph 37 of Transitional Provisions*]

**Section 137. Obligations of Employers when Employing Persons Sentenced with the Community Service**

An employer who has entered into a contract with the State Probation Service on the employment of convicted persons or who employs convicted persons in the interests of the public without a contract shall assign a relevant work for convicted persons which they may carry out after work in their permanent place of work or after studies and:

1) shall ensure convicted persons working conditions conforming to labour protection requirements and inform them of labour protection and work procedure regulations;

2) shall supply convicted persons with the tools and instruments necessary for carrying out the work;

3) shall supervise how convicted persons carry out the assigned work.

The employer shall inform the State Probation Service of the number of hours worked by each convicted person and of evading the serving the sentence.

[*28 April 2005; 30 April 2009; 15 June 2021 / Amendment regarding the replacement of the words “compulsory service” with the words “community service” shall come into force on 1 January 2022. See Paragraph 37 of Transitional Provisions*]

**Section 138. Liability of Persons Sentenced with the Community Service**

If, during serving a sentence, a convicted person without justification does not comply with the provisions and procedures for serving the sentence with which he or she has been familiarised, an official of the State Probation Service, after having determined the reasons for such action, shall warn the convicted person in writing of the possible consequences.

If an official of the State Probation Service establishes that a person sentenced with community service ignores the warning expressed and repeatedly violates the conditions and procedures for serving the sentence without any justification, he or she shall submit a submission to a court for the substitution of such sentence with temporary deprivation of liberty. The execution of community service shall be suspended until examination of the case in a court.

If a person sentenced with community service who, at the time of committing a criminal offence, was a minor and an official of the State Probation Service establishes that the person sentenced with community service fails to take into account the expressed warning and repeatedly violates the conditions and procedures for serving the sentence without any justification, he or she may repeatedly warn the convicted person or submit a submission to a court for the substitution of community service with probation supervision. The execution of community service shall be suspended until examination of the case in a court.

If a person sentenced with community service who, at the time of committing criminal offence, had attained 18 years of age and an official of the State Probation Service establishes that the person sentenced with community service at 18 to 25 years of age fails to take into account the expressed warning and repeatedly violates the conditions and procedures for serving the sentence without any justification, he or she may repeatedly warn the convicted person or submit a submission to a court regarding the substitution of community service with temporary deprivation of liberty. The execution of community service is suspended until examination of the case in a court.

If a convicted person does not agree to undergo a breath alcohol test or with the results of such test and refuses go to a medical treatment institution for the performance of medical examination or detection of influence of narcotic or other intoxicating substances, such his or her action shall be considered as a violation of the conditions and procedures of the execution of community service.

[*15 June 2021* / *The new wording of Paragraph three and amendment regarding the replacement of the words “compulsory service” with the words “community service” shall come into force on 1 January 2022. See Paragraph 37 of Transitional Provisions*]

**Chapter Twenty-Four “A”**

**Procedures for Executing Probation Supervision**

[*21 July 2011*]

**Section 138.1 Ensuring the Execution of Probation Supervision**

The execution of the basic punishment or additional punishment adjudged to the convicted person – probation supervision – shall be ensured by the State Probation Service by drawing up a probation supervision plan, determining the obligations and controlling the course of execution of the punishment.

[*15 June 2021* / *Amendment regarding the replacement of the words “additional punishment” with the words “basic punishment or additional punishment” shall come into force on 1 January 2022*. *See Paragraph 37 of Transitional Provisions*]

**Section 138.2 Obligation of a Convicted Person to Register for Beginning the Execution of Probation Supervision**

In order to apply for the commencement of the execution of a sentence, a convicted person to whom probation supervision has been adjudged shall arrive at the territorial unit of the State Probation Service according to the declared place of residence or, if the convicted person does not have a declared place of residence – at the territorial unit of the State Probation Service within the territory of operation of which his or her actual place of residence is located:

1) within ten working days after the day of the entry into effect of the court ruling or the prosecutor’s penal order, if probation supervision has been imposed together with community service or a fine, or if the community service is replaced with probation supervision;

2) on the next working day after release from a prison;

3) on the next working day after the end of the supervision of the convicted person after conditional early release.

[*18 June 2015; 15 June 2021* / *Amendment regarding the supplementation of Paragraph one, Clause 1 with the words “or if the community service is replaced with probation supervision” and the words “compulsory service” with the words “community service” shall come into force on 1 January 2022. See Paragraph 37 of Transitional Provisions*]

**Section 138.3 Probation Supervision Plan**

Execution of probation supervision shall take place in accordance with the probation supervision plan drawn up by an official of the State Probation Service, involving the convicted person therein.

During probation supervision, an official of the State Probation Service who supervises the convicted person may make amendments to the probation supervision plan.

**Section 138.4 Obligations of a Convicted Person Undergoing Probation Supervision**

A person on whom a court has imposed probation supervision has an obligation to:

1) fulfil the obligations and lawful requirements determined by officials of the State Probation Service;

2) appear at the territorial unit of the State Probation Service at the time determined by the official of the State Probation Service;

3) notify an official of the State Probation Service of his or her place of residence, work place or study institution, as well as notify of changes therein without delay;

4) request permission from the State Probation Service to leave the place of residence for a period exceeding 15 days;

5) submit information on the fulfilment of the imposed obligations to an official of the State Probation Service;

6) submit information on the means of subsistence of the convicted person to officials of the State Probation Service.

When arriving at the State Probation Service during probation supervision, the convicted person may not be under the influence or intoxication of alcohol, narcotic or other intoxicating substances.

[*2 October 2014; 18 June 2015; 15 June 2021*]

**Section 138.5 Rights of a Convicted Person Sentenced with Probation Supervision**

In serving the basic punishment or additional punishment – probation supervision – a convicted person has the right to:

1) participate in drawing up of the probation supervision plan;

2) become acquainted with the probation supervision plan;

3) request, stating reasons, another official of the State Probation Service to be assigned for supervision;

4) request, stating reasons, amendments to be made to the probation supervision plan;

5) request, stating reasons, permission to leave the place of residence for a period exceeding 15 days, to change the place of residence or to leave a specific administrative territory.

[*2 October 2014; 15 June 2021 / Amendment regarding the replacement of the words “additional punishment” with the words “basic punishment or additional punishment” shall come into force on 1 January 2022*. *See Paragraph 37 of Transitional Provisions*]

**Section 138.6 Obligations to be Imposed on a Convicted Person during Probation Supervision**

An official of the State Probation Service shall impose one or more of the following obligations to a person sentenced with probation supervision:

1) to comply with the prohibition to leave the place of residence at a specific time of the day;

2) to comply with the prohibition to change his or her place of residence without the permission of the State Probation Service;

3) to comply with the prohibition to visit specific public places;

4) to comply with the prohibition to contact specific people;

5) to comply with the prohibition to leave a specific administrative territory without the permission of the State Probation Service;

6) to comply with the prohibition to use alcohol, narcotic or other intoxicating substances;

7) to comply with the route of movement coordinated with an official of the State Probation Service;

8) to participate in one or more probation programmes;

9) to comply with the prohibition to purchase, carry or keep particular items;

10) to comply with the prohibition to approach specific objects, places or institutions;

11) to see the specialist indicated by the State Probation Service for resolving issues of a criminal nature if the convicted person sentenced with probation supervision agrees to pay the additional expenses related to such visits or it does not result in additional expenses for the convicted person sentenced with probation supervision and to follow the instructions of the specialist;

12) to follow the instructions of the State Probation Service aimed at deriving legal subsistence means or resolving of practical matters in a socially acceptable way.

An official of the State Probation Service may completely or partially revoke the imposed obligations if the following is established during supervision:

1) the imposed obligations are not necessary in the future for resolving issues of a criminal nature and socio-psychological needs of the convicted person sentenced with probation supervision;

2) the convicted person sentenced with probation supervision due to justified reasons is no longer capable of further fulfilling the imposed obligations.

[*2 October 2014; 22 June 2017; 15 June 2021*]

**Section 138.7 Revocation of Probation Supervision, Reduction of the Term or Replacement Thereof**

If a convicted person sentenced with probation supervision has served half of the term of the imposed sentence, has fulfilled the obligations provided for in this Code and the obligations imposed by an official of the State Probation Service in an exemplary manner, has cooperated with the State Probation Service in resolving issues of criminal nature and reaching socially supportable targets, the State Probation Service may apply to a court with a request to revoke the probation supervision or to reduce the term of probation supervision.

If an official of the State Probation Service establishes that the person sentenced with probation supervision or a convicted person for whom community service has been substituted with probation supervision fails to fulfil the obligations provided for in this Code or imposed by an official of the State Probation Service without a justifying reason, he or she shall submit a submission to a court for the substitution of probation supervision with deprivation of liberty.

The term for the execution of probation supervision is suspended from the day when a submission regarding the substitution of probation supervision with deprivation of liberty is sent to a court. If probation supervision is imposed together with community service or a fine and community service or a fine is substituted with deprivation of liberty, then the time period of probation supervision is suspended from the day when the execution of the punishment of deprivation of liberty is commenced. Counting of the time period of probation supervision shall continue on the next day after release from a prison.

[*2 October 2014; 18 June 2015; 15 June 2021* / *The new wording of Paragraph two and amendment regarding the replacement of the words “compulsory service” with the words “community service” shall come into force on 1 January 2022. See Paragraph 37 of Transitional Provisions*]

**Section 138.8 Decisions Taken During Supervision of a Convicted Person Sentenced with Probation Supervision and Their Contesting or Appeal**

A territorial unit of the State Probation Service shall take the decision to prohibit a convicted person sentenced with probation supervision to leave the place of residence for a period exceeding 15 days, to change the place of residence or to leave a specific administrative territory if leaving the place of residence, the change of the place of residence or leaving a specific administrative territory by the convicted person sentenced with probation supervision might:

1) threaten public safety;

2) lead to committing another criminal offence;

3) make the fulfilment of the obligations determined by law or an official of the State Probation Service impossible.

A convicted person sentenced with probation supervision may contest the decision of the territorial unit of the State Probation Service to prohibit the convicted person sentenced with probation supervision to leave the place of residence for a period exceeding 15 days, to change the place of residence or to leave a specific administrative territory to the head of the State Probation Service. The decision of the head of the State Probation Service may not be appealed. Contesting of the decision of a territorial unit of the State Probation Service to prohibit a convicted person sentenced with probation supervision to leave the place of residence for a period exceeding 15 days, to change the place of residence or to leave a specific administrative territory shall not suspend the validity thereof.

The decisions taken by the State Probation Service during supervision of a convicted person sentenced with probation supervision may not be contested or appealed, except in the cases referred to in Paragraph two of this Section.

[*2 October 2014*]

**Section 138.9 Refusal of a Convicted Person Sentenced with Probation Supervision to Undergo Breath Alcohol Test or Examination of Influence of Narcotic or Other Intoxicating Substance and the Consequences of Such a Refusal**

If a convicted person sentenced with probation supervision does not agree to undergo a breath alcohol test or with the results of such test and refuses go to a medical treatment institution for medical examination or detection of influence of narcotic or other intoxicating substances, such an actions thereof shall be considered as a failure to fulfil the obligations imposed on him or her.

[*15 June 2021*]

**Section 138.10 Covering of Public Transport Expenses to a Convicted Person Sentenced with Probation Supervision**

The State Probation Service shall cover the public transport expenses to a convicted person sentenced with probation supervision if such expenses are related to arrival to the probation programme intended for persons who have committed a criminal offence against morality and sexual inviolability of a person, and the probation programme is implemented outside the territory of operation of the territorial unit of the State Probation Service where supervision of the convicted person sentenced with probation supervision is ensured.

[*22 June 2017*]

**Section 138.11 Placement of a Minor in a Social Correctional Educational Institution**

If an official of the State Probation Service establishes that the execution of probation supervision is hindered by unfavourable social environment in which a minor is situated, it shall immediately convene an interinstitutional meeting in order to assess the issue on further action of the authorities involved in the work with the minor.

If the decision is taken at the interinstitutional meeting that the placement of the minor in a social correctional educational institution is necessary in his or her interests, the official of the State Probation Service shall submit a submission to a court regarding the placement of the minor in a social correctional educational institution.

During the time period in which the minor is located in a social correctional educational institution, probation supervision is continued by cooperating with the social correctional educational institution.

[*15 June 2021* / *Section shall come into force on 1 January 2022. See Paragraph 37 of Transitional Provisions*]

**Chapter Twenty-Five**

**Procedures for the Execution of Fines**

[16 June 2009 / See the Transitional Provisions]

**Chapter Twenty-Six**

**Procedures for the Execution of Property Confiscation**

[22 June 2017]

**Section 142. Transfer of a Judgment on Property Confiscation for Enforcement**

[22 June 2017]

**Section 143. Activities of Bailiffs upon Confiscating Property**

[22 June 2017]

**Section 144. Property to be Confiscated**

[22 June 2017]

**Section 145. Placing of Confiscated Property for Sale**

[22 June 2017]

**Chapter Twenty-Seven**

**Procedures by which Removal from the Republic of Latvia is to be Executed**

[*27 January 2022*]

**Section 146. Institutions Executing Removal from the Republic of Latvia**

Removal from the Republic of Latvia shall be performed by the State Border Guard according to its competence and in accordance with the law.

[*27 January 2022*]

**Section 147. Procedures for the Enforcement of a Judgment on the Removal from the Republic of Latvia**

If a convicted person, except for convicted persons on whom a fine has been imposed or persons convicted under a sentence for deprivation of liberty, is to be removed from the Republic of Latvia after serving the basic sentence, the authority executing the criminal sentence shall immediately send to the State Border Guard a notice that the basic sentence has been executed. If a convicted person is to be removed from the Republic of Latvia after serving the basic sentence, i.e. a fine, a court shall immediately send to the State Border Guard a notice that the sentence has been executed.

If a convicted person is to be removed from the Republic of Latvia after serving the sentence of deprivation of liberty, a prison shall, within 30 days after placement of the convicted person in the prison, inform the State Border Guard in writing in accordance with a law or regulation regarding forced removal of a foreigner, a travel document, and issue thereof. The administration of the prison shall, not later than 30 days before release of such convicted person, inform the State Border Guard of the date of release of such convicted person but shall send information regarding convicted persons who are released from serving the sentence under amnesty or clemency procedures immediately after receipt of the amnesty or clemency statement.

If a submission has been received regarding conditional early release of a convicted person from serving the sentence and the convicted person is to be removed from the Republic of Latvia, a court shall inform the State Border Guard thereof in a timely manner before a court hearing in which the submission of the convicted person will be examined. If the court decides in the court hearing to release the convicted person from serving the sentence early, it shall immediately provide a transcript of the decision to an official of the State Border Guard.

If a conditionally convicted person is to be removed from the Republic of Latvia after the judgement has entered into effect, a transcript of the court judgement shall be immediately sent to the State Border Guard.

The convicted person shall be removed in accordance with procedures laid down in the Immigration Law.

[*27 January 2022*]

**Chapter Twenty-eight**

**Procedures for Execution of Limitation of Rights**

**Section 148. Transfer for Enforcement of Judgments on the Restriction of Rights**

[13 December 2012]

**Section 149. Procedures for the Execution of the Additional Punishment – Restriction of Rights**

A convicted person on whom the additional punishment – restriction of rights – has been imposed shall be obliged to comply with the restrictions of rights imposed on him or her. The person shall be held liable for the failure to comply with the imposed restrictions of rights in accordance with the procedures laid down in the law.

A court, upon entry into effect of the judgement, or a public prosecutor, upon entry into effect of a prosecutor’s penal order, shall forward a true copy of the court judgment or a true copy of the prosecutor’s penal order for execution to the authority (if any) which is competent to supervise the conformity with the relevant restriction of rights so that it could take specific activities for the implementation of the restriction of rights.

The authority which received a true copy of the ruling referred to in Paragraph two of this Section shall act in accordance with its mandate laid down in the laws and regulations governing its activities.

If a State or local government authority finds that a convicted person is violating the terms for the execution of the additional punishment – restriction of rights, it shall immediately inform the institution determined in the Criminal Procedure Law which is responsible for the course of criminal proceedings of the relevant violation.

[*13 December 2012*]

**Division Eight**

**Death Penalty**

[15 December 2011]

**Section 150. General Procedures for the Execution of the Death Penalty**

[15 December 2011]

**Section 151. Legal Status of the Persons Convicted under the Death Penalty Sentence**

[15 December 2011]

**Section 152. Provisions for the Execution of the Death Penalty**

[15 December 2011]

**Division Nine**

**Supervision of Conditionally Convicted Persons**

[*4 April 2007*]

**Chapter Thirty**

**Regulations for the Supervision of Persons under Suspended Sentence**

**Section 153. Organising the Supervision of a Conditionally Convicted Person**

Upon supervising a conditionally convicted person, the State Probation Service shall control how the conditionally convicted person fulfils the obligations stipulated in this Code or imposed in accordance with this Code by the State Probation Service and also shall provide consultations to the conditionally convicted person in accordance with its competence.

[*2 October 2014*]

**Section 154. Supervision Plan**

Supervision of conditionally convicted persons shall take place in accordance with a supervision plan which shall be prepared by an official of the State Probation Service.

The conditionally convicted person shall be involved in the preparation of the plan.

During supervision, an official of the State Probation Service who is performing the supervision of a conditionally convicted person may amend the supervision plan.

[*21 July 2011*]

**Section 155. Obligations of Conditionally Convicted Persons**

A conditionally convicted person has an obligation to:

1) within 10 working days after entering into effect of a court ruling, to register with the territorial unit of the State Probation Service according to the declared place of residence or, if a convicted person does not have a declared place of residence – with that territorial unit of the State Probation Service within the territory of operation of which his or her actual place of residence is located;

2) fulfil the obligations and lawful requirements determined by officials of the State Probation Service;

3) appear at the State Probation Service at the time specified by an official of the State Probation Service;

4) inform the official of the State Probation Service of his or her place of residence, workplace or educational institution, as well as without delay (as soon as it has become known to the conditionally convicted person) notify of changes therein;

5) request permission from the State Probation Service for departure outside of his or her place of residence for a period which is longer than fifteen days;

6) submit information to an official of the State Probation Service regarding the fulfilment of the imposed obligations and means of support.

During the period of probation when arriving at the State Probation Service, the conditionally convicted person may not be under the influence or intoxication of alcohol, narcotic or other intoxicating substances.

The obligations referred to in this Section are mandatory for a conditionally convicted person from the beginning of the probation period.

[*14 July 2011; 2 October 2014; 15 June 2021*]

**Section 155.1 Obligations to be Imposed on a Conditionally Convicted Person**

An official of the State Probation Service shall impose one or more of the following obligations a conditionally convicted person:

1) to comply with the prohibition to leave the place of residence at a specific time of the day;

2) to comply with the prohibition to change his or her place of residence without permission of the State Probation Service;

3) to comply with the prohibition to visit specific public places;

4) to comply with the prohibition to contact specific people;

5) to comply with the prohibition to leave a specific administrative territory without the permission of the State Probation Service;

6) to comply with the prohibition to use alcohol, narcotic or other intoxicating substances;

7) to comply with the route of movement coordinated with an official of the State Probation Service;

8) to participate in one or more probation programmes;

9) to comply with the prohibition to purchase, carry or keep particular items;

10) to comply with the prohibition to approach specific objects, places or institutions;

11) to see the specialist indicated by the State Probation Service for resolving issues of a criminal nature if the convicted person agrees to pay the additional expenses related to such visits or it does not result in additional expenses for the convicted person and to follow the instructions of the specialist;

12) to follow the instructions of the State Probation Service aimed at deriving legal subsistence means or resolving of practical matters in a socially acceptable way.

An official of the State Probation Service may completely or partially revoke the imposed obligations if the following is established during supervision:

1) the imposed obligations are not necessary in the future for resolving issues of a criminal nature and socio-psychological needs of the conditionally convicted person;

2) the conditionally convicted person due to justified reasons is no longer capable of further fulfilling the imposed obligations.

[*2 October 2014; 15 June 2021*]

**Section 156. Rights of Conditionally Convicted Persons**

A conditionally convicted person has the right to:

1) become acquainted with the supervision plan;

2) submit a complaint to a higher official regarding unlawful actions or decisions taken by an official of the State Probation Service;

3) request that another official of the State Probation Service is assigned for the performance of the supervision;

4) request, stating reasons, permission to leave the place of residence for a period exceeding 15 days, to change the place of residence or to leave a specific administrative territory.

[*2 October 2014*]

**Section 157. Complete or Partial Revocation of the Obligations Imposed on a Conditionally Convicted Person**

[2 October 2014 / See Paragraph 29 of Transitional Provisions]

**Section 158. Revocation of a Suspended Sentence or Extending of a Probationary Supervision Period**

If an official of the State Probation Service establishes that a conditionally convicted person violates the obligations specified in Section 155 of this Code or imposed by an official of the State Probation Service without a justified reason, they shall draw up and send to a court the submission for the execution of the sentence determined in the judgement or extending the term of probation for up to one year.

[*2 October 2014* / *See Paragraph 29 of Transitional Provisions*]

**Section 159. Refusal of a Conditionally Convicted Person to Undergo Breath Alcohol Test or Examination of Influence of Narcotic or Other Intoxicating Substances and the Consequences of Such a Refusal**

If a conditionally convicted person does not agree to undergo a breath alcohol test or with the results of such test and refuses go to a medical treatment institution for the performance of medical examination or detection of influence of narcotic or other intoxicating substances, such action shall be considered as a failure to fulfil the obligations imposed on him or her.

[*15 June 2021*]

**Section 160. Decisions Taken During Supervision of a Conditionally Convicted Person and Their Contesting or Appeal**

The territorial unit of the State Probation Service shall take the decision to prohibit a conditionally convicted person to leave the place of residence for a period exceeding 15 days, to change the place of residence or to leave a specific administrative territory if leaving the place of residence, the change of the place of residence or leaving a specific administrative territory by the conditionally convicted person might:

1) threaten the public safety;

2) lead to committing another criminal offence;

3) make the fulfilment of the obligations determined by law or an official of the State Probation Service impossible.

A conditionally convicted person may contest the decision of a territorial unit of the State Probation Service to prohibit the conditionally convicted person to leave the place of residence for a period exceeding 15 days, to change the place of residence or to leave a specific administrative territory to the head of the State Probation Service. The decision of the head of the State Probation Service may not be appealed. Contesting of the decision of a territorial unit of the State Probation Service to prohibit a conditionally convicted person to leave the place of residence for a period exceeding 15 days, to change the place of residence or to leave a specific administrative territory shall not suspend the validity thereof.

The decisions taken by the State Probation Service during supervision of a conditionally convicted person may not be contested or appealed, except in the cases referred to in Paragraph two of this Section.

[*2 October 2014*]

**Section 160.1 Covering of Public Transport Expenses to a Conditionally Convicted Person**

The State Probation Service shall cover the public transport expenses to a conditionally convicted person if such expenses are related to arrival to a probation programme intended for persons who have committed a criminal offence against morality and sexual inviolability of a person, and the probation programme is implemented outside the territory of operation of the territorial unit of the State Probation Service where supervision of the conditionally convicted person is ensured.

[*22 June 2017*]

**Transitional Provisions**

[*11 November 1999; 31 October 2002*]

1. The Cabinet shall ensure that:

1) a probation service which shall ensure provision of assistance to persons who have been released from prisons is established and commences operation under the supervision of the Ministry of Justice by 1 April 2002;

2) [15 December 2011].

[*12 December 2002; 4 April 2007; 15 December 2011*]

2. [20 December 2012]

3. Until 31 December 2005, functions of the State Probation Service in the execution of community service shall be performed by local governments, except in the Bauska, Cēsis, Daugavpils, Jelgava, Jēkabpils, Rēzekne, Saldus, Tukums and Valmiera districts where the institution executing community service for judgments that have come into lawful effect from 1 January 2005 is the State Probation Service.

[*28 April 2005*]

4. Funds from the State budget allocated in 2005 to local governments for the execution of community service for local governments shall be administered by the State Probation Service.

[*28 April 2005*]

5. The Cabinet shall ensure the adoption of the regulations referred to in Section 50.9, Paragraph three of this Code by 1 March 2007.

[*7 September 2006*]

6. The Cabinet shall ensure the adoption of the regulations referred to in Section 51, Paragraph eight of this Code by 1 July 2007.

[*4 April 2007*]

7. Court rulings on conditional early release from the serving a sentence and suspended sentence which have come into effect prior to 1 June 2007 shall be executed according to the provisions of Section 115.1 and Chapter 30 of this Code insofar as these provisions are not in conflict with that determined in the court ruling.

[*4 April 2007*]

8. The Cabinet shall ensure the adoption of the regulations referred to in Section 118 of this Code by 1 June 2008.

[*13 December 2007*]

9. Amendment to Section 50.6, Paragraph three of this Code providing for the substitution of the word “parish” with the words “towns or cities”, and amendment to Section 119, Paragraph two providing for the substitution of the words “the council of a local government” with the words “the town or city council” shall come into force on 1 July 2009.

[*27 November 2008*]

10. Amendment to Section 74, Paragraph two of this Code providing the permission for the convicted persons held in a punishment isolation cells to have a one-hour walk a day shall come into force on 1 January 2011.

[*30 April 2009*]

11. Amendments to Section 50.9, Paragraphs one and two of this Code providing for the composition of the evaluation committee and supplementing the Section with Paragraph four shall come into force on 1 September 2009.

[*16 June 2009; 2 October 2014*]

12. Amendments to Section 71, Paragraphs five and six of this Code in relation to appealing a sentence imposed on convicted persons shall not apply to cases in which the District Administrative Court has given a judgment until the day of coming into force of these amendments. A judgement in such cases shall be appealed in accordance with the procedures laid down in the Administrative Procedure Law.

[*16 June 2009*]

13. Amendments in relation to deleting the execution of a fine from the Sentence Execution Code of Latvia and supplementing of Section 55 with Paragraph five shall apply to court judgments which have entered into effect after 1 July 2009.

[*16 June 2009*]

14. The administration of a prison shall ensure that, according to the requirements laid down in this Code:

1) the agreements and employment contracts entered into with convicted persons are amended until 1 December 2011;

2) the cooperation agreements entered into with merchants for organising employment of convicted persons are amended until 1 May 2012.

[*16 June 2011*]

15. The procedures referred to in Chapter Eight “B” of this Code for involving merchants in the employment of convicted persons shall apply from 1 January 2012.

[*16 June 2011*]

16. Until the regulations referred to in Section 56.6 and Section 56.14, Paragraph five of this Code are adopted, however, not longer than until 1 January 2012, Cabinet Regulation No. 292 of 21 April 2008, Procedures for Involving Merchants in Organising Employment of Convicted Persons Sentenced with Deprivation of Liberty and Procedures for Entering into Agreements Regarding Organising Employment of Convicted Persons Sentenced with Deprivation of Liberty, and Cabinet Regulation No. 780 of 17 August 2010, Involving of Convicted Persons in Work and Procedures for Work Remuneration at Prison, shall be applicable insofar as they are not in contradiction with this Code.

[*16 June 2011*]

17. Persons for whom a court has substituted the unserved sentence – community service or a fine – with an arrest shall, after 1 April 2013 when amendments to the Criminal Law come into force, serve the sentence in the highest level of the sentence serving regime in a partly-closed prison.

[*20 December 2012*]

18. Section 61.5, Paragraph two of this Code in relation to the regular assessment of risks and needs of a convicted person shall come into force on 1 January 2012.

[*14 July 2011*]

19. The Cabinet shall, by 1 March 2012, lay down the procedures for implementing the resocialisation of convicted persons provided for in Section 61.5, Paragraph three of this Code.

[*14 July 2011*]

20. Section 61.6 of this Code regarding the resocialisation plan shall come into force on 1 April 2012 and shall apply to persons who are placed in a prison for the execution of ta sentence after the abovementioned date. Resocialisation plans for other persons under a custodial sentence shall be prepared until 1 January 2013. For a person convicted under a custodial sentence, as long as he or she has not been subject to the assessment of risks and needs provided for in Section 61.5 of his Code, resocialisation measures shall be applied in conformity with the provisions of the plan for the execution of a sentence, the nature of the committed criminal offence and the degree of risks to the public, the personality of the convicted person, as well as his or her behaviour and attitude towards work.

[*14 July 2011*]

21. Amendments to Sections 50.3, 50.4, 50.5, 50.7 and 50.11 of this Code providing for a transition to two levels of the sentence serving regime in a partly-closed prison shall enter into force three months after the date when such amendments were adopted.

[*14 July 2011*]

22. In order to ensure the transition to two sentence serving regimes in partly-closed prisons provided for in Sections 50.3, 50.4, 50.5, 50.7 and 50.11 of this Code, the evaluation committee shall, within three months after amendments to Sections 50.3, 50.4, 50.5, 50.7 and 50.11 of this Code have come into force, ensure taking of a decision on the sentence serving regime for convicted persons serving their sentence at the lowest and medium level of a partly-closed prison, taking into account the following provisions:

1) serving a sentence at the highest regime level should be determined for such convicted persons who have served the part of their sentence provided for in Section 50.5 of this Code and for whom the time period specified in Sentence 50.3, Paragraph three, Clause 3 of this Code has elapsed from imposing a punishment for the violation of the sentence serving regime if such punishment has been imposed on them and they are not considered to be administratively penalised;

2) serving a sentence at the highest regime level should be determined for such convicted persons who at the time of the entry into force of the abovementioned amendments are serving their sentence at the medium regime level in a partly-closed prison and have not served the term of the sentence specified in Section 50.5 of this Code, but for whom the term stipulated in Section 50.3, Paragraph three, Clause 3 of this Code has elapsed from imposing of the punishment if such punishment has been imposed on them and they are not considered to be administratively penalised;

3) serving a sentence at the lowest regime level should be determined for such convicted persons who have served the term of the sentence provided for in Section 50.5 of this Code but for whom the term specified in Section 50.3, Paragraph three, Clause 3 of this Code has not elapsed from imposing the punishment or who are considered to be administratively penalised. The evaluation committee may transfer such convicted persons to the highest level of the sentence serving regime of a partly-closed prison at the end of the term specified in Section 50.3, Paragraph three, Clause 3 of this Code.

[*14 July 2011; 2 October 2014*]

23. From 1 January 2012 until 1 January 2013, prisons shall, in addition to the information stipulated in Section 112.2, Paragraph two of this Code, also send the Orphan’s and Custody Court information regarding whether the victim of the criminal offence was a minor if the person who is being released from a prison served the sentence for the criminal offence provided for in Sections 159, 160, 161, 162, 162.1, 164, 165 and 166 of the Criminal Law.

[*14 July 2011*]

24. The persons on whom an additional punishment – police control – has been imposed shall continue serving it, and the following conditions for carrying out police control shall be applicable thereto:

1) the following restrictions may be applied to a person on whom police control has been imposed by a court judgment:

a) the prohibition to leave the place of residence at a specific time of day;

b) the prohibition to visit specific public places;

c) the prohibition to leave a specific administrative territory without permission of the police;

d) the obligation to appear at the police department one to four times a month in order to register;

2) in order to check how the person complies with the determined restrictions, the police employees may visit the person at his or her place of residence at any time of the day;

3) for a person on whom police control has been imposed by a court judgment specific restrictions in accordance with Sub-paragraph 1 of this Paragraph shall be determined by the head of the police department (according to the place of residence of the abovementioned person);

4) Cabinet Regulation No. 479 of 30 June 2008, Procedures for the Implementation of Additional Punishment – Police Control, shall be applicable to implementation of police control;

5) if a person on whom police control has been imposed by a court judgement violates its terms in bad faith, the district (city) court in the operational territory of which such person resides may, based on a submission of the controlling police department, substitute the unserved additional punishment with detention in accordance with the Criminal Law and in accordance with the procedures laid down in the Criminal Procedure Law. In case of such substitution, detention shall be served in a partly-closed prison;

6) [2 October 2014];

7) if during serving of the sentence a convicted person on whom police control has been imposed as an additional punishment demonstrates by exemplary behaviour that he or she has changed for the better or if the execution of the additional punishment is impossible, the head of the controlling police department may make a proposal to the district (city) court in the operational territory of which the convicted person resides to reduce the term of the additional punishment or revoke it;

8) the territorial unit of the State Police shall immediately send information on the convicted person to the Orphan’s and Custody Court, if during execution of the additional punishment – police control – information has been obtained that raises reasonable doubt on possible threats to the health, life or wholesome development of a child, and the convicted person resides or intends to reside in a family with children. The information shall specify the given name, surname and personal identity number of the convicted person, the Section of the Criminal Law based on which he or she had been convicted, the term of the imposed police control and information that indicates the possible threat to the child. This information shall be sent to the Orphan’s and Custody Court in the territory of operation of which the convicted person and the potentially exposed child resides. The abovementioned information shall have the status of restricted access information.

[*21 July 2011; 2 October 2014*]

25. Persons for whom the death penalty has been replaced by imprisonment shall be subject to the norms of this Code applicable to persons convicted under the life imprisonment sentence.

[*15 December 2011*]

26. The institution executing the sentence shall, within one month in accordance with amendments to the Criminal Law coming into force on 1 April 2013, submit a submission to a court for releasing a person from serving the sentence or amending the judgment or for cancelling the probation period of a suspended sentence. Execution of the criminal sentence – community service – shall be suspended until examination of the submission in a court.

[*20 December 2012*]

26.1 The Cabinet shall issue the regulations regarding the procedures for the implementation of health care of convicted persons and the procedures for movement and security of convicted persons during receipt of health care services in a medical treatment institution outside the place of imprisonment provided for in Section 78, Paragraph three and Section 78.2 of this Code by 1 June 2015. Cabinet Regulation No. 25 of 14 January 2014, Regulations Regarding Health Care of Imprisoned and Convicted Persons in Places of Imprisonment, shall be applicable until the day of coming into force of Cabinet regulations provided for in Section 78, Paragraph three of this Code insofar as they are not in contradiction with this Law.

[*17 December 2014*]

27. Submissions of convicted persons received by 31 January 2015 for the mitigation of the sentence serving regime or sending the proposal for conditional early release of a convicted person from serving the sentence to a court, proposals of the administration of the prison for enhancing the sentence serving regime determined for a convicted person and proposals to court for the reduction of the term of an additional punishment – police control – imposed on a convicted person or revoking such additional punishment shall be examined in accordance with the procedures laid down in Chapter Seven “A” of this Code that were in force until 31 January 2015.

[*2 October 2014*]

28. The Cabinet shall issue the regulations referred to in Section 50.15, Paragraph three and Section 79.3, Paragraph three of this Code of this Law by 1 July 2015. Cabinet Regulation No. 282 of 31 March 2009, Regulations Regarding the Work Procedure of the Administrative Committee and the Criteria for the Taking of Decisions, shall be in force until the day of coming into force of these regulations insofar as they are not in contradiction with this Code.

[*2 October 2014*]

29. The matter of whether a submission for complete or partial revocation of the obligations imposed upon a conditionally convicted person is to be sent to a court and the matter of whether a submission for the revocation of a suspended sentence and the execution of the sentence determined in the judgment or the extension of the time period of the probation if the conditionally convicted person does not fulfil the obligations imposed by a court is to be sent to a court shall be examined in accordance with the procedures laid down in Sections 157 and 158 of this Code that was in force until 31 January 2015.

[*2 October 2014*]

30. Conditionally convicted person convicted until 31 January 2015 and on whom a court has imposed obligations shall be subject to supervision in accordance with the procedures laid down in Chapter Thirteen of this Code that was in force until 31 January 2015.

[*2 October 2014*]

31. Persons released early and conditionally from the serving of sentence until 31 January 2015 and on whom a court has imposed obligations shall be subject to supervision in accordance with the procedures laid down in Section 115.1 of this Code that was in force until 31 January 2015.

[*2 October 2014*]

32. The provisions laid down in Chapter Thirteen “A” and Chapter Twelve “A” of the Code in relation to early conditional release from serving a sentence with determination of electronic monitoring shall be applied from 1 July 2015.

[*15 January 2015*]

33. The permits issued to convicted persons who are serving sentence in an open prison and who, with the permission of the head of the prison, live in private houses or private (rented) apartments together with their family within the territory of the municipality or city where the prison is located shall remain effective also after entry into force of amendments to Section 50.6, Paragraph three of this Code.

[*18 June 2015*]

34. Sections 76.1 and 76.2, and Section 76.3, Paragraph three of this Code shall enter into force concurrently with the Law on Administrative Liability.

[*28 May 2020*]

35. Section 76.3, Paragraphs one and two of this Code shall come into force concurrently with amendments to the Law on the Administrative Liability that provide a mandate for the Prison Administration to conduct administrative offence proceedings, but not later than on 1 July 2022. Until then, the administrative offence proceedings regarding the offence referred to in Section 76.1 of this Law shall be conducted by the State Police. Within this period, the official of a prison has the right to bring the administrative offence to an end or detain the person which commits or is suspected of having committed an administrative offence until the moment the statement on the administrative offence is drawn up.

[*28 May 2020 / The abovementioned amendments will be included in the wording of the Law as of the day of entry into force of the relevant amendments to the Law on Administrative Liability*]

36. After 1 January 2022, execution of the criminal punishment – compulsory service – shall take place in accordance with the procedures for the execution of the criminal punishment – community service – laid down in this Law.

[*15 June 2021*]

37. Amendments to this Code concerning the change of the name of the criminal punishment – compulsory service –, and procedures for the execution thereof, and also amendments concerning the procedures for the execution of probation supervision as a basic punishment, and Section 138.11 of this Law shall come into force on 1 January 2022.

[*15 June 2021*]

38. Taking into account that laid down in the Judgment of the Constitutional Court of the Republic of Latvia of 7 November 2019 in the case No. 2018-25-01, Regarding the Conformity of Section 50.4 of the Sentence Execution Code of Latvia with Section 91 of the Constitution of the Republic of Latvia:

1) in order to ensure equal possibilities for all the convicted persons present in a closed prison in the current infrastructure of closed prisons, the execution of the increase in the amount of rights referred to in the judgment shall be ensured for such convicted persons in a sequential order by 1 July 2025;

2) by 1 January 2022, a convicted person who is serving his or her sentence in a closed prison at a medium level may request conditional early release from serving the sentence, including with determination of electronic monitoring, if he or she meets the conditions referred to in Section 50.3, Paragraph four of this Code, has actually served the part of the term of the sentence laid down in the Criminal Law, and conforms to other criteria laid down in the Criminal Law and this Code. On 1 January 2022, serving a sentence at the medium regime level in a closed prison shall be liquidated in order to avoid differences in the execution of the sentence among men and women in respect of the part of the sentence which is to be served for a convicted person reach the serving of a sentence at the regime level from which a conditional early release is possible;

3) from 1 January 2022, the convicted persons present in a closed prison at the highest level shall be provided with the use of telephone calls without any restriction in the number thereof.

[*15 June 2021*]

39. Convicted persons who are serving the sentence at the medium level in a closed prison as at 31 December 2021 shall continue serving the sentence at the highest level in a closed prison from 1 January 2022. Life-sentenced prisoners who are serving the sentence at the medium level of the sentence serving regime in a unit with reinforced supervision as at 31 December 2021 shall continue serving the sentence at the highest level in the separate division from 1 January 2022.

[*27 January 2022*]

40. For the purpose of ensuring the transition referred to in Paragraph 39 of these Transitional Provisions without exacerbating legal situation of convicted persons, the following shall be stipulated:

1) the requirement laid down in Section 50.4, Paragraph four of this Code to serve one fourth of the imposed sentence at the highest level of the sentence serving regime in a closed prison shall not apply to the convicted persons who are serving the sentence at the highest level of the sentence serving regime in a closed prison as at 31 December 2021;

2) the portion of the sentence to be served which a convicted person must serve at the highest level of the sentence serving regime in a closed prison in accordance with Section 50.4, Paragraph four of this Code shall include a period which the convicted person has already served at the medium level of the sentence serving regime in a closed prison until 31 December 2021;

3) the requirement laid down in Section 50.8, Paragraph four of this Code for serving at least three years at the highest level of the sentence serving regime in the separate division shall not apply to the life-sentenced prisoners who are serving the sentence at the highest level of the sentence serving regime in a unit with reinforced supervision as at 31 December 2021;

4) the life-sentenced prisoners who are serving the sentence at the medium level of the sentence serving regime in a unit with reinforced supervision as at 31 December 2021 and who from 1 January 2022, in accordance with Paragraph 39 of these Transitional Provisions, continue serving the sentence at the highest level of the sentence serving regime in this unit may be transferred to the highest level of the sentence serving regime in a closed prison if a life-sentenced prisoner at the medium level of the sentence serving regime in a unit with reinforced supervision and at the highest level of the sentence serving regime in the separate division has served at least one year in total;

5) the period of the sentence to be served which a life-sentenced prisoner must serve at the highest level of the sentence serving regime in a closed prison in accordance with Section 50.8, Paragraph five of this Code shall include a period which the life-sentenced prisoner has already served there until 31 December 2021.

[*27 January 2022*]

41. The Cabinet shall, by 1 July 2022, issue the regulations referred to in Section 50.15, Paragraph three of this Code. Until the day of coming into force of these regulations, Cabinet Regulation No. 345 of 30 June 2015, Regulations Regarding the Composition, Work Procedures, and Criteria for Taking Decisions of the Evaluation Committee of a Prison, shall be in force in so far as they are not in contradiction with this Code.

[*27 January 2022*]

**Informative Reference to European Union Directive**

[*18 February 2016*]

The Code includes the legal norms arising from Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.