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

17 March 2005 [shall come into force from 7 April 2005];

26 October 2006 [shall come into force from 23 November 2006];

14 November 2008 [shall come into force from 8 December 2008];

4 December 2008 [shall come into force from 1 July 2009];

15 June 2009 [shall come into force from 14 July 2009];

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

28 October 2010 [shall come into force from 1 December 2010];

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

15 November 2012 [shall come into force from 14 December 2012];

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

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

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

28 May 2015 [shall come into force from 2 July 2015];

30 November 2015 [shall come into force from 1 January 2016];

14 September 2017 [shall come into force from 13 October 2017];

22 November 2017 [shall come into force from 13 December 2017].

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.

The *Saeima* 1 has adopted and

the President has proclaimed the following law:

**State Probation Service Law**

**Chapter I**

**General Provisions**

**Section 1. Terms Used in this Law**

The following terms are used in the Law:

1) **mediation** – a voluntary and structured conversation organised and chaired by a mediator in which the victim and the probation client participate;

2) **mediation** – a written agreement entered into after mediation in which the mediation conditions and consequences have been laid down;

3) **probation** – a system for the execution of criminal punishment – community service – and compulsory measure of correctional nature – community service, and also for the supervision of probation clients and social behaviour correctional measures which is established in order to prevent committing of repeated criminal offence;

4) **probation client** – a conditionally sentenced person; a conditionally released person; a person against whom the criminal proceedings have been terminated by conditionally releasing from criminal liability; a person sentenced with community service; a person on whom community service (compulsory measure) has been imposed; a person on whom community service has been imposed by a prosecutor’s penal order; a person on whom a court, prosecutor, or prison administration has requested an evaluation report; a person who has committed a criminal offence and has agreed in writing to be involved in the mediation with a victim; a person sentenced with probation supervision, or a person on whom the additional punishment – probation supervision – has been imposed by a prosecutor’s penal order;

5) **probation programme** – a social behaviour correctional measure;

6) **risk and needs assessment** – a structured method used in order to detect the reasons for committing a criminal offence, the risks of committing a repeated criminal offence, and the factors which preclude a probation client from committing a repeated criminal offence;

7) **correction of social behaviour** – promoting, creation, and development of socially supported and lawful behaviour;

8) **mediator** – an official of the State Probation Service who organises and manages the mediation, or a volunteer who is trained and certified for organising and managing mediation.

[*14 September 2017*]

**Section 2. Scope of Application of this Law**

(1) The Law prescribes the principles of probation, the competence and functions of the State Probation Service, the legal status, rights and obligations of the staff of the State Probation Service, and also the rights and obligations of a client of the State Probation Service.

(2) The norms of the Voluntary Work Law shall be applied to the legal relationships of the State Probation Service and a volunteer, insofar as it is not laid down in this Law.

[*14 September 2017*]

**Section 3. Principles of Probation**

The work of the State Probation Service shall be organised on the basis of the following principles:

1) the principle of cooperation – the basis of probation work is the organisation and promotion of cooperation between authorities for the purpose of involving and using the resources of the State, local governments, and public organisations for the implementation of probation in an optimal manner conforming to a common policy;

2) the principle of optimisation – probation work is organised in such a way that it rationally uses the functions of probation, delegating them to the relevant local governments and public organisations and reserving the right to determine the criteria for the performance of these functions and to control the performance of these functions;

3) the principle of social integration – upon performing the supervision of a probation client and the correction of his or her social behaviour, the integration of such client into society is ensured.

**Chapter II**

**Organisation and Staff of the State Probation Service**

**Section 4. State Probation Service**

(1) The State Probation Service is an institution of direct administration under supervision of the Minister for Justice which implements State policy in the field of public security within the framework of the functions referred to in this Law.

(2) The State Probation Service shall be financed from the State budget.

(3) The territorial units of the State Probation Service and the territory of operation thereof shall be determined by the head of the State Probation Service.

[*14 September 2017*]

**Section 5. Staff of the State Probation Service**

The staff of the State Probation Service shall be civil servants and employees. The head of the State Probation Service shall determine the positions of civil servants after coordination with the State Chancellery.

[*14 November 2008*]

**Section 6. Functions of the State Probation Service**

The functions of the State Probation Service shall be as follows:

1) to provide an evaluation report on a probation client;

2) to ensure the development of probation programmes and the implementation of licensed programmes;

3) to organise the execution of the criminal punishment – community service;

4) to organise the execution of a compulsory measure of correctional nature – community service;

5) during a term of probation to supervise persons against whom criminal proceedings have been terminated by conditionally releasing them from criminal liability;

6) to organise and manage mediation in the criminal proceedings and cases concerning application of a compulsory measure of correctional nature to children;

7) to supervise persons conditionally sentenced or conditionally released before term from prisons;

8) [16 June 2009];

9) to ensure the execution of the additional punishment – probation supervision.

[*26 October 2006; 16 June 2009; 21 July 2011; 14 September 2017*]

**Chapter III**

**Obligations and Rights of a Probation Client**

**Section 7. Obligations of a Probation Client**

A probation client has the following obligations:

1) to perform the obligations provided for in the prosecutor’s decision and the law governing the execution of criminal punishments and the obligations stipulated by the State Probation Service;

2) to fulfil the lawful requests of officials of the State Probation Service;

3) to provide truthful information to officials of the State Probation Service;

4) to use the assistance provided in conformity with the intended purposes;

5) to participate in probation programmes in conformity with the instructions of an official of the State Probation Service.

[*26 October 2006; 28 October 2010; 2 October 2014*]

**Section 8. Rights of a Probation Client**

A probation client has the right:

1) to request and receive information on the procedures for the execution of a court ruling, a prosecutor’s decision, or a prosecutor’s penal order, and also on the procedures provided for in the law governing the execution of criminal punishments and the performance of the obligations stipulated by the State Probation Service;

2) to request and receive information on possible assistance;

3) to request and receive explanation about his or her rights;

4) to participate in the measures of the social behaviour correction offered by the State Probation Service;

5) to participate in probation programmes.

[*26 October 2006; 2 October 2014; 14 September 2017*]

**Section 8.1 Rights of Persons Conditionally Released from Criminal Liability**

(1) If the obligation not to change the place of residence without the consent of the State Probation Service has been imposed on a probation client who has been conditionally released from criminal liability, this client has the right, by due justification, to ask permission from the State Probation Service to change the place of residence.

(2) The State Probation Service shall take the decision not to permit a probation client to change his or her place of residence if the change of the place of residence of the relevant client:

1) may threaten public safety;

2) may facilitate committing another criminal offence;

3) may make the performance of the obligations imposed by a prosecutor impossible.

(3) A probation client may contest the decision referred to in Paragraph two of this Section by submitting a relevant submission 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 State Probation Service shall not suspend the operation thereof.

[*14 September 2017*]

**Chapter IV**

**Tasks of the State Probation Service**

[*26 October 2006*]

**Section 9. Licensing of Probation Programmes**

(1) Probation programmes shall be licensed by the licensing committee established by the Ministry of Justice.

(2) Probation programmes shall be licensed and implemented in accordance with the procedures stipulated by the Cabinet.

(3) The contesting or appeal of the decision of the licensing committee to cancel a licence shall not suspend the operation thereof.

[*28 October 2010*]

**Section 10. Implementation of Probation Programmes**

(1) The State Probation Service shall ensure the implementation of probation programmes in conformity with the risk and needs assessment of a probation client.

(2) The State Probation Service in cooperation with prisons shall implement probation programmes for convicted persons who are serving their sentence in prisons.

[*2 October 2014*]

**Section 10.1 Procedures for Co-financing Social Rehabilitation Services Intended for Probation Clients**

(1) The State Probation Service shall, in conformity with the appropriation granted in the law on the State budget for the current year, co-finance the social rehabilitation services intended for probation clients within the scope of supervision. The social rehabilitation services are co-financed for a probation client for not more than 12 months.

(2) The Cabinet shall determine the procedures by which the State Probation Service shall co-finance the social rehabilitation services intended for probation clients within the scope of supervision, and the amount of co-financing.

[*28 May 2015 /* *Section shall come into force on 1 February 2018.* *See Paragraph 13 of Transitional Provisions*]

**Section 11. Supervision of Persons**

(1) The State Probation Service shall supervise:

1) conditionally sentenced persons;

2) conditionally released persons;

3) persons against whom criminal proceedings have been terminated by conditionally releasing them from criminal liability;

4) persons on whom additional punishment – probation supervision – has been imposed.

(2) The Cabinet shall determine the procedures by which the persons referred to in Paragraph one of this Section shall be supervised by the State Probation Service.

(3) The State Probation Service shall ensure supervision of the persons referred to in Paragraph one of this Section in conformity with the risk and needs assessment of a probation client. The State Probation Service shall send a probation client who is under supervision to a social service provider for the receipt of a social rehabilitation service if it is necessary for the integration of the probation client into the society and for the qualitative provision of his or her supervision.

[*2 October 2014; 28 May 2015*]

**Section 11.1 Execution of the Additional Punishment – Probation Supervision**

[2 October 2014]

**Section 12. Execution of the Criminal Punishment – Community Service**

The State Probation Service shall organise the execution of the criminal punishment – community service – in accordance with the procedures stipulated by the Cabinet.

**Section 13. Mediation**

(1) The State Probation Service shall ensure the possibility for a victim and a person who has committed a criminal offence to voluntarily involve in the mediation in order to minimise the damage caused by the criminal offence.

(2) In order to ensure organising and management of the mediation, the State Probation Service:

1) shall train volunteers;

2) shall inform the person directing the proceedings of the objectives of the mediation and the possibilities for the organisation and management thereof;

3) shall provide information to the public on the objectives of the mediation and the possibilities for the organising and management thereof;

4) may involve representatives of the State, local government, and public organisations for the achievement of the objective of the mediation.

(3) The Cabinet shall determine the procedures by which the State Probation Service shall organise and manage the mediation, the content of the mediation request, proposal, or application, and also the rights and obligations of a probation client and a victim in the mediation.

(4) Compensation of the losses caused to a victim as a result of a criminal offence by the work of a probation client for the benefit of the victim shall not establish employment relationships within the meaning of the Labour Law.

[*14 September 2017*]

**Section 14. Provision of Post-penitentiary Aid**

[16 June 2009]

**Section 15. Evaluation Report**

(1) The State Probation Service shall, on the basis of a request from a court or a prosecutor, provide an evaluation report on a person convicted in the criminal proceedings.

(2) Upon request of the prison administration, the State Probation Service shall provide an evaluation report on the convicted person who has submitted a submission with a request for his or her conditional release.

(3) The purpose of an evaluation report shall be:

1) to provide comprehensive, objective information on the basis of which the issue on the punishment to be imposed on a probation client, and also the possible obligations stipulated by the State Probation Service within the framework of supervision will be decided, taking into account the way of thinking, behaviour, attitude of the probation client and the social circumstances promoting the committing of a criminal offence;

11) to provide comprehensive, objective information on the basis of which the issue on the conditional release of a probation client and the possible obligations stipulated by the State Probation Service within the framework of supervision will be decided, taking into account the way of thinking, behaviour, attitude of the probation client and the social circumstances promoting the committing of a criminal offence;

12) to characterise the suitability of the circumstances under which a probation client is planning to live after conditional release for the determination of electronic monitoring if an evaluation report should be drawn up for a convicted person who has asked to be conditionally released with determination of electronic monitoring;

2) to provide information on renewal of the infringed rights or lawful interests of a victim or its possibility.

(31) If the request referred to in Paragraph one of this Section is received and a probation client refuses to negotiate with the State Probation Service or negotiations with the relevant client are not possible, the State Probation Service shall send the information at the disposal of the State Probation Service to the requester of the evaluation report if it was possible to obtain such from other sources of information.

(4) The procedures for the drawing up of an evaluation report, the amount of information to be included therein, and the procedures for the provision thereof shall be determined by the Cabinet.

(5) The risk and needs assessment of a probation client shall be used in the course of drawing up an evaluation report.

[*28 October 2010; 2 October 2014; 14 September 2017*]

**Section 16. State Probation Service Information System**

(1) The State Probation Service Information System is a State information system the controller of which is the State Probation Service and in which the information on the following shall be included for ensuring the performance of the functions of the State Probation Service:

1) a probation client;

2) a convicted person who participates in a probation programme while serving the sentence of deprivation of liberty;

3) a victim;

4) a legal representative of a probation client or victim;

5) a legal person with which agreement has been entered into on employment of a probation client in community service or community service (compulsory measure), and a representative thereof;

6) another natural person or a representative of a legal person who is providing information within the scope of the performance of the functions referred to in Section 6 of this Law.

(2) The objective of the State Probation Service Information System shall be to ensure processing of information for qualitative performance of the functions of the State Probation Service thus promoting public security, a possibility to control the course of directing the cases of probation clients in an operative manner, ensuring efficient inter-institutional cooperation within the scope of performance of the functions and facilitating scientific, analytical, and statistical researches.

(3) The Cabinet shall determine the legal basis for the inclusion of information to be included in the State Probation Service Information System, the content, amount, and procedures for the processing thereof.

(4) The information entered into the State Probation Service Information System is restricted access information.

[*14 September 2017*]

**Section 16.1 Electronic Monitoring Information System**

(1) The Electronic Monitoring Information System shall be an information system the administrator of which is the State Probation Service and in which data on the location of such probation client at certain place and time are processed who has been conditionally released and for whom electronic monitoring has been determined.

(2) Upon processing the information referred to in Paragraph one of this Section, the purpose of the Electronic Monitoring Information System shall be to ensure intensive and operative control of the movement of such probation client who has been conditionally released and for whom electronic monitoring has been determined.

(3) The information processed in the Electronic Monitoring Information System is restricted access information.

[*14 September 2017*]

**Section 17. Cooperation with Prisons**

[2 October 2014]

**Section 18. Cooperation with Authorities, upon Providing Post-penitentiary Aid for Minors**

[16 June 2009]

**Section 18.1 Sending of Information to the Orphan’s and Custody Court**

(1) The State Probation Service shall, within three working days after the day of registration of a probation client or the day when the information on change of the place of residence of such client is received, send the information to the Orphan’s and Custody Court in the territory of which the new place of residence of the probation client is located on the relevant client who has been punished for intentional violent criminal offences or criminal offences against sexual inviolability and morality.

(2) If the probation client referred to in Paragraph one of this Section fails to arrive for the registration with the State Probation Service within the time period specified in the law on criminal punishment execution, the State Probation Service shall immediately send the information to the Orphan’s and Custody Court according to the last declared place of residence of the probation client.

(3) The given name, surname, personal identity number of a probation client, Section of the Criminal Law according to which he or she has been punished, the type and amount of the punishment, the planned duration of supervision, the obligations imposed by the prosecutor or stipulated by the State Probation Service, and also the address of the declared place of residence shall be indicated in the information referred to in Paragraphs one and two of this Section. If the declared place of residence is other than the actual place of residence, both the declared and actual address shall be indicated.

(4) The State Police shall immediately send information on the probation client to the Orphan’s and Custody Court if the information obtained raises reasonable doubts on potential threat to the health, life, or wholesome development of a child, and the probation client resides or intends to reside in a family with children.

(5) The given name, surname, personal identity number of a probation client, Section of the Criminal Law according to which he or she has been punished, the type and amount of the punishment, the planned duration of supervision, the obligations imposed by the prosecutor or stipulated by the State Probation Service, information which indicates to potential threat to a child, and the address of the declared place of residence shall be indicated in the information referred to in Paragraph four of this Section. If the declared place of residence is other than the actual place of residence, both the declared and actual address shall be indicated.

(6) The information referred to in this Section shall be sent to the Orphan’s and Custody Court in the territory of operation of which the convicted person and the potentially threatened child resides.

(7) The information referred to in this Section is restricted access information.

[*15 June 2009; 2 October 2014; 14 September 2017*]

**Section 18.2 Research and Publishing of the Performance Results**

(1) The State Probation Service shall, not less than once in three years, carry out methodological research of its performance results, analysing recidivism indicators of former and present probation clients.

(2) The State Probation Service shall publish the performance results of the research on its website within one month after completing the research.

(3) The Cabinet shall determine the procedures by which the State Probation Service shall obtain the information on former and present probation clients, and also the content, amount of such information, and the procedures for the processing and storage thereof.

(4) The information to be processed on former and present probation clients for the achievement of the objective referred to in this Section is restricted access information.

[*2 October 2014; 14 September 2017*]

**Chapter V**

**Organising of Cooperation of the Advisory Council of the State Probation Service and Inter-institutions**

[*14 September 2017*]

**Section 19. Establishment of Advisory Councils of the State Probation Service**

(1) In order to facilitate optimal cooperation between authorities in the implementation of a common policy in the field of probation, the Advisory Council of the State Probation Service and advisory councils of the territorial units thereof shall be established.

(2) The procedures by which the meetings of advisory councils shall be convened and the work of councils shall be organised, and also by which representatives of other authorities shall be invited, shall be determined by the Cabinet.

[*26 October 2006*]

**Section 20. Composition of the Advisory Council of the State Probation Service**

The composition of the Advisory Council of the State Probation Service shall include:

1) a representative of the Supreme Court;

2) a representative of the Office of the Prosecutor General;

3) a representative of the Ministry of Justice;

4) a representative of the Latvian Association of Local and Regional Governments;

5) a representative of the State Probation Service;

6) a representative of the Prisons Administration;

7) a representative of the State Police;

8) at least one representative of such provider of social services which ensures social rehabilitation services to probation clients.

[*28 May 2015; 14 September 2017*]

**Section 21. Composition of the Advisory Council of a Territorial Unit of the State Probation Service**

The composition of the Advisory Council of a territorial unit of the State Probation Service shall include:

1) a representative of the district (city) Office of the Prosecutor;

2) a representative of the district (city) court;

3) a representative of the territorial unit of the State Police;

4) a representative of the local government;

5) a representative of the territorial unit of the State Probation Service;

6) a representative of the prison administration in those territorial units in the territory of operation of which the prison is located;

7) at least one representative of such provider of social services which ensures social rehabilitation services to probation clients.

[*4 December 2008; 28 May 2015; 14 September 2017*]

**Section 21.1 Organising of Inter-institutional Cooperation**

In order to minimise the committing of repeated criminal offences, the State Probation Service may organise inter-institutional cooperation meetings, ensuring the methodological management thereof.

[*14 September 2017*]

**Chapter VI**

**Legal Status of Civil Servants, Employees, and Volunteers of the State Probation Service**

[*14 September 2017*]

**Section 22. Requirements to be Brought Forward for Civil Servants and Employees of the State Probation Service**

(1) Persons who conform to the requirements of the State Civil Service Law may apply for the position of a civil servant of the State Probation Service.

(2) The following persons may apply for the position of an employee of the State Probation Service:

1) who have at least secondary education;

2) whose personal character, skills, and previous work experience conform to the requirements laid down for the position.

**Section 23. Selection Criteria for a Volunteer and Certification of a Mediator**

(1) A volunteer may be involved in the performance of tasks in order to ensure the implementation of the functions of the State Probation Service, and also in the research and analytical work.

(2) A volunteer may be a person who:

1) has expressed the willingness to be a volunteer;

2) has attained the age of 18 years and for whom guardianship has not been established;

3) is fluent in the official language;

4) has obtained a written conclusion of an authorised person of the State Probation Service that he or she is able to perform the tasks provided for in the contract on voluntary work;

5) has entered into a contract on voluntary work with the State Probation Service.

(3) The Cabinet shall determine the procedures by which a volunteer shall receive compensation for the expenditures for the performance of the tasks specified in the contract, and the amount of the compensation for the expenditures.

(4) A volunteer may be a mediator in the mediation, provided that:

1) he or she has sufficient knowledge and skills in organising and managing the mediation;

2) he or she has not been punished for committing of an intentional criminal offence, has been exonerated, or criminal record has been set aside (extinguished);

3) he or she has received a certificate issued by the State Probation Service.

(5) A volunteer who performs voluntary work in the institutions in which minors are staying, or in measures in which minors are participating, shall conform to the requirements of the laws and regulations in the field of protection of the rights of the child.

(6) The Cabinet shall determine the procedures by which the State Probation Service shall train and certify volunteers for organising and managing the mediation, and also shall cancel the certificate.

(7) The certificate of a mediator may be cancelled if during the operation of the certificate, the mediator has infringed the regulations for organising and managing the mediation or the ethics principles of a mediator approved by the head of the State Probation Service, or he or she has provided false data on himself or herself.

(8) If the decision of the mediator certification committee to cancel the certificate is contested or appealed, such contesting or appeal shall not suspend the operation thereof.

[*14 September 2017*]

**Section 23.1 Rights and Obligations of a Volunteer**

(1) A volunteer has the following rights:

1) to receive the information necessary for the performance of the tasks specified in the contract on voluntary work and support from officials of the State Probation Service;

2) to submit proposals for the improvement of implementation of the functions of the State Probation Service referred to in Section 6 of this Law.

(2) A volunteer has the following obligations:

1) to become acquainted with the internal regulations and orders of the State Probation Service which refer to his or her field of activity, to comply with these regulations and orders, and also the principles of ethics;

2) when organising and managing a mediation, to contact the victim and the person who has committed a criminal offence by using the data provided by the official of the State Probation Service;

3) to fulfil the contract on voluntary work entered into in good faith, complying with the time limits provided for therein;

4) to participate in training organised by the State Probation Service or other training for raising the qualification in relation to his or her field of operation.

[*14 September 2017*]

**Section 24. Certificates of Civil Servants, Employees, and Volunteers of the State Probation Service**

(1) A service identification document shall be issued to the civil servants and employees of the State Probation Service.

(2) A volunteer’s certificate shall be issued to the volunteers of the State Probation Service.

[*28 October 2010; 14 September 2017*]

**Section 25. Rights of Civil Servants and Employees of the State Probation Service**

(1) Civil servants and employees of the State Probation Service have the following rights in performance of their functions:

1) to request that a probation client presents a personal identification document;

2) to invite a probation client to arrive to the division of the State Probation Service;

3) to take photographs of a probation client;

4) to obtain information on a probation client.

(11) Civil servants of the State Probation Service have the following rights in performance of their functions:

1) to receive information on criminal records of a probation client, including extinguished criminal records;

2) to receive the information on commencement of the criminal proceedings against a probation client, on the security measures imposed on a probation client, search of a probation client and participation in the events endangering persons and public security;

3) to visit places of imprisonment;

4) to become acquainted with the case materials of the convicted person on whom the prison administration has requested an evaluation report;

5) to visit a probation client at his or her workplace or educational institution;

6) upon consent of a probation client, to meet with his or her employer or representative of an educational institution;

7) upon consent of a probation client, to meet with his or her family members;

8) upon request, to receive complete court rulings concerning a probation client regardless of whether the criminal case is heard in an open or closed court hearing;

9) to receive information on the given name, surname, data of birth, and place of residence of a victim, and also to contact the victim in order to obtain the information for drawing up an evaluation report, organising and managing the mediation, controlling the performance of the obligations imposed by the prosecutor or determining the obligations within the framework of supervision, and also for the settlement of debt obligations of the probation client within the framework of the supervision;

10) to visit a probation client at his or her place of residence from 7.00 to 23.00;

11) to become acquainted with the case materials of the convicted person who is at the prison and has applied for the participation in a probation programme;

12) to request and receive information from the prison on the re-socialisation work to be done and already done with the convicted person;

13) to receive information on the means for temporary protection against violence imposed on the probation client;

14) if a probation client is a minor, to receive information on:

a) the property administration of a minor probation client;

b) transfer of a minor probation client under custody of a parent to another person in Latvia or abroad;

c) parental disputes on issues related to the raising of a minor probation client;

d) sending of a minor probation client under custody of the parents to a specialist for consultation purposes;

e) a permit for a minor probation client to cross the State border in accordance with the laws and regulations regarding the procedures by which children shall cross the State border;

15) to receive information on a minor probation client who has been a victim in a criminal offence;

16) to receive information on the social services and social assistance provided to a probation client;

17) to receive information on education of a probation client;

18) to receive information on disability of a probation client;

19) to receive information on employment, income, and persons under custody of a probation client;

20) to receive information on the spouse, parents, and children of a probation client;

21) to receive information on the death of a probation client.

(12) Within the scope of performance of the task referred to in Section 18.2, Paragraph one of this Law, the civil servants and employees of the State Probation Service have the right to receive and process the following data on former probation clients:

1) the information referred to in Paragraph 1.1, Clauses 1 and 2 of this Section;

2) data on the death of a person.

(2) Upon supervising the persons specified in Section 11, Paragraph one of this Law, the civil servants of the State Probation Service have the following rights in addition to that specified in Paragraphs one and 1.1 of this Section:

1) to control how a probation client is fulfilling the requirements defined for him or her according to the plan of supervision;

2) to visit a probation client at his or her place of residence without prior notice;

3) to visit a probation client at his or her place of residence from 23.00 to 7.00 if, in accordance with the laws and regulations governing the execution of criminal punishments, the obligation – prohibition to leave his or her place of residence during certain time of the day – has been imposed on the probation client;

4) to receive information on the means of subsistence of a probation client;

5) to determine or completely or partially revoke the obligations provided for in the laws and regulations governing the execution of criminal punishments for conditionally sentenced and conditionally released persons on whom additional punishment – probation supervision – has been imposed, and to control the execution thereof;

6) to receive information on the criminal record of the parents of a minor probation client or the persons who are replacing them.

(21) Upon implementing electronic monitoring of conditionally released persons, the civil servants of the State Probation Service have the following rights in addition to that specified Paragraphs one, 1.1, and two of this Section:

1) to install electronic devices at the place of residence of a probation client;

2) to attach to or remove the electronic device from a probation client;

3) to check electronic devices at any time of the day;

4) to control the performance of the electronic monitoring schedule;

5) to process the information recorded by electronic devices on the presence of a probation client at certain place and time;

6) to remove electronic devices from the place of residence of a probation client;

7) to identify a probation client by using a fingerprint reader built in electronic devices which scans the fingerprints of the person;

8) to meet with the persons living at his or her possible place of residence without the consent of a probation client in order to find out the attitude of these persons towards determination of electronic monitoring and installation of electronic devices;

9) to receive a permit from the persons living at the possible place of residence of a probation client for the placement of electronic devices at this place of residence for execution of electronic monitoring of the probation client;

10) to carry out conformity assessment of the possible place of residence of a probation client for the determination of electronic monitoring;

11) without the consent of a probation client, to meet with the owner of his or her possible place of residence in order to find out about the persistence of this place of residence;

12) without the consent of a probation client, to meet with his or her potential employer in order to find out about the intended influence of the planned employment on the execution of electronic monitoring.

(3) If a probation client is a minor, his or her consent is not necessary in the cases referred to in Paragraph 1.1, Clauses 6 and 7 of this Section.

(4) Upon drawing up an evaluation report, the civil servants of the State Probation Service have the right referred to in Paragraph two, Clause 4 of this Section in addition to the rights referred to in Paragraphs one and 1.1 of this Section. Upon considering imposing of electronic monitoring on a probation client, in addition the civil servants of the State Probation Service have the rights referred to in Paragraph 2.1, Clauses 8, 9, 10, 11, and 12 of this Section.

(5) The civil servants and employees of the State Probation Service have the right to examine a probation client in accordance with the procedures stipulated by the Cabinet in order to detect if he or she has used alcohol, narcotic, toxic, or psychotropic substances.

[*26 October 2006; 28 October 2010; 21 July 2011; 2 October 2014; 14 September 2017 /* *The new wording of Paragraph 1.1, Clause 2 and amendment regarding the supplementation of this Paragraph with Clauses 14 and 15 shall come into force on 1 January 2019.* *See Paragraph 14 of Transitional Provisions*]

**Section 26. Obligations of Civil Servants and Employees of the State Probation Service**

Civil servants and employees of the State Probation Service have the following obligations in performance of their functions:

1) to provide information on available assistance to probation clients;

2) to ensure unauthorised non-disclosure of the restricted access information received;

3) to maintain records of probation clients;

4) to check how a probation client is fulfilling his or her obligations;

5) within the scope of his or her competence, to provide the necessary support and assistance to a probation client;

(6) [16 June 2009].

[*16 June 2009; 28 October 2010; 14 September 2017*]

**Transitional Provisions**

1. Section 6, Clauses 5 and 7 and Section 12 of this Law shall come into force on 1 January 2006.

2. The State Probation Service shall supervise such conditionally sentenced persons, conditionally released persons, and persons conditionally released from criminal liability on whom the court ruling or prosecutor’s decision has entered into effect after 31 December 2005.

[*26 October 2006*]

3. The State Probation Service shall not implement the function specified in Section 6, Clause 5 of this Law from the day of coming into force of the amendments of June 2009 to the law On the State Budget for 2009 until 31 December 2012.

[*16 June 2009*]

4. The State Probation Service shall continue the behaviour control of such persons on whom the decision to terminate criminal proceedings by conditionally releasing from criminal liability has been taken until coming into force of the amendments of June 2009 to the law On the State Budget for 2009, and complete it according to the procedures laid down in such decision and laws and regulations.

[*16 June 2009*]

5. Until 31 December 2018, the State Probation Service shall not implement the probation programmes for convicted persons who are serving their sentence in prisons, except for the young convicted persons of the probation programme and persons who have been sentenced for criminal offence against morality and sexual inviolability.

[*30 November 2015*]

6. Contracts on the provision of post-penitentiary aid which the State Probation Service has entered into with probation clients shall be terminated by 1 August 2009.

[*16 June 2009*]

7. From 1 July 2009 until 28 February 2013 the State Probation Service shall, upon request of the court or prosecutor, provide the evaluation report provided for in Section 15 of this Law on the persons who have been accused of committing a criminal offence against sexual inviolability and morality, and also on the accused persons who were minors at the time of committing a criminal offence.

[*16 June 2009; 15 November 2012*]

8. The Cabinet shall, by 1 April 2011, issue the Cabinet regulations provided for in Section 15, Paragraph four of this Law regarding the procedures for drawing up the evaluation report, the amount of information to be included therein, and the procedures for the provision thereof.

[*28 October 2010*]

9. Amendments to Section 15 and Section 17, Paragraph three of this Law which provide for the obligation of the State Probation Service to provide evaluation reports shall come into force on 1 April 2011.

[*28 October 2010*]

10. The norms of the State Probation Service Law which were in force until 31 January 2015 shall be applied to the persons who have been conditionally sentenced or conditionally released until 31 January 2015.

[*2 October 2014*]

11. The Cabinet shall, by 1 March 2015, issue the regulations referred to in Section 11, Paragraph two of this Law. Until the day of coming into force of these regulations, the following Cabinet regulations shall be applicable, insofar as they are not in contradiction with this Law:

1) Cabinet Regulation No. 804 of 27 November 2007, Procedures for the Supervision of Conditionally Sentenced Persons, Conditionally Released Persons, and Persons Conditionally Released from Criminal Liability;

2) Cabinet Regulation No. 562 of 16 August 2012, Procedures for Ensuring Execution of the Additional Punishment – Probation Supervision – by the State Probation Service.

[*2 October 2014*]

12. The provisions laid down in Sections 15 and 25 of this Law in relation to conditional release with determination of electronic monitoring shall be applied from 1 July 2015.

[*15 January 2015*]

13. Section 10.1 of this Law shall come into force on 1 February 2018.

[*28 May 2015; 22 November 2017*]

14. Amendments to Section 25, Paragraph 1.1, Clause 2 of this Law and amendments regarding the supplementation of this Paragraph with Clauses 14 and 15 shall come into force on 1 January 2019.

[*14 September 2017*]

15. The Cabinet shall, by 1 June 2018, issue the regulations referred to Section 13, Paragraph three, Section 16, Paragraph three, Section 18.2, Paragraph three, and Section 23, Paragraphs three and six of this Law. Until the day of coming into force of these regulations, the following Cabinet regulations shall be applicable, insofar as they are not in contradiction with this Law:

1) Cabinet Regulation No. 782 of 20 November 2007, Procedures by which the State Probation Service shall Certify Volunteers who are Mediators in a Mediation;

2) Cabinet Regulation No. 803 of 27 November 2007, Regulations Regarding the Amount of Information to be Included in the Database of the State Probation Service and Procedures for the Inclusion of Information and Use Thereof;

3) Cabinet Regulation No. 266 of 15 April 2008, Regulations Regarding the Procedures by which a Volunteer Probation Employee Receives Remuneration for the Performance of the Tasks Specified in the Participation Agreement, and the Amount of the Remuneration;

4) Cabinet Regulation No. 973 of 25 November 2008, Procedures for the Establishment, Drawing up, Transfer, Termination, Renewal, and Storage of the Case of a Probation Client.

[*14 September 2017*]

The Law shall come into force on 1 January 2004.

The Law has been adopted by the *Saeima* on 18 December 2003.

President V. Vīķe-Freiberga

Rīga, 30 December 2003