

Translation from Finnish

Legally binding only in Finnish and Swedish

Ministry of Justice, Finland

Act on the Enforcement of Community Sanctions

(400/2015; amendments up to 345/2020 included)

By decision of Parliament, the following is enacted:

PART I

GENERAL PROVISIONS

Chapter 1

General provisions on enforcement

Section 1

Scope of application

This Act applies to the enforcement of the following community sanctions imposed by a court of law:

- 1) community service;
- 2) monitoring sentence;
- 3) conditional imprisonment with supervision;
- 4) juvenile punishment.

This Act also applies to the enforcement of supervision of conditionally released persons, which is imposed by decision of the Criminal Sanctions Agency.

In this Act, *a sentenced person* means a person serving a community sanction referred to in subsection 1 or 2.

Provisions on the imposition of community service are laid down in chapter 6, section 11 of the Criminal Code (39/1889), provisions on the imposition of a monitoring sentence are laid down in chapter 6, section 11a of the Criminal Code, provisions on the imposition of conditional imprisonment with supervision are laid down in chapter 6, section 10, subsections 2 and 3 of the

Criminal Code, and provisions on the imposition of a juvenile punishment are laid down in chapter 6, section 10a of the Criminal Code. (273/2019)

Section 2

Objective of community sanctions

The objective of a community sanction is to promote the sentenced person's social adjustment and improve his or her ability to lead a life without crime by supporting the person during the enforcement of the sentence.

Section 3

Contents of community sanctions

Community sanctions involve monitoring, obligations, prohibitions and other regulations imposed on a sentenced person as well as activities that are determined on the basis of the sentenced person's needs and circumstances while simultaneously maintaining the security of society, as provided in this Act.

The detailed contents of a community sanction are specified in the sentence plan referred to in section 14.

Section 4

Treatment of sentenced persons

Persons sentenced to community sanctions shall be treated with justice and respect for their human dignity. The enforcement of community sanctions must not place any other restrictions on the rights or circumstances of a sentenced person than those provided by law or those necessary due to the sentence itself.

A community sanction shall be enforced without causing any greater detriment to the sentenced person or persons close to him or her than what is necessary in order to enforce the sanction. When enforcing community sanctions imposed on juveniles who have committed an offence when under 21 years of age, special attention shall be paid to the needs arising from the age and stage of development of the sentenced person.

Sentenced persons must not be discriminated against, without an acceptable reason, on the basis of their gender, age, origin, nationality, language, religion, beliefs, opinion, political activities, trade union activities, family status, state of health, disability, sexual orientation, or other reason that concerns their person.

Section 5

General obligations of sentenced persons

Persons sentenced to community sanctions shall observe the requirement to abstain from using intoxicating substances, participate in the activities that are part of the community sanction, and fulfil the other obligations determined in the sentence plan.

Chapter 2

Enforcement authority and public officials responsible for enforcement

Section 6

Authority responsible for enforcement

The Criminal Sanctions Agency is responsible for the enforcement of community sanctions.

Section 7

Supervisor and assistant supervisor

A public official of the Criminal Sanctions Agency assigned to the task (*supervisor*) is responsible for the enforcement of an individual community sanction.

To promote an appropriate enforcement of a community sanction, a person consenting to the task, with appropriate training and experience of working in the field of criminal sanctions, social welfare, healthcare or education, may be assigned to assist the supervisor (*assistant supervisor*). Another suitable person may also be assigned to the task of an assistant supervisor, if this is necessary for carrying out the supervision.

The Criminal Sanctions Agency makes an agreement with an assistant supervisor concerning the performance of the task, and determines the fee and compensation for expenses payable to him

or her from state funds. No public service relationship or employment relationship is established between the Criminal Sanctions Agency and an assistant supervisor.

When an assistant supervisor performs his or her duties, the Act on the Knowledge of Languages Required of Personnel in Public Bodies (424/2003) and the provisions concerning criminal liability for acts in office apply to him or her. Provisions on liability for damages are laid down in the Tort Liability Act (412/1974).

Section 8

Duties of a supervisor and an assistant supervisor

The supervisor shall:

- 1) draw up a sentence plan and a schedule for serving the community sanction and serve them on the sentenced person, and thoroughly explain the obligations and restrictions related to the enforcement of the community sanction and the sanctions for breaching them to the sentenced person;
- 2) support and guide the sentenced person;
- 3) supervise compliance with the obligations laid down in this Act and imposed on the sentenced person under this Act;
- 4) when necessary, be in contact with the custodian, guardian or another legal representative of the sentenced person;
- 5) be in contact, to the extent necessary, with the sentenced person as provided in this Act;
- 6) be in contact, by telephone, with the place where the sentenced person participates in the activities that are part of the enforcement of the community sanction and, where necessary, conduct control visits to the place;
- 7) notify the Criminal Sanctions Agency of any breach of the obligations laid down in this Act or imposed under this Act and draw up a report on such a breach;
- 8) attend to any other measures required for the enforcement of a community sanction.

The assistant supervisor shall assist the supervisor in the tasks specified in subsection 1. The assistant supervisor shall also comply with orders issued by a public official of the Criminal Sanctions Agency and notify the public official if a sentenced person fails to fulfil his or her obligations.

Section 9

Further provisions

Further provisions on the procedure for appointing an assistant supervisor are issued by government decree.

Chapter 3

Establishing prerequisites for serving community sanctions

Section 10 (273/2019)

Pre-sentence report

The prosecutor or the court shall request the Criminal Sanctions Agency to draw up a pre-sentence report when a suspect is charged with an offence that is likely to result in the imposition of community service or a monitoring sentence or in the imposition of conditional imprisonment with supervision on an offender aged 21 or over upon committing an offence. The Criminal Sanctions Agency may also draw up a pre-sentence report on the request of the suspect, if there are serious reasons for this.

A pre-sentence report need not, however, be requested, if the suspect is a foreign national with permanent residence outside Finland and it is assessed that there is no prospect of sentencing him or her to a community sanction or transferring the enforcement of a community sanction to another country.

In the pre-sentence report, the Criminal Sanctions Agency assesses the prerequisites and ability of the suspect to serve a community sanction. The previous criminality, use of intoxicating substances and other personal and social circumstances of the suspect and his or her need for supervision and support in leading a life without crime are taken into consideration when drawing up the report.

When drawing up a pre-sentence report, it shall be established whether the suspect consents to the imposition and enforcement of community service or a monitoring sentence. It shall also be established whether the suspect consents to the possibility that rehabilitation or outpatient treatment referred to in section 60, subsection 3 may be included in the supervision imposed on an offender aged 21 or over upon committing an offence in addition to conditional imprisonment.

If a change affecting the contents of a pre-sentence report occurs in the circumstances of a suspect after the report has been drawn up, the Criminal Sanctions Agency shall make the corresponding changes to the report.

Provisions on the assessment measures and information collecting that precede sentencing a person to a juvenile punishment and sentencing a person aged under 21 upon committing an offence to conditional imprisonment with supervision are laid down in the Act on Investigating the Circumstances of Suspected Young Offenders (633/2010). Provisions on the report to be drawn up before sentencing a person to a monitoring sentence are laid down in section 44 of this Act.

Section 11

Sentence plan

If the Criminal Sanctions Agency considers a suspect to be suitable for serving community service, a monitoring sentence, conditional imprisonment with supervision or a juvenile punishment, or if the prosecutor or the court specifically so requests, a sentence plan containing the following information about the community sanction in question shall be appended to the pre-sentence report:

- 1) obligations of the sentenced person;
- 2) work, unpaid work, rehabilitation, training or other activities included in the enforcement of the community sanction, and supervision appointments;
- 3) the means of supervision and other details concerning supervision;
- 4) supplementary support measures promoting the life management of the sentenced person and improving his or her ability to complete the sentence.

The sentence plan shall be drawn up in cooperation with the suspect.

Section 12

Support measures

When the Criminal Sanction Agency starts drawing up a sentence plan referred to in section 11 or section 71, subsection 3, it shall, where necessary, assess the living conditions of the suspect and his or her need for support measures together with the social welfare and health authorities. The enforcement of a community sanction shall be reconciled with the support measures promoting

the life management of the sentenced person and improving his or her ability to complete the sentence.

When reconciling the support measures referred to in subsection 1 above, municipalities bear the expenses for basic municipal services. The Criminal Sanctions Agency bears the expenses arising from the activities related to the enforcement of a community sanction.

Section 13

Further provisions

Further provisions on the assessment of a suspect's suitability for serving a community sanction and on the assessment of other related prerequisites, on the procedure for drawing up a pre-sentence report and a sentence plan, and on the contents of these documents are issued by government decree.

Chapter 4

Commencement of enforcement

Section 14

Specifying, supplementing, confirming and serving a sentence plan

The Criminal Sanctions Agency shall draw up and confirm a specified sentence plan for a person who is to serve a community sanction without delay once a judgment imposing community service, a monitoring sentence, conditional imprisonment with supervision or a juvenile punishment has become final or enforceable in the manner referred to in section 16, or once the Criminal Sanctions Agency has placed a prisoner who is to be conditionally released under supervision in accordance with section 70. The specified and confirmed sentence plan shall cover the entire enforcement period of a community sanction and include more detailed information and regulations than the sentence plan drawn up during the investigation stage in accordance with section 11 on the following issues:

- 1) date of commencing the enforcement;
- 2) supervision appointments;
- 3) support measures necessary for promoting the social adjustment of the sentenced person;
- 4) places for serving the community sanction, which include a specified place of residence, a service place for carrying out community service, a treatment facility related to treatment provided

by a public or private healthcare or social welfare service provider, or some other place for fulfilling the obligation to participate in activities;

5) duties included in the obligation to participate in activities, or the contents of other activities;

6) restrictions on movement and other special conditions for serving the community sanction, and any conditions arising from the circumstances of the service place and tasks;

7) detailed schedule;

8) date on which the serving of the sanction ends;

9) actions to safeguard the continuity of the support measures promoting the sentenced person's life management after the sentence has been served;

10) other corresponding information and regulations that are necessary for the enforcement of the community sanction.

A sentence plan shall be drawn up in cooperation with the sentenced person. Furthermore, the Criminal Sanctions Agency shall draw up a schedule according to which the sentenced person shall serve the community sanction.

The sentence plan shall be served on the prisoner personally. In connection with the service, the details of the sentence plan and the sanctions for breaching the regulations laid down in the plan shall be gone through with the sentenced person to the extent necessary.

If some details of the information or regulations referred to in subsection 1 cannot be established until later than what is required in order to commence the enforcement without undue delay, the Criminal Sanctions Agency may supplement the sentence plan in this respect after it has been confirmed and served on the sentenced person. The provisions of subsections 2 and 3 apply when a plan is supplemented.

Section 15

Amendments to a sentence plan

The Criminal Sanctions Agency may amend a sentence plan if the circumstances have changed substantially or for some other comparable acceptable reason. The provisions of section 14, subsections 2 and 3 apply when a sentence plan is amended.

Section 16

Enforcement before a judgment has become final

The enforcement of community service, a monitoring sentence, conditional imprisonment with supervision, and a juvenile punishment may be commenced based on a district court judgment even before the judgment has become final, if the sentenced person consents to the enforcement in writing and abides by the judgment to the extent that he or she has been sentenced to the community sanction.

Section 17

Commencement of enforcement

The enforcement of community service, a monitoring sentence, conditional imprisonment with supervision, and a juvenile punishment shall be commenced without undue delay, and the sanction shall be completed within one year and three months from the date on which the judgment became enforceable. However, when several community sanctions are being enforced at the same time, the time limit is one year and six months from the date on which the last one of the judgments became enforceable. The period for which the commencement of enforcement has been postponed or suspended in the manner referred to in section 18 or 26 is not included in the periods mentioned above.

The serving of community service and a monitoring sentence is considered to commence on the day of the first supervision appointment, the first day of community service work or the first day of participation in other activities as determined in the specified sentence plan, or when other supervision related to the enforcement of the community sanction begins. The serving of community service for which the sentenced person has in the pre-sentence report been found to be suitable for if enforced with supplementary support measures and the serving of a juvenile punishment is considered to commence on the day on which the sentenced person and his or her supervisor meet for the first time after the judgment has become enforceable. The supervision period of conditional imprisonment with supervision is considered to commence when the sentenced person has consented to the commencement of the enforcement of supervision or when the judgment has become final in respect of supervision. If a person who is to be conditionally released has been placed under supervision for the probationary period, the supervision is considered to commence on the day on which the person is conditionally released from prison.

Section 18

Postponement or suspension of enforcement

The Criminal Sanctions Agency may postpone or suspend, for a fixed period, the enforcement of community service, a monitoring sentence, a juvenile punishment, or conditional imprisonment with supervision imposed on an offender aged 21 or over upon committing an offence, if the sentenced person is temporarily prevented from serving the community sanction due to an illness other than a brief one; participation in substance abuse rehabilitation; performance of military service, women's voluntary military service or non-military service; child care during maternity, special maternity, paternity or parental leave referred to in the Health Insurance Act (1224/2004); or a temporary impediment arising from another equivalent acceptable reason. The term of sentence does not lapse during the postponement or suspension. (273/2019)

The enforcement of a sentence referred to in subsection 1 may also be postponed or suspended if there is an impediment to the commencement or continuation because the person is serving a sentence of unconditional imprisonment or some other community sanction or being kept on remand. Furthermore, the enforcement of community service, a monitoring sentence and a juvenile punishment imposed on an offender who has committed an offence when aged under 21 may be postponed or suspended on the grounds that the sentenced person cannot be found and his or her whereabouts cannot be established. (385/2017)

The maximum length of a postponement or suspension referred to in subsection 1 or 2 above is one year from the day on which the judgment became enforceable.

The enforcement of community service, a monitoring sentence and a juvenile punishment may be suspended or postponed for a fixed period, if such a change has occurred in the sentenced person's circumstances that requires changes to the obligation to participate in activities that is part of the enforcement or to the obligation to remain at a pre-determined place. Community service, a monitoring sentence and a juvenile punishment may also be suspended for a fixed period if the sentenced person is suspected of having breached his or her obligations and the case cannot be investigated immediately. The maximum length of a suspension is one month.

The Criminal Sanctions Agency shall revoke a postponement or suspension of enforcement if it is evident that conditions for postponement or suspension no longer exist.

Section 19

Extending the period for serving a sanction in court

If a community sanction cannot be served within the maximum period specified in section 17, subsection 1 for a reason other than a serious breach of obligations referred to in section 26, the Criminal Sanctions Agency shall notify this to the district court that considered the criminal case in question as the first court instance or the district court of the judicial district where the sentenced person resides or permanently lives.

In situations referred to in subsection 1, the court may extend the enforcement period of the community sanction or convert the unserved part of community service into a monitoring sentence or unconditional imprisonment, or the unserved part of a monitoring sentence into unconditional imprisonment. If the unserved period is short, if the sentenced person is serious ill or injured, or for another similar reason that cannot be attributed to the sentenced person, the community service, monitoring sentence or juvenile punishment may be considered to have been completed (385/2017)

When the court considers a case that concerns conversion of an unserved part of community service into a monitoring sentence or unconditional imprisonment or a case that concerns conversion of an unserved part of a monitoring sentence into unconditional imprisonment, as referred to in subsection 2, the prosecutor shall be present. (385/2017)

Section 20

Further provisions

Further provisions on the following are issued by government decree:

- 1) commencement of enforcement;
- 2) enforcement of a judgment that is not final;
- 3) acceptable activities that can be carried out to fulfil the obligation to participate in activities;
- 4) documentation concerning the commencement, postponement and suspension of enforcement.

Chapter 5

General conditions for community sanctions and breaching them

Section 21

General obligations of sentenced persons

Sentenced persons are obliged to:

- 1) participate in the preparation of the specified sentence plan referred to in section 14;
- 2) provide the supervisor or the assistant supervisor with the contact details that are necessary for enforcing the community sanction and with details of their work, residence, education and training, studies, financial circumstances and other corresponding circumstances, and information on any changes occurring in these;
- 3) maintain contact with the supervisor or assistant supervisor in accordance with the sentence plan and attend the supervision appointments;
- 4) fulfil the obligation to participate in activities in accordance with the sentence plan by carrying out work or participating in training, rehabilitation, programmes, events or other corresponding activities that maintain or promote their functioning ability and social skills;
- 5) abstain from using intoxicating substances in accordance with the specific provisions governing each community sanction laid down in this Act;
- 6) comply with the obligation to remain at their place of residence or another place specified in the sentence plan;
- 7) behave in an appropriate manner at supervision appointments and at events and occasions related to the fulfilment of the obligation to participate in activities;
- 8) inform the Criminal Sanctions Agency, without delay, of any impediment preventing them from attending a supervision appointment or fulfilling the obligation to participate in activities and of the reason for this, and to provide, upon request, an appropriate proof or account of the existence of the impediment in the manner specified in the sentence plan;
- 9) provide the Criminal Sanctions Agency with a medical certificate issued by a physician concerning their state of health, if there is justified reason to suspect that the state of health is insufficient for serving the community sanction;
- 10) comply with any other regulations laid down in the sentence plan in addition to those referred to in this section above, with the schedule for serving the community sanction drawn up by the Criminal Sanctions Agency, and with the orders issued by the supervisor or the assistant supervisor that are essential for the enforcement of the community sanction.

Section 22

Substance control

For the purposes of controlling the use of intoxicating substances, sentenced persons are under the obligation to take a breath test whenever requested. Sentenced persons carrying out community service or serving a monitoring sentence or conditional imprisonment with supervision are obliged to provide a saliva or urine sample whenever requested. To provide a urine sample, a sentenced person may be obliged to visit a relevant unit of the Criminal Sanctions Agency, a health centre, or a unit referred to in the Act on Welfare for Substance Abusers (41/1986).

If it is likely, judging from external signs, that a sentenced person is under the influence of alcohol or some other intoxicating substance during a supervision appointment or a control visit or when fulfilling the obligation to participate in activities, a public official of the Criminal Sanctions Agency shall record his or her observations of the intoxication. If the intoxication is evident on the basis of external signs, it is not necessary for a test or a sample referred to in subsection 1 to be taken, unless the sentenced person requests it.

A sentenced person who, without a valid reason, refuses to take a breath test or provide a saliva or urine sample may be ordered to provide a blood sample.

If a sentenced person is found to be under the influence of alcohol based on a breath test, the Criminal Sanctions Agency shall undertake the measures referred to in section 25 or 26. If it is detected, based on a saliva or urine sample, that a sentenced person has used an intoxicating substance, the result shall be confirmed in a laboratory that meets the quality requirements for narcotics tests. The same procedure shall be applied if there is justified reason to suspect the validity of a negative quick test. If the confirmed result shows that the sentenced person has taken a drug referred to in section 3, subsection 1 of the Narcotics Act (373/2008) or a medicine that he or she is not authorised to take, the Criminal Sanctions Agency shall undertake the measures referred to in section 26.

Section 23

Temporary deviation from the obligation to participate in activities or remain at the place of residence

A sentenced person may, in an individual case, be given permission to deviate temporarily from an obligation determined in the sentence plan referred to in section 14, subsection 1, if this is necessary because the sentenced person has become ill or due to another unforeseen event affecting the enforcement. The sentenced person shall inform the Criminal Sanctions Agency of the reason referred to above without delay.

A sentenced person has the right to deviate from an obligation determined in the sentence plan referred to in section 14, subsection 1 without prior permission, if this is necessary in a situation referred to in subsection 1 for compelling reasons. The sentenced person shall inform the Criminal Sanctions Agency of the reason referred to above without delay.

Section 24

Bringing a sentenced person in to a meeting required for enforcement

If a person serving a sentence of conditional imprisonment with supervision, a person serving a juvenile punishment, or a conditionally released prisoner subjected to supervision fails to arrive at a supervision appointment or another corresponding event without a valid reason known to the supervisor or assistant supervisor and it is likely that the person is evading the appointment, the person may be brought in to the next appointment to be determined by the supervisor or assistant supervisor. The police shall provide executive assistance when bringing someone in, unless this is considered manifestly unnecessary.

A police officer with the power of arrest decides on the bringing in at the request of the Criminal Sanctions Agency. The person ordered to be brought in may be apprehended and taken into custody six hours before the supervision appointment at the earliest. Attraction of undue attention shall be avoided when bringing in a sentenced person.

Section 25

Breach of obligations

If a sentenced person is suspected of having breached his or her obligations referred to in section 21 or 22 in some other manner than those defined as serious in section 26, the Criminal Sanctions Agency shall investigate the matter. If the sentenced person is, based on the investigation, found to have been in breach of the obligations determined for him or her, the Criminal Sanctions Agency shall issue a written warning to him or her. In connection with issuing a warning, the sentenced person shall be informed of the consequences that may follow if he or she continues to be in breach of the obligations. If the breach of the obligations is found to be minor and it is not repeated, the sentenced person may be issued with a reprimand.

Section 26

Serious breach of obligations

If a sentenced person does not start serving the sanction or discontinues this without a valid reason or, despite a written warning issued to him or her, repeatedly or otherwise intentionally and seriously breaches the obligations specified in section 21, 22, 38, 49, 72 or 73, the Criminal Sanctions Agency shall take measures to refer the matter to a prosecutor and a court for consideration. In the case of community service, a monitoring sentence, a juvenile punishment, or conditional imprisonment with supervision imposed on an offender aged 21 or over upon committing an offence, the Criminal Sanctions Agency shall prohibit the commencement of enforcement or suspend the enforcement if it has already been commenced. (273/2019)

When considering a serious breach of obligations or an extension of the period for serving a sanction referred to in section 19, the court shall, before deciding on the case, give the sentenced person an opportunity to be heard. A representative of the Criminal Sanctions Agency shall also be given an opportunity to issue a statement, unless this is manifestly unnecessary from the perspective of the consideration of the matter. The matter can be decided regardless of the absence of the sentenced person. The district court has a quorum in single-judge formation. In other respects, the provisions governing the criminal procedure apply.

An appeal against a court decision issued under this section shall be considered urgently.

Section 27

Further provisions

Further provisions on the detection and documentation of a suspected intoxication of a sentenced person, investigation and documentation of a breach of obligations, and the procedure to be followed in the event of a breach of obligations are issued by government decree.

Chapter 6

Powers

Section 28

General principles for the exercise of powers

The public officials of the Criminal Sanctions Agency who are responsible for the enforcement of community sanctions and the assistant supervisors shall act appropriately and impartially and in a conciliatory manner.

The public officials of the Criminal Sanctions Agency and the assistant supervisors shall primarily use advice, requests and orders to ensure that community sanctions are served in an appropriate manner.

The public officials of the Criminal Sanctions Agency and the assistant supervisors shall attend to their duties related to the enforcement of community sanctions without causing any greater interference with the rights of any person or any greater detriment than what is necessary and justifiable in order to perform the duty.

Section 29

Hearing sentenced persons

Provisions on the opportunity to be heard that shall be given to a sentenced person when making a decision concerning the prerequisites for, contents of and regulations on the enforcement of a community sanction and a decision concerning a breach of obligations by the sentenced person are laid down in section 34 of the Administrative Procedure Act (434/2003).

Section 30

Power of decision

A Community Sanctions Office Director of the Criminal Sanctions Agency decides on the measures to be taken in the event of a serious breach of obligations referred to in section 26.

A Community Sanctions Office Director decides on the commencement of enforcement of a community sanction referred to in section 17, subsection 1, on the postponement or suspension of enforcement referred to in section 18, on the taking of a blood sample referred to in section 22, on the submission of a request to bring in a sentenced person as referred to in section 24, on the issue of a written warning referred to in section 25, on the reimbursement of travel costs referred to in section 32, on the issue of a written notice referred to in section 74, and on the discontinuation of supervision referred to in section 60, subsection 3 and section 76. If the matter cannot be delayed, it may be decided by the Prison Director, Deputy Director or Senior Criminal Sanctions Official specified in the rules of procedure. A decision on the reimbursement of travel costs may also be made by another public official of the Criminal Sanctions Agency designated to the task in the rules of procedure. (385/2017)

The public official in charge of enforcement is responsible for calculating the term of a monitoring sentence and decides on the conditional release of a person serving a monitoring sentence. The public official in charge of enforcement or another public official of the Enforcement Unit of the Criminal Sanctions Agency designated to the task by the Enforcement Director decides on the issue and revocation of a warrant of apprehension referred to in section 34.

The supervisor or another public official of the Criminal Sanctions Agency designated to the task in the rules of procedure decides on the other substance control measures referred to in section 22 than the taking of a blood sample, on the right of a sentenced person to deviate from an obligation determined in the sentence plan referred to in section 23 due to an obstacle, on the issue of a reprimand referred to in section 25, and on the security check referred to in section 50. (385/2017)

Chapter 7

Miscellaneous provisions

Section 31

Right of access to information

Provisions on the right of the Criminal Sanctions Agency to obtain, notwithstanding secrecy provisions, from the social welfare and health authorities such information related to a treatment plan, rehabilitation plan or service plan of a sentenced person that concerns the person's living conditions, use of intoxicating substances, substance abuse rehabilitation, mental health and use of mental health services and that is necessary for the purpose of issuing a statement to a court on the prerequisites for sentencing the person to a community sanction and for the purpose of enforcing a community sanction, together with other corresponding details that are necessary for enforcing a community sanction and for reconciling support measures promoting the sentenced person's life management and ability to complete the sentence, are laid down in the Act on the Processing of Personal Data at the Criminal Sanctions Agency (1069/2015). (273/2019)

Notwithstanding secrecy provisions, the Criminal Sanctions Agency has the right, for the purpose of performing its duties specified in this Act, to obtain from the bodies referred to in section 20, subsection 1 of the Act on the Status and Rights of Social Welfare Clients (812/2000) the information that is necessary for the purpose of issuing a statement to a court on the prerequisites for sentencing a person to a community sanction and for the purpose of enforcing a community sanction and for reconciling support measures promoting the sentenced person's life management and ability to complete the sentence.

Section 32

Reimbursement of travel costs

The necessary travel costs arising from the process of determining a suspect's capacity to serve a community sentence and drawing up a sentence plan are reimbursed to the suspect from state funds. Travel costs related to the supervision and participation in the activities that are part of the enforcement are reimbursed to a sentenced person from state funds if the person is unable to pay them himself or herself without undue difficulty. The costs are reimbursed, upon application, for journeys made within the territory of Finland. The reimbursement is calculated based on costs incurred using the cheapest mode of public transportation.

Section 33

Compensation for damages caused by a sentenced person

The service place, its staff and any third parties are compensated from state funds for any material damage and personal injury caused by a sentenced person through negligence when carrying out unpaid work or participating in other activities that are part of a community sanction.

The State Treasury shall carry out an investigation of an accident referred to in subsection 1. The compensation is paid by the State Treasury.

Provisions on damages are also laid down in the Act on Compensation for Crime Damage (1204/2005) and the Tort Liability Act.

Section 34

Warrant of apprehension

The Criminal Sanctions Agency may issue a warrant of apprehension on a person sentenced to a community sanction, if the person cannot be reached and his or her whereabouts cannot be established. In the warrant, the sentenced person is urged to contact a given community sanctions office of the Criminal Sanctions Agency by a specified date for the purposes of enforcing the community sanction. The warrant shall state that in any other case a procedure will be initiated to convert the community sanction into unconditional imprisonment or another sanction provided by law for a breach of conditions of the community sanction in question.

Section 35

Executive assistance

Public officials of the Criminal Sanctions Agency have the right to obtain executive assistance from the police in accordance with the Police Act (872/2011) for the performance of their official duties.

Section 36

Further provisions

Further provisions on the reimbursement of travel costs incurred by a suspect or a sentenced person, on the investigation required for damages caused by a sentenced person to be compensated, and on the issue and revocation of a warrant of apprehension are issued by government decree.

PART II

COMMUNITY SANCTIONS

Chapter 8

Community service

Section 37

Content and duration

Community service is a punishment imposed instead of a sentence of unconditional imprisonment. It comprises a minimum of 14 and a maximum of 240 hours of regular, unpaid work that shall be carried out under supervision.

A maximum of 30 hours of a community service sentence may be served by participating in activities organised or approved by the Criminal Sanctions Agency or by attending outpatient treatment provided by a public or private healthcare or social welfare service provider. The purpose of the activities or treatment referred to above is to reduce the sentenced person's risk of recidivism or substance abuse problems and to improve his or her ability to complete the community service sentence. However, work shall make up at least half of the sentence imposed.

Community service imposed on an offender aged under 21 upon committing an offence may also comprise activities and programmes promoting the person's social functioning ability, targeted especially at young persons, and support and guidance to be provided in connection with these. In such cases, the restrictions concerning the amount of activities referred to in subsection 2 may be derogated from.

Section 38

Special obligations of sentenced persons

Sentenced persons shall perform the service tasks assigned to them and comply with the instructions issued by the staff of the service place.

After the enforcement of community service has commenced, sentenced persons must not use any of the drugs referred to in section 3, subsection 1 of the Narcotics Act. Sentenced persons must not be under the influence of alcohol or any other intoxicating substances at a workplace, rehabilitation facility, educational institution or any other place of activity related to the enforcement of community service, or at any event required for the enforcement.

Section 39

Sanction for a serious breach of obligations

If the prosecutor considers that community service should be converted into a monitoring sentence or unconditional imprisonment due to conduct referred to in section 26, the prosecutor shall, without delay, submit a request to that effect to the district court that considered the criminal case in question as the first court instance or the district court of the judicial district where the sentenced person resides or permanently lives.

If the court finds that a sentenced person has acted in the manner referred to in section 26, it may convert the unserved part of the community service into a monitoring sentence or unconditional imprisonment. The minimum duration of the conversion sentences referred to above is four days. The court may also convert such a community service sentence, the enforcement of which has not yet begun, into a monitoring sentence or unconditional imprisonment.

Section 40

Further provisions

Further provisions on the measures required for preparing and carrying out outpatient treatment that is provided by a public or private healthcare or social welfare service provider and on other institutions responsible for organising a community service place are issued by government decree.

Chapter 9

Monitoring sentence

Section 41

Content

The monitoring sentence is a sentence imposed instead of unconditional imprisonment, and the person serving the sentence is monitored with technical devices and by other means specified in this Act during the sentence.

A person sentenced to a monitoring sentence shall remain at his or her place of residence or another suitable place where he or she is being treated or where he or she is to stay in accordance with the sentence plan, and participate in the activities determined for him or her. The sentenced person may leave his or her place of residence or another place designated for him or her in the sentence plan only as specified in the sentence plan referred to in sections 14 and 46 and in the weekly schedule, unless otherwise provided in section 23.

The activities that the sentenced person shall participate in are activities organised or approved by the Criminal Sanctions Agency, or institutional care or outpatient treatment provided by a public or private healthcare or social welfare service provider. The sentenced person shall work or participate in other activities for at least 10 and at most 40 hours per week as specified in the sentence plan referred to in section 14. If there are special reasons arising from the content of the activity or some other similar circumstance for this, the number of hours that the sentenced person shall participate in work or other activities may be determined to be higher than 40; however, it shall not exceed 50 hours per week.

Work and other activities must not take place between the hours of 21.00 and 6.00, unless otherwise determined in the sentence plan due to the nature of the work or activity.

Section 42

Sentencing a person to monitoring sentence

A court may sentence a person to a monitoring sentence only if the court considers, based on the reports referred to in section 10 and section 44, subsection 1, that the prerequisites for this exist

and if the court has been provided with a sentence plan referred to in sections 11 and 44 before the sentence is imposed.

Section 43

Monitoring

A sentenced person is monitored with technical devices that are installed in his or her place of residence or another place determined for him or her in the sentence plan, given into the possession of the sentenced person, or attached to his or her wrist, ankle or waist, or with a combination of such devices. The technical device must not enable on-site interception referred to in chapter 10, section 16 of the Coercive Measures Act (806/2011) or technical observation referred to in chapter 10, section 19 of that Act on premises covered by the inviolability of the home.

The Criminal Sanctions Agency shall maintain sufficient contact with the sentenced person and with the place where the sentenced person participates in the activities determined for him or her, and carry out control visits to the sentenced person's place of residence or another place determined for him or her in the sentence plan. A public official of the Criminal Sanctions Agency and the assistant supervisor accompanying him or her have the right to access, without prior notice, the sentenced person's place of residence or another place determined for the person in the sentence plan for the purpose of supervising compliance with the obligation to remain at the place of residence or other designated place and the obligation to abstain from using intoxicating substances. Attraction of undue attention shall be avoided during the control visits. Monitoring shall be carried out without causing any greater interference with the rights of any person or any greater detriment than what is necessary in order to perform the task.

When a sentenced person is placed in institutional care referred to in section 41, subsection 2, the institution shall appoint a contact person who is responsible for the enforcement of the monitoring sentence at the institution. Notwithstanding the secrecy obligation, the contact person shall inform the supervisor of the monitoring sentence or another public official of the Criminal Sanctions Agency if the sentenced person breaches the conditions of the placement or his or her obligations.

Section 44

Establishing the prerequisites and drawing up a sentence plan

In addition to what is provided on the pre-sentence report in section 10, a report to be drawn up on the prerequisites for sentencing a person to a monitoring sentence shall include:

- 1) written consent of the suspect to the imposition of a monitoring sentence;
- 2) written consent of the suspect to the fact that the Criminal Sanctions Agency will be in contact, when necessary, with the authorities, private organisations and persons involved in the enforcement of the monitoring sentence as well as with the place where the sentenced person participates in the activities determined for him or her and that they may, notwithstanding secrecy provisions, inform the Criminal Sanctions Agency of any breach of conditions;
- 3) assessment of the suitability of the suspect's place of residence or another place designated for him or her in the sentence plan for serving a monitoring sentence;
- 4) assessment of the suspect's need to move outside his or her place of residence or another place designated for him or her in the sentence plan in order to participate in the activities that are part of the monitoring sentence;
- 5) account of any other monitoring sentences previously imposed on the suspect;
- 6) statement on whether sentencing the suspect to a monitoring sentence is justified in order to maintain or promote the social adaptation of the suspect.

Where the Criminal Sanctions Agency considers a monitoring sentence justified or if the prosecutor or court separately so requests, the report shall be accompanied by a sentence plan, which shall, in addition to the information specified in section 11, include information on:

- 1) place of residence or other place designated for the sentenced person for the purpose of serving a monitoring sentence;
- 2) number of hours per week to be used for work, rehabilitation or other activities and for supervision appointments;
- 3) amount and timing of movement outside the place of residence or other place designated for the sentenced person that is required for participation in the activities.

Section 45

Procedure for drawing up a sentence plan

For the purposes of drawing up a sentence plan and enforcing a sentence, the suspect or the sentenced person shall provide the necessary information on the medication he or she is taking.

With the written consent of the suspect or the sentenced person, the information on medication may be entered in the register containing information on enforcement of community sanctions. Provisions on the processing of data when performing tasks related to enforcement are laid down in the Act on Processing of Personal Data at the Criminal Sanctions Agency. (345/2020)

The sentence plan shall be accompanied by a written consent of the adults permanently living in the residence intended for serving a monitoring sentence to the enforcement of the sentence in the residence and to the enforcement-related control visits to the residence. The consent shall include an assurance referred to in chapter 6, section 11a, subsection 2 of the Criminal Code stating that the persons concerned have given their consent of their own free will. The opinion of a person under 18 years of age living permanently in the residence shall be ascertained and the person shall be heard in cooperation with the child welfare authorities in accordance with the provisions of section 20 of the Child Welfare Act (417/2007). The opinion shall be stated on a document that is appended to the plan. The enforcement of a monitoring sentence must not be undertaken at the residence if a minor, for justifiable reasons, is opposed to it and the minor is, in view of his or her age and stage of development, mature enough to assess the matter.

Section 46

Specifying a sentence plan

In addition to what is provided in section 14, a sentence plan shall include more detailed information and regulations concerning the monitoring sentence on the following issues:

- 1) sentenced person's place of residence or other place designated for him or her;
- 2) content of the activities referred to in section 21, paragraph 4, the number of hours per week to be used for the activities, and the necessary travel times;
- 3) monitoring and the technical devices required for the monitoring;
- 4) number of hours for which the sentenced person is obliged to remain at his or her place of residence or other place designated for him or her and the timing of those hours;
- 5) right of the sentenced person to move outside his or her place of residence or other place designated for him or her;
- 6) time allotted for the personal affairs of the sentenced person;
- 7) any other regulations necessary for the enforcement of the monitoring sentence.

Section 47

Time of commencement and calculation of the duration of monitoring sentence

The serving of a monitoring sentence is deemed to commence on the day on which the technical monitoring devices necessary for the enforcement of the sentence are installed or placed in the possession of the sentenced person, following the confirmation of the specified sentence plan.

If the enforcement of a monitoring sentence is suspended, the term of sentence ceases to run at the beginning of the following day. In other respects, the provisions of chapter 3, section 1, subsections 1 and 2 of the Imprisonment Act (767/2005) apply to the calculation of the duration of a monitoring sentence.

Section 48

Right to access a sentenced person's residence

A public official of the Criminal Sanctions Agency has the right, for the purpose of installing, repairing and removing technical monitoring devices, to access a sentenced person's residence or other place designated for him or her.

Section 49

Special obligations of sentenced persons

A sentenced person is obliged to:

- 1) handle the technical monitoring devices referred to in section 43, subsection 1 with care and comply with the relevant instructions for use;
- 2) allow a public official of the Criminal Sanctions Agency performing supervisory duties and an accompanying assistant supervisor access his or her residence.

During the enforcement, the sentenced person must not use any of the drugs referred to in section 3, subsection 1 of the Narcotics Act, alcohol or other intoxicating substances or be under the influence of any intoxicating substances.

Section 50

Security checks

A security check may be carried out on a sentenced person to ensure the safety and security of the enforcement of a monitoring sentence and to ensure order.

In a security check, a public official of the Criminal Sanctions Agency has the right to use a metal detector, another corresponding technical device or a trained dog to search the sentenced person, or to search by means of a pat-down, to ensure that the person is not carrying an object or substance that could pose a risk to the safety of a person or the possession of which is prohibited by law.

The public official of the Criminal Sanctions Agency carrying out a security check has the right to remove an object or substance referred to in subsection 2 that is found during a security check or otherwise. The objects and substances removed shall be handed over to the police or returned to the sentenced person, provided that there is no impediment to this under the law.

Attraction of undue attention shall be avoided when carrying out a security check. A security check shall be carried out without causing any greater interference with the rights of any person or any greater detriment than what is necessary in order to perform the task.

Section 51

Suspicion of an offence that constitutes a serious breach of obligations

If a sentenced person is suspected of having committed an offence punishable by a more severe punishment than a fine, the Criminal Sanctions Agency shall prohibit the commencement of the enforcement of a monitoring sentence or suspend the enforcement of the sentence and, if necessary, take measures to refer the matter to a court for consideration.

Section 52

Revocation of consent and change in circumstances

If a person living in the same residence as a sentenced person, for justified reasons, revokes his or her consent referred to in section 45, subsection 2 in writing, the Criminal Sanctions Agency shall investigate whether the monitoring sentence can be enforced in another residence or some other

place to be designated for the sentenced person in the sentence plan or whether the matter shall be referred to a court for consideration. The same procedure shall be followed if the sentenced person moves to another residence or the circumstances in his or her residence change in such a way that enforcement of the monitoring sentence cannot be continued.

In order to investigate the matter, the enforcement of the monitoring sentence may be temporarily suspended as provided in section 26.

In connection with this, the sentenced person and the person living at the same residence with him or her shall have the right to be heard.

Section 52a (385/2017)

Enforcement of several monitoring sentences

Monitoring sentences to be enforced simultaneously shall be combined when they are enforced. The total combined duration of the proportions of monitoring sentences referred to in section 53, taking into account the deductions specified in chapter 6, section 13 of the Criminal Code, shall not exceed one year. If necessary, the Criminal Sanctions Agency shall review and update the sentence plan as required due to the extension of the sentence.

Section 53

Conditional release and probationary period

A sentenced person is conditionally released in compliance with the provisions of chapter 2c, sections 5–7 of the Criminal Code and taking into account any deduction to be made under chapter 6, section 13 of the Criminal Code. A person serving several monitoring sentences that are enforced at the same time is conditionally released once he or she has served the time that is arrived at when the periods to be served of each monitoring sentence, calculated on the basis of the proportions referred to in chapter 2c, section 5 of the Criminal Code, are added up. Parts of a day are not taken into account when calculating the proportions. A probationary period, the length of which equals the length of the sentence remaining at the time of release, begins when the sentenced person is conditionally released.

On the last day of enforcement of a monitoring sentence, the Criminal Sanctions Agency shall deactivate and take possession of the technical monitoring devices used in the enforcement of the monitoring sentence.

If a sentenced person commits an offence during the probationary period, the provisions of chapter 2c, section 14 of the Criminal Code on the ordering of the enforcement of a sentence remaining after conditional release apply.

Section 54

Consideration of a serious breach of obligations

If the prosecutor considers that a sentenced person has acted in the manner referred to in section 26 or 51, the prosecutor shall, without delay, refer the matter for consideration to the district court that considered the criminal case in question as the first court instance or the district court of the judicial district where the sentenced person resides or permanently lives.

Section 55

Punishment to be imposed instead of a monitoring sentence

If the court finds that a sentenced person has acted in the manner referred to in section 26 or 51, it shall convert the unserved part of the monitoring sentence into a sentence of unconditional imprisonment, the minimum duration of which is four days.

If the sentenced person has been serving several monitoring sentences enforced simultaneously, the unserved part of the total combined duration of the monitoring sentences shall be converted into unconditional imprisonment. If the conversion in such a case would result in the application of two different proportions, the provisions of chapter 2c, section 6 of the Criminal Code on conditional release from a joint sentence shall be complied with.

Section 56

Special duties of public officials of the Criminal Sanctions Agency and assistant supervisors in the enforcement of monitoring sentences

A public official of the Criminal Sanctions Agency shall:

- 1) conduct both scheduled and unscheduled control visits to a sentenced person's residence or another place designated for him or her;
- 2) be in contact, as necessary, with the persons living in the same residence with the sentenced person and with the custodian, guardian or another legal representative of a sentenced person aged under 18, and with the contact person of another place designated for the sentenced person.

The assistant supervisor shall assist the public official of the Criminal Sanctions Agency in the duties specified in subsection 1. The assistant supervisor has the right to conduct control visits to the sentenced person's residence or other designated place only when accompanied by the supervisor or another public official of the Criminal Sanctions Agency.

A public official of the Criminal Sanctions Agency and an assistant supervisor shall treat those living in the same residence as the sentenced person or staying in another place designated for the sentenced person appropriately and ensure that the enforcement of the monitoring sentence does not cause them any unnecessary harm.

Section 57

Organisation of centralised monitoring

The Criminal Sanctions Agency is responsible for organising the centralised monitoring of the enforcement of monitoring sentences at national and regional level. If necessary for the appropriate performance of this task, the Criminal Sanctions Agency may procure information systems from a private service provider and conclude agreements with it on the systems, their maintenance and the technical solutions, as well as on services for sending, receiving and transmitting alarms. The agreement shall specify the information systems and software to be used for the monitoring, the tasks that the centralised monitoring involves, the personnel performing these tasks, and other similar details necessary for carrying out the centralised monitoring in an appropriate manner. The Criminal Sanctions Agency shall ensure that the employees have the training and experience that is necessary for the task. The Criminal Sanctions Agency oversees the appropriateness of the activities and is responsible for ensuring that the centralised monitoring is carried out in a reliable and professional manner.

If the centralised monitoring is carried out under an agreement as referred to in subsection 1, the right to decide on the disclosure of documents produced in the course of the centralised monitoring is governed by the provisions of section 14, subsection 1 of the Act on the Openness of

Government Activities (621/1999), and the secrecy obligation of the employees of the company carrying out centralised monitoring activities is governed by the provisions of section 23 of that Act. The employees of the company carrying out centralised monitoring do not have the right to access the registers of the Criminal Sanctions Agency. The provisions of the Language Act (423/2003) and the provisions on criminal liability apply to the employees when they carry out their duties.

Section 58

Further provisions and regulations

Further provisions on the measures required for preparing, carrying out and supervising treatment provided by a public or private healthcare provider, on the security checks and their recording, and on the procedure for conditional release may be issued by government decree.

The Central Administration of the Criminal Sanctions Agency may issue further regulations on the calculation of the term of sentence and on the procedure for substance control referred to in section 22 and for monitoring the participation in activities referred to in section 41.

Section 59

Reference provision

A monitoring sentence may be imposed instead of a prison sentence that would be imposed under section 74 or 75 of the Non-Military Service Act (1446/2007) or under section 118 of the Conscription Act (1438/2007), if the conditions laid down in chapter 6, section 11a of the Criminal Code are met. The enforcement of such a monitoring sentence is governed by the provisions of sections 74 and 75, section 81, subsections 2–4 and sections 82–85 of the Non-Military Service Act and by the provisions of section 118 of the Conscription Act. In other respects, this Act applies to the enforcement of such a monitoring sentence.

Chapter 10

Supervision of persons sentenced to conditional imprisonment

Section 60

Content and duration

Supervision of a person sentenced to conditional imprisonment involves regular supervision appointments between a supervisor or an assistant supervisor and the sentenced person. The purpose of the appointments is to monitor the sentenced person's circumstances and changes in them and to improve the sentenced person's ability to lead a life without crime. Supervision may also involve activities and programmes promoting the sentenced person's social functioning ability.

The maximum number of hours for which a sentenced person may be required to participate in supervision appointments, activities and programmes that are part of the supervision is 12 per month or, for a reason related to the tight schedule of a programme or for some other special reason, 24 per month. The number of hours per month may vary during the supervision period as required for the appropriate enforcement of the supervision.

Supervision imposed on an offender aged 21 or over upon committing an offence may involve a maximum of 30 hours of participation in rehabilitation or outpatient treatment provided by a public or private service provider in a manner approved by the Criminal Sanctions Agency. (273/2019)

If, after the supervision has lasted for a minimum of six months, it becomes evident that there is no need to continue the supervision, the Criminal Sanctions Agency may, on the proposal of the supervisor, discontinue the supervision.

Section 61

Requirement to abstain from using intoxicating substances

A person sentenced to conditional imprisonment with supervision must not be under the influence of alcohol or any other intoxicating substances at supervision appointments or when participating in the activities or events that are part of the enforcement of the supervision.

Section 62 (273/2019)

Sanction for a serious breach of obligations

If a person sentenced to conditional imprisonment with supervision seriously breaches the obligations that are part of the supervision as referred to in section 26, the Criminal Sanctions Agency shall, without delay, notify the prosecutor of this, unless it is manifestly unnecessary from the perspective of achieving the purpose of supervision.

If the prosecutor considers that, due to a serious breach of obligations referred to in section 26, the supervision period should be extended or, in the case of an offender aged 21 or over upon committing an offence, the unserved part of the supervision period should be converted into unconditional imprisonment, the prosecutor shall, without delay, submit a request to that effect to the district court that considered the criminal case in question as the first court instance or the district court of the judicial district where the sentenced person resides or permanently lives.

If the court finds that the sentenced person has seriously breached his or her obligations that are part of the supervision as referred to in section 26 and if there are special reasons for this when assessing the circumstances of the sentenced person and the reasons that led to the breach as a whole, the court may extend the supervision period by a maximum of six months or, in the case of an offender aged 21 or over upon committing an offence, convert the supervision period into a sentence of unconditional imprisonment, the duration of which is at least four and at most 14 days. When converting a supervision period into unconditional imprisonment, one month of unserved supervision is equal to one day of imprisonment. A partly served month of supervision is considered fully served.

The provisions of section 60, subsection 2 apply to an extended supervision period. Supervision imposed on an offender aged 21 or over upon committing an offence may also include participation in rehabilitation or outpatient treatment referred to in section 60, subsection 3 to the extent that it was included in the sentence plan but has not yet been completed.

Section 63 (273/2019)

Further provisions

Further provisions on the measures required for preparing and carrying out the rehabilitation and outpatient treatment referred to in section 60, subsection 3 and on the discontinuation of supervision are issued by government decree.

Chapter 11

Juvenile punishment

Section 64

Content and duration

The juvenile punishment is a sanction imposed on an offender aged between 15 and 17 years for a period of at least four months and at most one year, and it comprises supervision, activities and programmes promoting the social functioning ability of the young person, and support and guidance provided in connection with these. The juvenile punishment also includes orientation to employment and work, carried out under supervision, unless this can be considered manifestly unnecessary or this is particularly difficult to organise.

The maximum number of hours for which a person serving a juvenile punishment may be required to participate in the events that are part of the enforcement of the juvenile punishment is eight per week. The number of hours per week may vary during the sanction as required for the enforcement.

Section 65

Requirement to abstain from using intoxicating substances

A person sentenced to a juvenile punishment must not be under the influence of alcohol or any other intoxicating substances at supervision appointments, at a workplace, at a rehabilitation facility, at an educational institution or at any other place of activity related to the enforcement, or at any event required for the enforcement.

Section 66

Consideration of a serious breach of obligations

If the prosecutor considers that a person sentenced to a juvenile punishment has seriously breached his or her obligations as referred to in section 26, he or she shall, without delay, refer the matter for consideration to the district court that considered the criminal case in question as the first court instance or the district court of the judicial district where the sentenced person resides or permanently lives.

Section 67

Sanction for a serious breach of obligations

If a court finds that a person sentenced to a juvenile punishment has seriously breached his or her obligations as referred to in section 26, he or she shall be sentenced to another punishment instead of the unserved part of the juvenile punishment.

When selecting the type of the new punishment, consideration shall be given to the age of the sentenced person, the length of the unserved part of the juvenile punishment, the severity of the reprehensible conduct, and the nature of the offence underlying the imposition of the juvenile punishment.

If the sentenced person has not served the juvenile punishment at all or if a considerable part of the sentence has not been served and if there are also other special reasons for this, taking into account the factors referred to in subsection 2 and when assessed as a whole, a sentence of unconditional imprisonment may be imposed instead of the unserved part of the juvenile punishment.

Section 68

Taking into account the part of juvenile punishment already served

When a person sentenced to a juvenile punishment is sentenced to a new punishment in a situation referred to in chapter 7, section 8 of the Criminal Code or in section 16 or section 67, subsection 1 of this Act, the part of the juvenile punishment already served shall be taken into account as a basis for reducing the new punishment, to the extent that this is considered reasonable. Two days of juvenile punishment are equal to one day of unconditional imprisonment,

unless there are special reasons to deviate from this, when taking into account the contents of the part of the sentence already served.

Section 69

Further provisions

Further provisions on the places for orientation to employment and work are issued by government decree.

Chapter 12

Supervision of conditionally released persons

Section 70

Placement under supervision

A prisoner to be conditionally released shall be placed under supervision for the duration of the probationary period if:

- 1) the probationary period is longer than one year;
- 2) the offence was committed when the person was under 21 years of age;
- 3) the prisoner so requests;
- 4) the prisoner has agreed to undergo pharmacotherapy referred to in section 4 of the Act on Probationary Liberty under Supervision (629/2013) and to comply with regulations concerning any other possible treatment and support related to the pharmacotherapy;
- 5) the risk of a prisoner sentenced for murder, manslaughter or attempted murder to commit a new violent offence is assessed to be high; or
- 6) the risk of a prisoner who is serving a prison sentence for a violent or sexual offence and who has previously been sentenced to a prison sentence for a similar offence to commit a new violent or sexual offence is assessed to be high.

(188/2019)

Notwithstanding the provisions of subsection 1, it is possible to refrain from placing a prisoner under supervision if the supervision would, considering its purpose, be manifestly unnecessary due to the expected removal of the prisoner from the country or his or her serious illness or for some other special reason. (385/2017)

Section 71

Content of supervision

Supervision of a conditionally released person involves regular appointments between a supervisor or an assistant supervisor and the sentenced person. The purpose of the appointments is to monitor the sentenced person's circumstances and changes in them and to improve the sentenced person's ability to lead a life without crime. The supervision may also involve activities and programmes promoting the sentenced person's social functioning ability.

The maximum number of hours for which a sentenced person may be required to participate in supervision appointments, activities and programmes that are part of the supervision is 12 per month or, in the case of a sentenced person in need of special support and supervision, 30 per month. The number of hours per month may vary during the supervision as required for the appropriate enforcement of the supervision.

If a prisoner is placed under supervision pursuant to section 70, subsection 1, the Criminal Sanctions Agency shall, well in advance of the conditional release, draw up a sentence plan concerning the supervision period in cooperation with the prisoner. This plan shall be reconciled with the sentence plan for the prison term. The plan shall be drawn up, to the extent necessary, in cooperation with the prisoner's municipality of residence and domicile, with other authorities, and with private organisations and persons.

Section 72

Special obligations of sentenced persons

A conditionally released person who is subject to supervision must not be under the influence of alcohol or any other intoxicating substances at supervision appointments or when participating in the activities or events that are part of the enforcement of the supervision.

If a sentenced person has agreed to undergo pharmacotherapy referred to in section 70, subsection 1, paragraph 4, he or she shall provide the urine and blood samples that are necessary for controlling the use of the medication and for ensuring the safety of the treatment. The sentenced person is obliged, for the purposes of providing such a sample, to arrive at a separately designated university hospital or specialised medical care unit.

Section 73

Special regulations concerning supervision

If a sentenced person is placed under supervision pursuant to section 70, subsection 1, paragraph 4, he or she shall comply with the regulations concerning the control of pharmacotherapy and other treatment and support related to the pharmacotherapy.

Section 74

Breach of regulations concerning pharmacotherapy or other treatment and support

If a person placed under supervision pursuant to section 70, subsection 1, paragraph 4 fails to comply with the regulations concerning pharmacotherapy or other treatment and support related to the pharmacotherapy specified in the sentence plan, the Criminal Sanctions Agency shall issue the sentenced person with a written notice urging him or her to comply with the sentence plan.

If, despite the notice, the sentenced person fails to comply with the regulations concerning pharmacotherapy or other treatment and support specified in the sentence plan or discontinues the pharmacotherapy, the provisions of section 26 apply.

Section 75

Sanction for a serious breach of obligations

If the prosecutor considers that a part of the sentence remaining after conditional release should be enforced due to a serious breach of obligations referred to in section 26, the prosecutor shall, without delay, submit a request to that effect to the district court that considered the criminal case in question as the first court instance or the district court of the judicial district where the sentenced person resides or permanently lives.

If the court finds that the sentenced person has seriously breached his or her obligations as referred to in section 26 and there are special reasons for this when considering the circumstances of the sentenced person and the reasons that led to the breach as a whole, it may order that a minimum of four days and a maximum of 14 days of the sentence remaining after conditional release be enforced.

Section 76

Duration of supervision

If, when the supervision period has lasted for at least six months, it has become evident that the life conditions of a sentenced person have stabilised, the sentenced person does not have an apparent risk of committing a new offence, and there is otherwise no need to continue the supervision, the Criminal Sanctions Agency may, on the proposal of the supervisor, discontinue the supervision.

When the supervision period has lasted for one year and six months, the Criminal Sanctions Agency shall assess the need to continue or discontinue the supervision in compliance with subsection 1.

When the supervision has lasted for six months, it may also be discontinued in a situation referred to in section 70, subsection 2, if the sentenced person has been refused entry or deported under section 148 or 149 of the Aliens Act (301/2004) or has permanently moved to a country other than another Nordic country or is in long-term institutional care due to illness. The fact that a sentenced person has moved to another Nordic country does not constitute grounds for discontinuation, if the supervision can be arranged under section 22 of the Act on Nordic Cooperation in Criminal Matters (326/1963).

Section 77 (1642/2015)

Control of pharmacotherapy and reconsideration of regulations concerning pharmacotherapy and other treatment and support related to pharmacotherapy

The Health Care Services for Prisoners referred to in the Act on the Health Care Services for Prisoners (1635/2015) concludes an agreement with a university hospital and a specialised medical care unit on how pharmacotherapy will be arranged and the related blood and urine samples taken.

The regulations concerning pharmacotherapy and any other treatment and support related to pharmacotherapy shall be taken up for reconsideration at least every three months.

A physician of the Health Care Services for Prisoners decides on the control and discontinuation of pharmacotherapy and other treatment and support related to the pharmacotherapy. In urgent

cases, also a physician working in a hospital or specialised medical care unit referred to in subsection 1 may temporarily suspend pharmacotherapy. Information on the temporary suspension of pharmacotherapy shall be communicated without delay to a physician of the Health Care Services for Prisoners, who shall make the final decision on the pharmacotherapy.

Section 78

Physician's duty to provide information

Notwithstanding the secrecy obligation, a physician working at a hospital or a specialised medical care unit referred to in section 72, subsection 2 shall provide the Criminal Sanctions Agency with the information that is necessary for assessing whether a sentenced person has complied with the regulations concerning pharmacotherapy referred to in section 70, subsection 1, paragraph 4 and any other related treatment and support.

Section 79

Costs

The costs for the pharmacotherapy referred to in section 70, subsection 1, paragraph 4, for any related treatment and support, and for their control are paid from state funds.

Section 80

Further provisions

Further provisions on the procedure for placing a person under supervision, discontinuation of supervision, and the contents of a sentence plan of a sentenced person placed under supervision pursuant to section 70, subsection 1, paragraph 4 are issued by government decree.

PART III

MISCELLANEOUS PROVISIONS

Chapter 13

Certain provisions related to enforcement and notifications

Section 81

Court's notification concerning a community sanction

A court shall inform the Criminal Sanctions Agency of its decision by which it has sentenced a person to community service, a monitoring sentence, conditional imprisonment with supervision, or a juvenile punishment by entering information about the decision in the decision notification system of the national information system of the judicial administration. The provisions laid down in and under the Act on the National Information System of the Judicial Administration (372/2010) apply to the procedure for making such an entry.

Section 82

New sentence of imprisonment

If a prosecutor decides to prosecute a person who has been sentenced to community service, a monitoring sentence or a juvenile punishment for an offence for which the prosecutor considers unconditional imprisonment to be the probable sanction, the prosecutor may, in order to prohibit the enforcement of the above-mentioned community sanction, notify the Criminal Sanctions Agency of this. Upon receipt of the notification, the Criminal Sanctions Agency shall prohibit the commencement or continuation of the enforcement of the community sanction.

When a person who has previously been sentenced to community service or a juvenile punishment is sentenced to unconditional imprisonment for an offence committed before the enforcement of the aforementioned community sanction has ended or, in the case of a monitoring sentence, for an offence committed before the conditional release, the court may prohibit the commencement or continuation of the enforcement of the community sanction in question. When prohibiting the enforcement of a previously imposed community sanction, the court shall order that the unserved part of that community sanction be served in prison.

A decision concerning the prohibition of enforcement of a previously imposed community sanction shall be complied with regardless of a request for review.

Section 83

Taking account of a community sanction already served when determining the duration of a prison sentence

When a person sentenced to community service, a monitoring sentence or a juvenile punishment is sentenced to a new punishment in a case referred to in section 82, the same conversion scale between the community sanction in question and imprisonment shall be applied as was applied when the community sanction was imposed. When converting a monitoring sentence, a part of a day is equal to one day of imprisonment. The method of calculation that is the most favourable to the sentenced person shall be applied.

Section 84

Deduction of a sentence already enforced

If, in a case referred to in section 16, a person sentenced to community service, a monitoring sentence or a juvenile punishment is sentenced to imprisonment following a request for a review, the Criminal Sanctions Agency shall deduct the part of the community sanction already served from the sentence of imprisonment that is to be enforced. A corresponding deduction shall be made when the court has prohibited the enforcement of a monitoring sentence but has not determined the duration of the sentence to be enforced in prison. If the sentenced person has been conditionally released from a monitoring sentence, the provisions on the enforcement of the difference laid down in chapter 3, section 6 of the Imprisonment Act shall apply correspondingly.

Section 85

Further provisions

Further provisions on the drawing up, processing, submission and contents of enforcement documents and on the submission of certain notifications are issued by government decree.

Chapter 14

Request for review

Section 86

Decisions eligible for a request for a review

A sentenced person has the right to request an administrative review of a decision of the Criminal Sanctions Agency that concerns:

- 1) postponement or suspension of enforcement referred to in section 18, subsections 1, 2 and 4, and cancellation of a postponement or suspension referred to in section 18, subsection 5;
- 2) written warning referred to in section 25;
- 3) compensation for travel costs referred to in section 32;
- 4) placement under supervision referred to in section 70;
- 5) term of a monitoring sentence referred to in section 47, subsection 2.

Section 87

Power of decision and consideration of a request for an administrative review

A Region Director of the Criminal Sanctions Agency decides on requests for an administrative review in matters referred to in section 86, paragraphs 1–4. The Enforcement Director of the Criminal Sanctions Agency decides on requests for an administrative review of decisions referred to in paragraph 5 of the said section.

A written request for an administrative review shall be submitted within seven days from the date of service of a decision. The request shall be submitted to a Region Director, a Community Sanctions Office Director or a Prison Director. In the case of a decision concerning the term of a monitoring sentence referred to in section 86, paragraph 5, the request for an administrative review shall be submitted to the Enforcement Director. A request for an administrative review shall be considered urgently.

Decisions made by the Enforcement Unit of the Criminal Sanctions Agency other than those concerning the term of a monitoring sentence referred to in section 86, paragraph 5 are not eligible for a request for an administrative review, but they may be appealed against to an administrative court as provided in section 88.

Section 88

Appeals to administrative court

A decision on a request for an administrative review issued by a Region Director or the Enforcement Director may be appealed against to an administrative court as provided in the Administrative Judicial Procedure Act (586/1996). The appeal shall be filed with the administrative court of the judicial district in which the Region Director issued the decision on the request for an administrative review. An appeal against a decision of the Enforcement Director is filed with the Helsinki Administrative Court.

The appeal shall be filed within 14 days from the date of service of the decision.

The Administrative Judicial Procedure Act (586/1996) was repealed by the Administrative Judicial Procedure Act (808/2019).

Section 89

Consideration of appeals in administrative court

When considering an appeal, an administrative court constitutes a quorum in single-judge formation. Appeals shall be considered urgently.

Section 90

Appeals to the Supreme Administrative Court

A decision of an administrative court may be appealed against only if the Supreme Administrative Court grants leave to appeal.

Section 91

Effect of a request for an administrative review and an appeal on the enforcement

The filing of a request for an administrative review or an appeal does not interrupt the enforcement of a decision referred to in section 86, paragraphs 4 and 5, unless the Region Director or the Enforcement Director dealing with the request or the court hearing the appeal decides otherwise.

Section 92

Legal aid

Provisions on the legal aid to be granted to a sentenced person in a matter referred to in section 86 are laid down in the Legal Aid Act (257/2002). The sentenced person need not provide information on his or her financial circumstances as referred to in section 10, subsection 1 of the Legal Aid Act. The court decides on the granting of legal aid, if the matter is being considered by the court.

Section 93

Further provisions

Further provisions on the submission and consideration of a request for an administrative review are issued by government decree.

Chapter 15

Entry into force

Section 94

Entry into force

This Act enters into force on 1 May 2015.

Section 95

Repealed acts

This Act repeals:

- 1) Act on Community Service (1055/1996);
- 2) Act on the Juvenile Punishment (1196/2004);
- 3) Act on the Supervision of Conditional Release (782/2005);
- 4) Act on the Supervision of Conditional Imprisonment (634/2010);
- 5) Act on the Monitoring Sentence (330/2011).

Section 96

Transitional provisions

The provisions in force at the time of making the relevant decision apply to the imposition, preparation and enforcement of a community sanction. The provisions of this Act apply, however, if the matter is taken up for reconsideration due to a breach of conditions or change in circumstances or for another corresponding reason after the entry into force of this Act.

The provisions in force at the time of the entry into force of this Act apply to any matter concerning a breach of conditions or a postponement or suspension of the enforcement pending at the time of the entry into force of the Act. The provisions in force at time of the entry into force of this Act apply to requests for a review of decisions made before the Act's entry into force.