



# Act relating to the execution of sentences etc.

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## Act relating to the execution of sentences etc.

### (The Execution of Sentences Act)

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

##### *§ 1. Scope of the Act*

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

##### *§ 2. Purpose*

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

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

##### *§ 3. Contents*

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

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

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

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

#### *§ 4. Administrative cooperation*

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

## **Chapter 2. Administrative provisions**

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

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

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

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

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

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

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

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

#### *§ 7. Rules of procedure*

The Public Administration Act applies subject to the following exceptions:

a) A convicted person, a prisoner or a person employed in the Correctional Services cannot act as an agent for a person who is serving a sentence or who is in custody pursuant to this Act.

b) The proceedings may be oral if necessary for reasons of time. This also applies to administrative decisions and information of such decisions that is to be given to convicted persons or prisoners.

c) A party is not entitled to inspect a document that contains information which it is deemed inadvisable in the interests of another person for the party to obtain knowledge of. Nor is the party entitled to become acquainted with information in a document if inspection thereof is inadvisable for security reasons, or in the interests of the investigation of criminal offences.

d) An exception may be made from the duty to give grounds for an administrative decision pursuant to section 24 of the Public Administration Act if such grounds will disclose information that is excepted from the right to inspection pursuant to paragraph c.

e) The time limit for an appeal in cases pursuant to this Act is seven days. This does not apply to cases concerning sanctions for breaches pursuant to section 40, first to sixth paragraphs inclusive, and section 58 first paragraph. In such cases the time limit is 48 hours.

f) No appeal can be brought against a decision to bring a case before the district court pursuant to section 44 second paragraph or section 58 second paragraph. The same applies to a decision of committal to prison pursuant to section 11.

g) The Norwegian Correctional Services and the regional level may, even though the time-limits in section 35 third paragraph of the Public Administration Act have been exceeded, of their own accord reverse a decision that has been made by a subordinate body to the detriment of a convicted person or prisoner if there are special reasons for doing so.

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

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

*§ 8. Requirements for employees, etc.*

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

#### *§ 9. Supervisory councils*

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

### **Chapter 3. Sentences of imprisonment and special criminal sanctions**

#### *§ 10. Forms of execution*

Sentences of imprisonment and special criminal sanctions may be executed

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

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

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

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