**INSTRUCTIONS**

**concerning cases where a probation obligation was imposed**

**under a conditionally discontinued criminal proceedings**

**Article 68. § 1 of the Criminal Code** The Court resumes the criminal proceedings if the perpetrator committed an intentional crime during the probation period for which they had been sentenced under a non-appealable judgement.

**§ 2.** The Court may resume criminal proceedings if the perpetrator, during the probation period, grossly violates the legal order, in particular if they commit an offence other than that referred to in § 1, or if they evade supervision, fulfilling the obligations or penal measures imposed, compensatory measures or forfeiture imposed, or they fail to satisfy the agreement entered into with the victim.

**§ 2a.** The Court resumes criminal proceedings if the circumstances referred to in § 2 arise after the perpetrator was given a written warning by the professional probation officer.

**§ 3.** The Court may resume criminal proceedings if the perpetrator, after the order conditionally discontinuing criminal proceedings has been rendered but before it becomes non-appealable, grossly violates the legal order and, in particular, if they have committed an offence during this period.

**Article 4 § 2 of the Criminal Enforcement Code** A sentenced person retains their civil rights and freedoms. They can only be limited when the law so provides and by a non-appealable judgement under the law.

**Article 5 § 2 of the Criminal Enforcement Code** A sentenced person is obliged to comply with the instructions given by the competent authorities to enforce the ruling.

**Article 169 § 1 of the Criminal Enforcement Code** A sentenced person is obliged to comply with the obligations imposed by the Court for the duration of the probation period.

**§ 3.** A sentenced person is obliged to appear as summoned by the Court or the probation officer and provide explanations as to the performance of obligations imposed on them, cannot change their permanent residence without the Court's consent, has to allow the probation officer to enter their house, and to inform the probation officer of any change in their place of employment.

Pursuant to the Regulation of the Minister of Justice of 13 June 2016 *on the manner and procedure of activities performed by court probation officers in criminal enforcement cases* (Dz.U.2016.969)

**§ 33.** The professional probation officer performs activities related to supervision over the sentenced person's fulfilment of the obligations imposed on them during the probation period.

**§ 34.**1. When supervising the fulfilment of the obligations imposed by the Court with a specified deadline, upon the expiry of the deadline indicated in the ruling, and if the sentenced person evades the fulfilment of the obligation imposed, the probation officer submits an appropriate application to the court, in particular to resume conditionally discontinued proceedings, order the enforcement of a conditionally suspended sentence of imprisonment, impose a substitutive penalty, or revoke a conditional release, or gives the sentenced person a written warning referred to in Article 173 § 4 of the Criminal Enforcement Code.

**2.** The probation officer, in particular, obtains information from the victim, entities and institutions or competent authorities on the manner in which the obligations imposed on the sentenced person have been fulfilled, with a specific deadline for their fulfilment.

**§ 35.1.** When supervising the fulfilment of regular obligations ordered by the Court, the probation officer:

**1)** obtains and reviews information from the sentenced person on the manner in which the obligations imposed are being enforced;

**2)** obtains information from the victims, entities, institutions or competent authorities on the manner in which the obligations imposed on the sentenced person have been implemented.

**2.** At least every 6 months and at the request of the court, the professional probation officer provides the court with information on the sentenced person's performance of the regular obligations imposed during the probationary period without supervision imposed.

**I declare that during the probation period I will reside at:**

...........................................................

(exact address of stay)

**I declare that I consent to communication by telephone and e-mail**

**phone no.:**

**e-mail:**

**I will notify the probation officer immediately if I change my residence address, telephone number or e-mail address, and if I intend to travel abroad.**

*…………………………………….*

*(date and signature of the perpetrator)*

Drawn up in two copies for:

- 1 signed copy; - sentenced person;

- 1 signed copy; - file record.