**INSTRUCTIONS**

**on enforcing the sentence of restricted liberty**

**in petty offences cases**

**Article 1 § 1 of the Criminal Enforcement Code** Rulings in criminal proceedings, proceedings concerning fiscal offences and fiscal petty offences, and proceedings concerning petty offences, and disciplinary penalties and coercive measures resulting in imprisonment are enforced in accordance with the provisions of this Code, unless the law provides otherwise.

**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 20 § 1 of the Code of Petty Offences** The sentence of restricted liberty lasts one month.

**§ 2** While serving the penalty of limitation liberty, the person subject to penal measure:

1/ may not change their permanent residence without the Court's consent, [...]

**2/** is obliged to perform unpaid, supervised community service,

3/ has a duty to give explanations about the course of the sentence.

**Article 23 § 1 of the Code of Petty Offences** If the person subject to penal measure evades performing the sentence of restricted liberty or their obligations, and if the punished person has served a portion of their sentence of restricted liberty, the Court orders the enforcement of a substitutive sentence of custody corresponding to the remaining duration of the sentence of restricted liberty, assuming that one day of substitutive custody is equivalent to two days of restricted liberty.

**Article 53 § 2 of the Criminal Enforcement Code** A sentenced person is obliged to diligently fulfil their obligations, and follow the rules of conduct of their place of work or stay

**Article 57 § 2 of the Criminal Enforcement Code** If the sentenced person fails to appear as summoned or, having been advised of the rights, obligations and consequences related to performing unpaid, supervised community service, declares to the professional court probation officer that they do not agree to undertake work, the probation officer submits to the court a request to impose a substitutive penalty.

**§ 3.** The provision of § 2 applies *mutatis mutandis* if the sentenced person fails to undertake work within the determined deadline or otherwise evades serving the sentence of restriction of liberty or performing the obligations imposed upon them.

**Article 60 of the Criminal Enforcement Code** The Court and the professional court probation officer may at any time request that the sentenced person provide explanations concerning the progress of the sentence of restricted liberty and summon the sentenced person to appear in person for this purpose.

**Article 62 § 1 of the Criminal Enforcement Code** The Court may postpone the enforcement of the sentence of restricted liberty for up to 6 months if the immediate enforcement of the sentence would entail too severe consequences for the sentenced person or their family.

**§ 2**. The Court postpones the enforcement of the sentence of restricted liberty if the sentenced person is called up for active military service, until the completion of such service. With regard to such sentenced person Court may apply the provisions of Article 336 § 3 and 4 of the Criminal Code accordingly.

**§ 3**. The Court may revoke the postponement of the enforcement of the sentence of restricted liberty if the reason for which it was granted ceases to exist or if the sentenced person does not use the postponement of the sentence in accordance with the purpose for which it was granted or grossly violates the legal order.

**Article 63 § 1 of the Criminal Enforcement Code** If the sentenced person's state of health prevents the enforcement of the sentence of restricted liberty, the Court grants a break in enforcing the sentence until the obstacle ceases.

**§ 2** The Court may grant a break of up to one year in the enforcement of the sentence of restricted liberty for the reasons referred to in Article 62 § 1 of the Criminal Enforcement Code.

**Article 63a of the Criminal Enforcement Code** In particularly justified cases, the Court may modify the form of the work obligation by accepting 20 hours of community service for the equivalent of 10% of the remuneration for work; the work ordered may not exceed 40 hours per month.

**Article 63c of the Criminal Enforcement Code**  For important reasons, in particular those justified by the remunerated work performed by the sentenced person or by their health, at the request of the sentenced person, once during the enforcement of the sentence of restricted liberty, the professional probation officer may issue a decision on the settlement of hours of unpaid, supervised community service in periods other than monthly, not exceeding the period of 6 months, and the period of the sentence imposed or the total number of hours of work performed during that period.

**Article 65a § 1 of the Criminal Enforcement Code** The Court may at any time suspend the enforcement of a substitutive sentence of imprisonment if the sentenced person states in writing that they will undertake to serve the sentence of restricted liberty and submit to its requirements; the suspension remains in effect until the sentence of restricted liberty has been served.

**§ 2.** If the sentenced person evades serving the sentence of restricted liberty, the Court orders the enforcement of a substitutive sentence of imprisonment.

**§ 6.** The enforcement of the same substitutive sentence of imprisonment under § 1 of the Criminal Enforcement Code may not be suspended again.

**Article 46 § 1 of the Code of Petty Offences** The penalty is deemed to be non-existent after 2 years from the enforcement or remission of the penalty or statute of limitations on its enforcement.

**§ 2.** If the person subject to penal measure, before the expiry of the period provided for in § 1, commits a new offence for which a penalty of custody, restriction of liberty or a fine has been imposed, the penalty for both offences is deemed to be non-existent after 2 years from the enforcement or remission of the penalty for the new offence or statute of limitations on its enforcement.

**§ 3.** If a criminal measure has been imposed, the penalty may not be deemed non-existent before it has been enforced, remitted or subject to statute of limitations.

**The probation officer advised the person subject to penal measure on the remaining obligations ordered by the Court and the time limits to fulfil them\***

**RIGHTS**

* penalties and preventive penal measures are enforced humanely and with respect for the human dignity of the sentenced person; torture or inhuman or degrading treatment or punishment of the convicted person are prohibited (Article 4 § 1 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 4 § 2 of the Criminal Enforcement Code),
* a sentenced person may apply for and participate in proceedings before the Court as a party, and file an appeal against orders rendered in the enforcement procedure, unless the law provides otherwise (Article 6 § 1 of the Criminal Enforcement Code).
* a sentenced person may file applications, complaints and requests to the enforcement authorities. When filing an application, complaint or request, the sentenced person is obliged to substantiate the demands contained therein to the extent that allows for them to be considered, in particular to attach relevant documents (Article 6 § 2 of the Criminal Enforcement Code),
* a sentenced person may appeal to the Court against a decision of the President of the Court, an authorized judge or professional court probation officer, or the head of probation service team on the grounds that it is unlawful, unless the law provides otherwise (Article 7 § 1 of the Criminal Enforcement Code).

Note

**Community service as part of a sentence of restricted liberty does not constitute work within the meaning of the Labour Code. The obligation to document the incapacity for work is binding upon the person subject to penal measure. Temporary periods of incapacity for work have to be documented with a relevant sick leave. The probation officer and the designated workplace have to be informed of the incapacity as soon as practicable. Upon undertaking unpaid, supervised community service, the person subject to penal measure is covered by accident insurance.**

**I declare that I will reside at:**

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

(exact address of stay)

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

**phone no.:**

**e-mail:**

*…………………………………….*

*(date and signature of the sentenced person)*

Drawn up in two copies for:

- 1 copy. – sentenced person;

- 1 copy. - file record.

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