**INSTRUCTIONS**

**on enforcing the sentence of restricted liberty**

**in criminal 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 34 § 2 of the Criminal Enforcement Code** While serving the penalty of limitation of liberty, the sentenced person:

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

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

**Article 35 § 2 of the Criminal Enforcement Code** Deduction of remuneration for work may be imposed on a person having employment; during the period for which the deduction is imposed; the sentenced person may not terminate employment without the Court's consent.

**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 61 § 1 of the Criminal Enforcement Code** If educational considerations so support, the Court may, during the sentence of restricted liberty, establish, extend or modify the obligations referred to in Article 34 § 3 of the Criminal Code, or exempt from the performance of such obligations.

**§ 2.** For the same reasons, the Court may reduce the number of hours of work performed on a monthly basis or the amount of monthly deductions from the remuneration for work ordered, but no more than up to the limit of the statutory minimum set out in Article 34 § 1a (4) and Article 35 § 1 of the Criminal Code.

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 63b. § 1 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, the Court may determine the settlement of hours of unpaid, supervised community service in periods other than monthly, not exceeding the period of the sentence imposed or the total number of hours of work performed during that period.

**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 83 of the Criminal Code** A person sentenced to restriction of liberty who has served at least half of the sentence imposed, respected the legal order, and satisfied the obligations, penal measures, compensatory measures, and forfeiture imposed on them, may be released by the Court from the remaining portion of the sentence, considering it as completed.

**Article 65 § 1 of the Criminal Enforcement Code** If the sentenced person evades serving the sentence of restricted liberty, the Court orders, and if the sentenced person evades paying the monetary benefit, or the obligations imposed under Article 34 § 3 of the Criminal Code, the Court may order the enforcement of a substitutive sentence of imprisonment. If the sentenced person has served part of the sentence of restricted liberty, the Court orders the enforcement of a substitutive sentence of restricted liberty corresponding to the remaining duration of the sentence of restricted liberty, assuming that one day of substitutive imprisonment is equivalent to two days of restricted liberty.

**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 may not be suspended again.

**Article 75a § 4 of the Criminal Enforcement Code** Conversion of a conditionally suspended sentence of imprisonment to a sentence of restricted liberty or to a fine does not release the sentenced person from the enforcement of penal measures, forfeiture, compensatory measures, or preventive measures imposed on them, even if a joint sentence is subsequently imposed.

**§ 5.** If the sentenced person evades the enforcement of the sentence of restricted liberty, the payment of the fine, the fulfilment of the obligations or the penal measures, forfeiture or compensatory measures imposed on them, the court revokes the conversion and orders the enforcement of the sentence of imprisonment.

**Article 107 § 4 of the Criminal Enforcement Code** A sentence of restricted liberty is expunged by operation of law   
after the expiry of three years from the enforcement or remission of the sentence or statute of limitations on its enforcement.

**§ 6.** If a criminal measure, forfeiture or compensatory measure has been imposed, the sentence may not be expunged before it has been enforced, remitted or subject to statute of limitations. The sentence may also not be expunged before the enforcement of the preventive measure.

**The probation officer advised the sentenced person 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 sentenced person. 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 sentenced person 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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