

## **Translation from Finnish**

**Legally binding only in Finnish and Swedish**

**Ministry of Justice, Finland**

## **Act on the Enforcement of Combination Sentences**

(801/2017)

By decision of Parliament, the following is enacted:

### **Chapter 1**

#### **General provisions**

#### **Section 1**

##### **Scope of application**

This Act lays down provisions on the substance and enforcement of a combination sentence. Provisions on the conditions for imposing a combination sentence are laid down in chapter 2c, section 11 of the Criminal Code (39/1889).

The provisions of the Imprisonment Act (767/2005) on the enforcement of imprisonment apply to the enforcement of unconditional imprisonment that is part of a combination sentence.

#### **Section 2**

##### **Purpose and substance of a supervision term**

The purpose of the one-year supervision term that is part of the combination sentence is to maintain and promote the social adjustment of the person serving the supervision term (*supervised person*) by means of a gradual and well-planned release.

During the supervision term, the supervised person is, as determined in the sentence plan, obliged to remain at his or her place of residence, abstain from using intoxicating substances, participate in pre-determined activities, submit to supervision, and comply with the other obligations laid down in this Act.

### **Section 3**

#### **Authority responsible for enforcement**

The Criminal Sanctions Agency is responsible for the enforcement of the supervision term of a combination sentence.

### **Section 4**

#### **Obligation to remain at the place of residence**

The supervised person shall remain at his or her place of residence referred to in section 8 for a set number of hours per day as given in the sentence plan and in the weekly schedule; however, at most nine hours a day. The time during which the supervised person is obliged to remain at his or her place of residence shall be between the hours of 21.00 and 06.00, unless the nature of the activities referred to in section 6 or permission to deviate temporarily from the sentence plan, referred to in section 14, gives reason to act otherwise.

A supervision term may also be enforced at some other suitable premises where the supervised person is placed for treatment or rehabilitation or for some other corresponding reason. The provisions of this Act concerning the place of residence apply to such a place.

### **Section 5**

#### **Abstinence from the use of intoxicating substances**

The supervised person must not be under the influence of alcohol or any other intoxicating substance 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 of the supervision term, or at any event required for the enforcement.

The supervised person must not use any drug referred to in section 3, subsection 1 of the Narcotics Act (373/2008) during the supervision term.

## **Section 6**

### **Participation in activities**

An obligation to work or participate in supervision appointments, rehabilitation, activity programmes or other corresponding activities that maintain and promote the supervised person's social skills and ability to lead a life without crime is set out for the supervised person in the sentence plan. The activities shall be such that they can be reliably supervised.

The appointments or other activities falling under the obligation to participate in activities must not take place between the hours of 21.00 and 06.00, unless otherwise determined in the sentence plan due to the nature of the work or activity. The supervised person shall be obliged to participate in the activities for at least five and at most 50 hours per week. Rules and conditions concerning the activities are laid down in the sentence plan referred to in section 8.

## **Section 7**

### **Supervision**

Compliance with the sentence plan drawn up for the supervision term is supervised with technical devices that are given into the possession of the supervised person or attached to his or her wrist, ankle or waist, or with a combination of such devices.

A technical device used for supervision 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 supervised person and arrange meetings between the supervisor and the supervised person. The purpose of the meetings is to keep track of any possible changes in the supervised person's situation and to support him or her in serving the sentence. The substance of the supervision and its technical implementation are determined case by case, based on the supervised person's need for supervision. Provisions on the control of the use of intoxicating substances are laid down in section 13.

Attraction of undue attention shall be avoided in the supervision. Supervision 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.

## **Chapter 2**

### **Preparation for placement under supervision**

#### **Section 8**

##### **Sentence plan and schedule**

The Criminal Sanctions Agency draws up a sentence plan for the supervision term well before the prisoner is placed under supervision as part of the combination sentence. The prisoner shall have the right to be heard when the plan is being prepared.

The sentence plan shall indicate the start and end date of the supervision term. The sentence plan contains rules and conditions on:

- 1) the place of residence of the supervised person and the time during which the person is obliged to remain there;
- 2) the obligation to participate in activities, the weekly number of hours, and the necessary travel times;
- 3) the obligation of the supervised person to abstain from using intoxicating substances;
- 4) supervision and the technical devices required for the supervision;
- 5) supervision appointments;
- 6) any possible restrictions on the movement of the supervised person in a specified area or restrictions on his or her meetings with an accomplice or another specified person;
- 7) communication between the supervised person and the Criminal Sanctions Agency;
- 8) support measures promoting appropriate enforcement of the supervision;
- 9) any other obligations of the supervised person that are necessary for the enforcement of the combination sentence.

In addition, the Criminal Sanctions Agency draws up a weekly schedule for the duration of the supervision term.

The sentence plan shall be prepared, to the extent necessary, in cooperation with the social welfare, health, housing and employment authorities of the prisoner's municipality of residence or domicile, with other authorities, and with private organisations and persons.

The sentence plan is served personally on the prisoner. The rules and conditions and the obligations related to the supervision term, sanctions for breaching them, and other information

necessary for the enforcement of the supervision term shall be thoroughly explained to the prisoner.

## **Section 9**

### **Preparations for enforcement of a supervision term**

The Criminal Sanctions Agency is responsible for ascertaining that the premises where the activities referred to in section 6 take place are suitable for the enforcement of a supervision term.

For the purposes of enforcing a supervision term, the Criminal Sanctions Agency has, where necessary, the right to be in contact with authorities and private organisations related to the enforcement of a supervision term in matters concerning the determination of conditions for a supervision term or compliance with the rules and conditions.

When reconciling support measures that are required for the supervision term of a combination sentence, municipalities bear the expenses for basic municipal services. The Criminal Sanctions Agency bears the expenses arising from activities related to the enforcement of the combination sentence.

Before confirmation of the rules and conditions laid down in a sentence plan of a prisoner to be placed under supervision, an assessment centre of the Criminal Sanctions Agency shall request a unit of the Health Care Services for Prisoners to assess the risk of the prisoner committing a violent offence.

## **Section 10**

### **Hearing of persons other than the prisoner**

A prerequisite for the enforcement of the supervision term of a combination sentence is that the adults living in the same residence with the prisoner consent, of their own free will, to the enforcement of the supervision term at the residence. The consent shall be given in writing.

The opinion of persons under 18 years of age living in the same residence with the prisoner shall also be ascertained. Where necessary, the hearing of a minor shall be arranged in cooperation with child welfare authorities in the manner provided in section 20 of the Child Welfare Act (417/2007). The enforcement of a supervision term 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 11**

### **Revocation of consent**

If an adult living at the same residence with a person sentenced to a combination sentence revokes his or her consent referred to in section 10, for justifiable reasons and in writing, the Criminal Sanctions Agency shall determine whether the supervision term could be enforced at some other place of residence.

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.

If a suitable residence for the enforcement of the combination sentence is not found, the provisions of section 16 on an impediment apply.

## **Chapter 3**

### **Obligations of a supervised person and supervision of compliance with them**

## **Section 12**

### **General obligations of a supervised person**

A supervised person is obliged to:

- 1) remain at his or her place of residence referred to in section 4, abstain from the use of intoxicating substances as referred to in section 5, participate in the activities referred to in section 6 in the manner specified in the sentence plan, and submit to the supervision of the supervision term as referred to in section 7;
- 2) comply with the sentence plan and the weekly schedule;
- 3) report to a unit of the Criminal Sanctions Agency or to a police department in a manner determined by the Criminal Sanctions Agency;
- 4) provide any information on his or her use of medication to the Criminal Sanctions Agency insofar as the information is necessary for the enforcement of the supervision term;
- 5) handle the supervision devices referred to in section 7, subsection 1 with care and comply with their instructions for use.

## **Section 13**

### **Control of the use of intoxicating substances**

For the purposes of controlling the use of intoxicating substances, the supervised person is obliged to take a breath test and provide a saliva or urine sample whenever requested. To provide a urine sample, the person may be obliged to visit a unit of the Criminal Sanctions Agency, a unit of the Health Care Services for Prisoners, 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 the supervised person is under the influence of alcohol or some other intoxicating substance at a supervision appointment, a place of activity or an event required for the enforcement of the supervision term referred to in section 5, 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 sample referred to in subsection 1 to be taken, unless the sentenced person requests it. A supervised person who, without a valid reason, refuses to take a breath test or to provide a saliva or urine sample may be ordered to provide a blood sample.

If it is detected, based on a saliva or urine sample, that the supervised 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 reason to suspect the validity of a negative quick test.

## **Section 14**

### **Permission to deviate temporarily from a sentence plan**

A supervised person may, in an individual case, be given permission to deviate from a rule or condition laid down in the sentence plan, if this is necessary for a reason related to his or her family, healthcare, or subsistence, or if the supervised person needs to attend to a matter relating to his or her work, education, social welfare or housing, or for some other similar acceptable reason. The supervised person shall apply to the Criminal Sanctions Agency for permission to deviate from the sentence plan well in advance.

The supervised person has the right to deviate from a rule or condition laid down in the sentence plan without prior permission, if this is necessary in an individual case because of his or her sudden illness or for some other compelling and unforeseeable reason affecting the enforcement of the combination sentence. In such a case, the supervised person shall notify the Criminal Sanctions Agency of the matter without delay. Provisions on a decision to be made due to such a notification are laid down in section 29.

## **Section 15**

### **Amendments to a sentence plan**

A sentence plan may be amended if the circumstances have changed fundamentally or for some other comparable reason.

A sentence plan may also be amended to redefine the need for supervision or the obligations set for the supervised person, if it is justified to do so, taking into consideration how the supervised person has coped with the obligations.

The supervised person shall have the right to be heard when his or her sentence plan is being amended. The provisions of section 8, subsection 5 apply to the service of the amended sentence plan and to the obligation to explain the amendments to the supervised person.

## **Section 16**

### **Impediment to the enforcement of a supervision term**

If the supervised person moves to another residence or the circumstances in his or her current residence change so that the enforcement of the supervision term cannot be continued there, the Criminal Sanctions Agency shall investigate whether the supervision term could be enforced at some other residence or in some other place to be assigned to the supervised person in the sentence plan.

If the enforcement of the supervision term cannot be continued or if sufficient supervision cannot be arranged due to an impediment referred to in subsection 1 or due to an illness or accident requiring inpatient care or some other comparable impediment, the supervised person shall be detained as provided in section 24.

If the Criminal Sanctions Agency considers that there is an impediment referred to in subsection 1 or 2 to the enforcement, it shall, without delay, take measures to refer the matter to a prosecutor for consideration. If the prosecutor considers that there is an impediment to the enforcement of the supervision term, the prosecutor shall refer the matter to a court for decision without delay. If the court finds that there is an impediment to the enforcement, it converts the remainder of the supervision term into unconditional imprisonment. Provisions on the procedure are laid down in section 26.

## **Section 17**

### **Security check**

A security check of a supervised person may be carried out to ensure the safety and security of the enforcement of the supervision term of a combination 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 supervised 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 safety and security or the possession of which is prohibited in or under the 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 supervised person without delay, 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 18**

### **Breach of obligations**

If the supervised person is in breach of the obligations specified in section 12 or 13, the Criminal Sanctions Agency shall issue a written warning to him or her. In connection with issuing a warning, the supervised 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 supervised person may be issued with a reprimand instead of a warning.

When suspecting a breach of obligations, the Criminal Sanctions Agency shall investigate the matter.

Authorities and private organisations involved in the enforcement of a supervision term may, without prejudice to secrecy provisions, inform the Criminal Sanctions Agency if they discover that a supervised person has breached the rules and conditions set out in the sentence plan.

## **Section 19**

### **Serious breach of obligations**

A breach of obligations by a supervised person is considered serious, if the supervised person repeatedly:

- 1) arrives at an event that is related to the supervision term under the influence of an intoxicating substance;
- 2) tries to prevent the technical supervision devices from functioning;
- 3) spends time elsewhere than in the permitted area specified in the sentence plan.

A breach of obligations is also considered serious if the supervised person breaches the obligations laid down in section 12 or 13 in a manner that shows apparent disregard towards the serving of the supervision term.

If the supervised person seriously breaches his or her obligations in the manner referred to in subsection 1 or 2, the supervised person may be detained as provided in section 24.

When the Criminal Sanctions Agency suspects that a supervised person has breached his or her obligations, it shall without delay investigate the matter and, if it discovers that a serious breach of the obligations has taken place, it shall submit the investigation report to the prosecutor. If the prosecutor considers that the supervised person has seriously breached his or her obligations, the prosecutor shall refer the matter to a court for decision without delay. If the court finds that the supervised person has seriously breached his or her obligations, it converts the remainder of the

supervision term into unconditional imprisonment. Provisions on the court procedure are laid down in section 26.

## **Section 20**

### **Bringing a supervised person in for investigation of a breach of obligations**

If a supervised person fails to arrive at a supervision appointment without a valid reason approved by a public official of the Criminal Sanctions Agency, or if the supervised person is suspected of having breached the obligations specified in the sentence plan in some other manner, and it is likely that he or she will evade the investigation of the matter, the supervised person may be brought to the next appointment to be determined by a public official of the Criminal Sanctions Agency in order to clear up the matter. The police shall provide executive assistance when bringing someone in, unless this is considered manifestly unnecessary.

The person ordered to be brought in may be apprehended and detained six hours before the supervision appointment at the earliest. Attraction of undue attention shall be avoided when bringing in a supervised person.

Provisions on the power of decision concerning bringing someone in are laid down in section 29.

## **Section 21**

### **Use of force**

When performing an official duty related to the enforcement of a supervision term, a public official of the Criminal Sanctions Agency has the right to use force to prevent an offence directed against life or health, or to prevent some other act or incident threatening the health of a person, to perform a supervision or inspection task, and to remove supervision devices.

Force shall be necessary and justifiable considering the circumstances. In assessing the justifiability, the importance and urgency of the task, the dangerousness of the resistance, the resources available, and any other issues affecting the overall assessment of the situation shall be taken into consideration.

Only public officials who have received relevant training may use instruments of force.

The provisions of chapter 4, section 6, subsection 3 and section 7 of the Criminal Code apply to excessive use of force.

## **Section 22**

### **Time counted as part of the supervision term**

If a supervised person breaches the obligation to remain at his or her place of residence, referred to in section 4, the period from the beginning of the day following the breach until the end of the day on which the supervised person returned to the residence or was apprehended to be returned to the residence or to be detained is not counted as part of the supervision term served. If the supervised person has had a compelling reason referred to in section 14, subsection 2 for leaving the residence, the period is, however, counted as part of the supervision term served. A period of the supervision term not served due to an impediment referred to in section 16 is also counted as part of the term of sentence.

The period of time that the supervised person has been held in detention is counted as part of the supervision term served.

If a supervised person is, during the supervision term, remanded because of a suspected offence, the time spent on remand is counted as part of the term of the combination sentence.

## **Section 23**

### **Reference provisions**

In addition to what is provided in this Act, the provisions laid down in sections 7, 8 and 57 of the Act on the Enforcement of Community Sanctions (400/2015) on a supervisor and an assistant supervisor, on the duties of a supervisor and an assistant supervisor, and on the organisation of central monitoring shall be observed in the enforcement of a supervision term of a combination sentence.

The provisions on the processing of personal data laid down in section 6, subsections 3–5 of the Act on the Criminal Sanctions Agency (1069/2015) shall be observed in the processing of data related to the enforcement of a supervision term of a combination sentence.

If a supervised person commits an offence outside the prison, the provisions of chapter 2, section 13, subsection 2 of the Criminal Code shall be observed.

## **Chapter 4**

### **Procedural provisions and detention**

#### **Section 24**

##### **Detention of a supervised person**

As a precautionary measure with the aim of securing the enforcement of a sentence, a supervised person is detained if there is an impediment to the enforcement of the supervision term or if the supervised person is, with probable cause, suspected of having seriously breached his or her obligations, and the precautionary measure is deemed necessary because of the impediment or for the purposes of investigating the breach. The detained person shall be taken to the nearest prison or to the prison where he or she served the prison term of the combination sentence.

The Criminal Sanctions Agency shall, without delay and on the day following the detention at the latest, notify the district court of the municipality where the person is detained of the matter or the district court of the judicial district where the person serving a combination sentence resides or permanently lives, or, in an urgent case, also notify some other district court as provided in more detail by a decree of the Ministry of Justice. The notification shall be made in writing. The notification may also be given orally or by telephone. A notification given in this manner shall be confirmed in writing without delay.

The provisions of the Imprisonment Act apply to the treatment of a detained person. Provisions on the power of decision are laid down in section 29, subsection 6.

#### **Section 25**

##### **Detention hearing at court**

A district court shall take a detention matter up for consideration without delay and within four days of the detention at the latest. A district court decision concerning detention is in force until the district court passes a decision concerning the conversion of a supervision term into imprisonment. The district court shall order the detained person to be released if there are no

grounds for holding him or her in detention. The district court has a quorum with only the chairperson present.

At the detention hearing, the Criminal Sanctions Agency shall present the district court with an account of the grounds for detention. The detained person shall be present at the district court hearing, and he or she shall have the right to be heard concerning the grounds for holding him or her in detention. If the district court deems it appropriate, a detention matter may, however, be considered without the detained person or a representative of the Criminal Sanctions Agency being present in the courtroom by using video conferencing or other suitable technical means of communication in which the participants are in audio and visual contact with each other.

The detained person has the right to be assisted by legal counsel, and a defence counsel shall be appointed for the detained person if he or she so requests. The provisions of chapter 2 of the Criminal Procedure Act (689/1997) apply, as appropriate, to the appointment of a defence counsel by virtue of office and to the defence counsel also in other respects.

The provisions governing the consideration of a request for remand apply, as appropriate, to the detention procedure. A decision on detention is not subject to appeal. The detained person may lodge a complaint against the decision of a district court. There is no deadline for lodging a complaint. The complaint shall be considered urgently.

## **Section 26**

### **Conversion of supervision term into imprisonment**

Provisions on the grounds for converting a supervision term into unconditional imprisonment are laid down in sections 16 and 19. The minimum length of a supervision term to be converted into imprisonment is four days.

A matter concerning conversion of a supervision term into imprisonment shall be considered urgently at the district court that considered the criminal matter in question as the court of first instance, at the district court of the judicial district where the person is being held in detention in prison, or at the district court of the judicial district where the sentenced person resides or permanently lives. The district court has a quorum with only the chairperson present. In other respects, the provisions governing the criminal procedure apply.

An appeal against a court decision shall be considered urgently. A court decision may be enforced regardless of appeal.

## **Section 27**

### **Conversion scale**

When converting a supervision term into unconditional imprisonment, one day of an unserved supervision term is equal to one day of imprisonment. A partly served day of a supervision term is considered fully served. In other respects, the provisions of chapter 3, section 1 of the Imprisonment Act apply to the calculation of the supervision term of a combination sentence.

## **Section 28**

### **Continuing to serve a supervision term that was converted into imprisonment**

The Criminal Sanctions Agency may allow a sentenced person whose supervision term has been converted into imprisonment to continue serving the supervision term, if the sentenced person's ability to serve the supervision term has improved so that there are reasonable grounds to expect that he or she can complete it. An assessment centre of the Criminal Sanctions Agency issues an opinion on whether the sentenced person is able to complete the supervision term. In such a case, the length of the supervision term to be served is equal to the unserved part of the supervision term before it was converted into imprisonment, from which the period spent in prison is deducted.

In connection with an assessment of the continuation of the supervision term, the assessment centre of the Criminal Sanctions Agency shall take the measures referred to in sections 8–10 within three months of issuing the decision on conversion, and from there onwards at least every three months.

## **Chapter 5**

### **Provisions on power of decision**

#### **Section 29**

##### **Power of decision**

An assessment centre of the Criminal Sanctions Agency confirms the sentence plan referred to in section 8 and decides on amendments to the sentence plan referred to in section 15.

The enforcement director, the head of enforcement or some other public official specified in the rules of procedure is responsible for calculating the term of the sentence and for determining the time counted as part of the term of the sentence referred to in section 22.

The prison director, the public official in charge of security or activities determined in the rules of procedure, or the director of a community sanctions office or a deputy director determined in the rules of procedure decides on:

- 1) the taking of a blood sample referred to in section 13, subsection 2;
- 2) permission to deviate temporarily from the sentence plan referred to in section 14, subsection 1;
- 3) the decision to be made due to a notification referred to in section 14, subsection 2;
- 4) investigation and referral of a matter to the prosecutor referred to in section 16;
- 5) a written warning referred to in section 18, subsection 1;
- 6) investigation and submission of an investigation report to the prosecutor referred to in section 19;
- 7) submission of a notification referred to in section 24, subsection 2 to a district court;
- 8) compensation for travel costs referred to in section 33.

The director of a community sanctions office or the deputy director determined in the rules of procedure decides on a warrant of apprehension referred to in section 34.

A public official of the Criminal Sanctions Agency decides on a security check and the removal of objects and substances found during a security check referred to in section 17, on an investigation referred to in section 18, subsection 2, and on the control of the use of intoxicating substances referred to in section 13 except for the taking of a blood sample.

A public official with the power of arrest referred to in chapter 2, section 9 of the Coercive Measures Act decides on the bringing in of a person referred to in section 20 at the request of the Criminal Sanctions Agency and on the detention of a supervised person referred to in sections 16 and 19.

The Central Administration of the Criminal Sanctions Agency decides, upon the proposal of the prison director, where to place a sentenced person to serve the remainder of the supervision term referred to in section 28.

## **Section 30**

### **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. Public officials of the Criminal Sanctions Agency have the right to obtain executive assistance from public officials with the power of arrest for detention referred to in sections 16 and 19.

## **Chapter 6**

### **Miscellaneous provisions**

## **Section 31**

### **Prohibition of applying provisions on conditional release and probationary liberty under supervision**

The provisions governing conditional release and probationary liberty under supervision are not applied to the enforcement of a combination sentence.

## **Section 32**

### **Termination of a combination sentence**

A combination sentence has been served in full when the supervision term or a supervision term converted into imprisonment has been served. A supervised person who has served his or her sentence in full shall be provided with certification stating that he or she has served the combination sentence.

When the supervision term ends, on the date specified in the sentence plan, the supervised person shall arrive at a unit of the Criminal Sanctions Agency to return the technical devices used in the enforcement of the supervision term and for other procedures related to the release. The supervision term may also be terminated in connection with a supervision appointment or some other meeting. In such a case, a public official of the Criminal Sanctions Agency turns off the technical devices used in the enforcement of the supervision term and takes them into his or her possession, and provides the person who has served the sentence with the release documents.

### **Section 33**

#### **Travel costs**

Necessary travel costs related to the supervision of the enforcement are paid to the supervised person from state funds.

Travel costs incurred in connection with activities referred to in section 6, subsection 1 may also, in an individual case, be paid from state funds, if this is justifiable due to the supervised person's lack of means or the reason for incurring the costs.

The compensation is calculated based on costs incurred using the cheapest mode of public transportation.

### **Section 34**

#### **Warrant of apprehension**

The Criminal Sanctions Agency issues a warrant of apprehension for a supervised person if the person is to be detained but he or she cannot be found and his or her whereabouts cannot be established.

### **Section 35**

#### **Request for review**

A supervised person may request an administrative review or a judicial review, by appeal, of a decision of the Criminal Sanctions Agency that concerns:

- 1) permission to deviate temporarily from an obligation laid down in the sentence plan referred to in section 14;

- 2) the removal of objects or substances found during a security check referred to in section 17;
- 3) a written warning referred to in section 18;
- 4) time counted as part of the term of sentence referred to in section 22;
- 5) compensation for travel costs referred to in section 33;
- 6) some other decision referred to in section 5 of the Administrative Judicial Procedure Act (586/1996) issued under this Act, unless a request for review is prohibited under section 36 of this Act.

A region director of the Criminal Sanctions Agency decides on a request for an administrative review in matters referred to in subsection 1, paragraphs 1–4 and 6. A request for an administrative review in matters referred to in subsection 1, paragraph 5 is decided by an enforcement director of the Criminal Sanctions Agency, unless the case concerns a decision made by him or her.

A written request for an administrative review shall be submitted within seven days from the date of service of the decision. The request is submitted to the region director, the director of a community sanctions office or the prison director. In the case of a decision referred to in subsection 1, paragraph 5, the request is submitted to the enforcement director of the Criminal Sanctions Agency. A request for an administrative review shall be considered urgently. In other respects, the provisions of sections 91 and 92 of the Act on the Enforcement of Community Sanctions apply to the consideration of a request for an administrative review.

## **Section 36**

### **Prohibition of request for review**

A supervised person may not request an administrative review of or appeal against a decision of the Criminal Sanctions Agency that concerns:

- 1) the sentence plan referred to in section 8;
- 2) amendments to the sentence plan referred to in section 15;
- 3) a decision to continue to serve a supervision term or converted imprisonment referred to in section 28.

## **Section 37**

### **Appeal to an administrative court**

A decision made by the region director or the enforcement director due to a request for an administrative review and other decisions made by the enforcement director may be appealed to an administrative court as provided in the Administrative Judicial Procedure Act. The appeal is lodged with the administrative court of the judicial district where the region director passed the decision due to a request for an administrative review. An appeal against a decision of the enforcement director is lodged with the Helsinki Administrative Court.

The appeal shall be lodged within 14 days from the date of service of the decision. In other respects, the provisions of sections 89–92 of the Act on the Enforcement of Community Sanctions apply to the consideration of an appeal.

## **Section 38**

### **Further provisions**

Further provisions on the following may be laid down by government decree:

- 1) drawing up and processing of documents related to the supervision term of a combination sentence and the contents of such documents;
- 2) security checks and the records of such;
- 3) detection and documentation of a suspected intoxication of a supervised person;
- 4) investigation and documentation of a breach of obligations;
- 5) activities that can be approved as activities referred to in section 6;
- 6) security checks and registration of objects and substances to be handed over to the police;
- 7) format and contents of a detention decision;
- 8) permissible instruments of force;
- 9) compensation for travel costs incurred to the supervised person;
- 10) determination of the date of release.

The Central Administration of the Criminal Sanctions Agency may issue further provisions on:

- 1) preparation of the supervision term;
- 2) serving of the supervision term;
- 3) grounds for deviating from the obligation to participate in activities;

- 4) compelling and unforeseeable situations referred to in section 14, subsection 2 and the contents of the notification referred to in that subsection;
- 5) procedures to be followed during the release.

## **Section 39**

### **Entry into force**

This Act enters into force on 1 January 2018.

Provisions in force upon the entry into force of this Act apply to an offence committed before the entry into force of this Act and on the sentence imposed for such an offence.