

The Prison Treatment Act



The Prison Treatment Act⁽¹⁾

The Act, reference number SFS 1974:203, first entered into force on 1 July 1974. Since then various amendments have been made to different sections of the Act. All Swedish Acts are referred to by the letters SFS⁽²⁾ followed by a year and reference number. In this translation the Acts that have amended the Prison Treatment Act are shown in italics at the end of the respective Sections together with their SFS reference number. The present translation is of the Swedish

text (SFS 2007:109) as at September 2007⁽³⁾ and contains the latest amendment, SFS 2006:1493. At present only certain parts of the Act are written using gender neutral terminology. Nevertheless, male gender terminology in other parts of the Act is to be understood as including the female gender. The intention is ultimately to extend gender neutral terminology to the entire text.

Chapter 1 – General Provisions

Section 1

This Act regulates treatment in prison following a sentence to imprisonment. The Act also applies to sojourns away from the prison under Sections 14, 32, 37, 38, 43 and 54. The provisions of Sections 12, 17, 18, 20-32, 36, 38, 40 and 52-52d do not apply to a person subject to a release measure of the kind referred to in Section 54, first paragraph and sub-Sections 2-4. The provisions of this Act shall also apply to a person committed to prison in respect of unpaid fines.

The provisions concerning the implementation of a sentence to imprisonment in certain cases are dealt with in the Act on Intensive Supervision with Electronic Monitoring (1994:451). (SFS 2006:432).

Section 2

Annulled by SFS 2005:971.

Section 3

Prisons or prison wings shall be designated as either open or closed depending on the degree of security they afford. For the purpose of the placement of prisoners referred to in Section 20a, a closed wing can be converted into a security wing having special surveillance arrangements and limited association between inmates.

The Government or an **administration** designated by the Government shall decide which prisons or wings of prisons shall be open or closed and which closed wings shall be security wings.

The provisions of the present Act concerning open or closed prisons shall also apply to the open or closed wings respectively of any prison. (SFS 1998:599).

Section 4

Prison treatment shall be so devised as to promote the prisoner's adjustment in society and counteract the detrimental consequences of deprivation of liberty. Prison treatment should be directed from the outset towards measures that prepare the prisoner for life outside prison insofar as this can be achieved without neglecting the need to protect the community. Release from prison shall be prepared for in good time. (SFS 1981:213).

Section 5

Prison treatment shall be planned and carried out with close collaboration between the various units of the Prison and Probation Service. Insofar as the achievement of treatment goals requires a contribution from other social bodies, the necessary collaboration shall be arranged with representatives of such bodies.

The planning of a prisoner's treatment shall take place in consultation with the prisoner. The prisoner's close relatives shall also be consulted when this can be conveniently arranged. The prisoner shall be given an opportunity to express an opinion on any planned measures that particularly affect him or her unless extraordinary reasons make such a course undesirable.

Provisions on the duty to report to a Social Welfare Board that a child is in need of the board's protection are contained in Chapter 14, section 1 of the Social Welfare Act (2001:453). (SFS 2003:410.)

Section 6

Annulled by SFS 1995:492.

(1) The Act in its present form entered into force on 1 January 2007.

(2) Svensk författningssamling. In translation, Swedish Collected Acts.

(3) The translation has been made by Norman Bishop.

Section 7

The following shall be observed when placing prisoners in open or closed prisons. A prisoner should be placed in an open prison if no other placement is required for reasons of security or in order to allow the prisoner to undertake some form of work, education or treatment which cannot be suitably provided in an open prison.

When assessing whether security considerations require placement in a closed prison, consideration shall be given, inter alia, to whether there is danger that the prisoner will abscond or continue with criminal activity. In addition, the prisoner should ordinarily be placed in a closed prison if there is a risk that he or she may misuse drugs or in some other way deal with drugs during enforcement of sentence.

A prisoner sentenced to imprisonment for at least four years shall have the conditions for the enforcement of sentence in regard to placement in a prison and leaves or other sojourns outside the prison especially decided in accordance with the provisions of Sections 11, 14, 32 and 54. If there are special reasons for doing so such conditions shall also be decided on for a prisoner sentenced to imprisonment for at least two years.

Assessment of which special conditions shall apply during enforcement under the third paragraph above shall be undertaken as soon as enforcement begins or otherwise as soon as the need to do so becomes apparent. The conditions shall be reviewed whenever there is reason to do so.

Decisions on prison placement, transfer to another prison and sojourns away from the prison under Sections 14, 32 and 54 that are in conflict with any special conditions may not be taken. (SFS 2006: 432).

Section 7a

With allocation to the same type of prisons, prisoners in need of the education or treatment provided at a particular prison shall, if it is otherwise appropriate, be placed in that prison. Furthermore, efforts shall be made to ensure an allocation likely to promote a purposeful planning for release. (SFS 1995:492).

Section 8

A prisoner under 18 years of age may not be placed in a prison where he or she comes into contact with prisoners over 18 years old unless this is considered to be in his or her best interest. He or she shall be kept separate from prisoners who can have a detrimental effect on his or her adjustment in the community.

A prisoner who has attained 18 but not 21 years of age shall, unless special reasons dictate another course of action, be kept separate from prisoners who can have a detrimental effect on his or her adjustment in the community.

A prisoner who has not reached 21 years of age and who has not been placed in an open prison shall preferably be placed in a prison with special activities for young prisoners. (SFS 1998:599).

Section 8a

A woman shall ordinarily be placed in a prison designated for women only. A woman may not be placed without her agreement in a prison where men are placed. (SFS 1998:599).

Chapter 2 – Detailed provisions on prison treatment

Section 9

A prisoner shall be treated with respect for his human dignity and with understanding for the special difficulties connected with a sojourn in prison.

A prisoner must show consideration for prison staff and for fellow-prisoners. He shall observe the rules that are in force at any particular prison and follow the instructions given them by prison staff.

Section 10

During working hours a prisoner shall be given the opportunity to work, receive education, engage in training or undertake vocational training or other specially arranged form of activity that seeks to counteract criminality or drug misuse, or take part in any other activity that as far as possible will improve his or her possibilities to adjust in the community after release.

A prisoner in need of psychiatric or other special form of treatment shall be provided with the opportunity to receive such treatment if this can be arranged having regard to the length of stay in prison and his or her personal capacities. If feasible such treatment shall be provided during working hours. (SFS 1998:599)

Section 11

Annulled by SFS 2006:432

Section 12

A prisoner is obliged to take part in the activities or occupation required of them. A prisoner in receipt of a pension under the Act on Income-based Pensions (1998:674) or the Act on Guaranteed Pensions (1998:702)⁽⁴⁾ may not be obliged to undertake an occupational activity. A prisoner in receipt of a disability or sickness benefit under the National Insurance Act (1962:381) may be obliged to undertake an occupational activity only of a nature and scope that can be considered appropriate for him or her. (SFS 2002:307).

Section 13

A prisoner shall be given opportunities for physical training that is suited to his age and state of health.

A prisoner shall be given an opportunity to spend at least one hour each day in the open air if no special difficulties prevent this.

Section 14

A prisoner shall be afforded opportunities for appropriate leisure activities. He should be encouraged to develop interests that can contribute to personal development. Insofar as convenient arrangements can be made, a prisoner should have the opportunities to follow events in the outside world through newspapers, radio and television. His need for recreation should be satisfied to a reasonable extent.

Where suitable arrangements can be made, a prisoner should be given opportunities to take part during leisure time in club or similar activities away from the prison that seek to promote adjustment in the community after release. For these sojourns away from the prison, such conditions as are deemed necessary may be imposed. In this connection, a requirement may be that the prisoner is placed under supervision.

Such sojourns outside the prison may not be authorised if because of certain circumstances it can be feared that the prisoner will abscond, relapse into criminal activity or misuse alcohol, drugs, other addictive drugs or a doping substance referred to in Section 1 of the Act Prohibiting Certain Doping Substances (1991:1969) or substances referred to in the Act Prohibiting Certain Substances Harmful to Health (1999:42).

It follows from Section 7 that periods away from the prison under the second paragraph above may not be authorised in conflict with any special conditions that are applicable to the enforcement. (SFS 1999:46).

Section 15

A prisoner wishing to practise his religion in prison shall be given opportunity to do so to the extent that suitable arrangements can be made.

Section 16

Annulled by SFS 2001:510

Section 17

A prisoner shall be in association with other prisoners during working hours unless other provisions in this Act

or the special nature of the work require otherwise. If a number of prisoners at a closed prison simultaneously refuse to carry out the work assigned to them, their association may be restricted to the extent that is unavoidably necessary having regard to the conditions at that prison.

A prisoner may spend as much of his free time as he wishes in the company of other prisoners unless it follows otherwise from the provisions of this Act. At closed prisons, however, association between prisoners may be restricted if this is unavoidably necessary having regard to the conditions existing at a particular prison.

Prisoners may be kept separate from each other in connection with daily rest and sleep. (SFS 1990:1011).

Section 18

A prisoner may be held separately from other prisoners at his or her request if there are suitable grounds to allow this and there are no special reasons against doing so. Permission for such separation shall be reviewed as often as there are grounds for doing so, but at least once monthly.

A doctor shall examine any prisoner who at his or her request is held separate from other prisoners in accordance under paragraph 1 if this is necessary because of his or her state of health. Such an examination shall always take place if the prisoner has been continually separated from association with other prisoners for a period of one month. (SFS 1998:599)

Section 19

Annulled by SFS 1976:50.

Section 20

A prisoner may be kept separate from other prisoners if this is necessary

- 1 with regard to national security, a present danger to the life or health of the prisoner or of some other person or persons, or serious damage to prison property;
- 2 to prevent the prisoner from influencing another prisoner to seriously disturb good order within the prison;
- 3 to prevent the prisoner from helping another prisoner to gain access to intoxicating substances;
- 4 to prevent the prisoner from seriously molesting another prisoner;
- 5 to carry out a decision on a body examination.

⁽⁴⁾ Guaranteed pensions are payable to persons who had a low or no income. (Translator's note.)

A prisoner sentenced to at least two years imprisonment who has been placed in a closed prison may be kept separate from other prisoners if it can be feared that he or she is planning to escape or that others are planning to liberate him or her and separation is necessary to prevent such a plan from being carried out as well as if it can otherwise be feared that the prisoner is especially likely to continue criminal activity of a serious nature.

A decision taken in accordance with the first or second paragraph above shall be reviewed as often as there is reason to do so and at least once every ten days. (SFS 1993:1410).

Section 20a

If, in a case falling under the second paragraph of Section 20, there is reason to suppose, that the circumstances there described will last for a relatively long period, the prisoner may be placed in a security wing.

A prisoner may also be placed in such a wing if there are special reasons for supposing that this is necessary to prevent him or her from engaging in criminal activity of serious character during the stay in prison.

A decision on placement in a security wing shall be reviewed as often as there is reason to do so and at least once each month.

Instead of being placed in a security wing, a prisoner has the right to be kept apart from other prisoners

- 1 if there are no special reasons against this because of his or her state of health, or
- 2 if for security reasons it is especially important that he or she should not be placed outside a security wing.

(SFS 1998:599).

Section 21

Any prisoner who is kept separate from other prisoners under the provisions of Sections 20 or 20a shall have such easement of the conditions of that separation as is possible. (SFS 1998:599).

Section 22

Before a decision is taken on a measure provided for under Sections 20 or 20a, and when any review of such a decision is undertaken, an investigation shall be conducted into any circumstances affecting the decision to be made.

A doctor shall examine any prisoner who is kept separately because of a present danger to his or her own life or health as soon as possible. Other prisoners kept apart under Sections 20 or 20a and prisoners placed in a security wing shall be examined by a doctor if this is necessary having regard to the prisoner's condition. A medical examination shall always be undertaken if a prisoner has been kept continually separated for a period of one month.

A record shall be kept of the result of any investigation held in accordance with the first paragraph above. (SFS 1998:599).

Section 23

A prisoner who behaves violently or who is so under the influence of an alcoholic beverage or other intoxicant that it can be feared that he or she will seriously disturb good order in the prison, may be kept separate from other prisoners for as long as is necessary to get the better of the violent behaviour or until he or she is no longer under the influence of the intoxicant.

Instruments of restraint may be used to deal with a prisoner's violent behaviour if other means prove inadequate and if such a step is unavoidably necessary having regard to the preservation of the life or health of the prisoner or that of some other person.

A prisoner who is subject to a decision under the provisions of the first or second paragraph above and who cannot be held separately at the prison may be placed in a remand prison for at most two days if this is more suitable than transferring him or her to another prison.

A doctor shall examine any prisoner subject to the measures provided for in this Section as soon as possible. However, if a prisoner is kept separately because of being under the influence of intoxicants, such an examination shall be undertaken only if this is necessary having regard to the prisoner's condition. A record shall be kept of what has taken place. (SFS 1980:930)

Section 24

To the extent that it can conveniently be arranged, a prisoner may be allowed to have personal possessions and to obtain or receive books, periodicals, newspapers and other things that can provide him or her with leisure activity.

In general a prisoner may possess money or obtain goods or other things in accordance with special regulations. If it is necessary to prevent unauthorised goods from coming into the prison it may be ordered that prisoners may not receive mail other than letters or other written material without special authorisation.

A prisoner may not have a passport at the prison without special authorisation. (SFS 2005:656).

Section 25

Correspondence between a prisoner and a Swedish official body or an international organisation that has been recognised by Sweden as competent to receive a complaint from a private individual or a lawyer shall be forwarded without being scrutinised. If a letter is alleged to emanate from a Swedish official body or such an international organisation

or a lawyer and there are reasonable grounds for thinking that this is not so, the letter may be scrutinised if the circumstances cannot be clarified in any other way. (SFS 1993:1692).

Section 26

Letters or other mail to or from a prisoner in a closed prison may be scrutinised to determine whether they contain unauthorised objects. The mail of a prisoner held on a special wing shall always be subject to such a scrutiny. If there is reason to think that mail contains an unauthorised object or if this suspicion arises during a random examination of mail, a scrutiny to determine whether it contains an unauthorised object may also be made of mail to or from a prisoner in an open prison.

If a prisoner is held on a special wing, the scrutiny of letters or other mail shall also seek to ascertain whether they contain any message on the planning of criminality, escape or any similar endeavour. Scrutinises for this purpose may also be made of the mail of other prisoners if there are grounds for thinking that it contains such a message. The mail of prisoners held in a closed prison may also be randomly scrutinised as well as when it appears necessary having regard to a prisoner's special circumstances.

The first and second paragraphs of this Section do not apply to any letter that, under the provisions of Section 25, shall be forwarded without being scrutinised.

If a prisoner under investigation for a disciplinary offence is kept separate from other prisoners, he or she may also be prevented from having contact by correspondence with other persons to the extent that this is unavoidably necessary to ensure that the purpose of the investigation is not jeopardised. (SFS 1995:402).

Section 27

The scrutiny of letters or other mail may not be more thorough than the purpose of the scrutiny warrants.

When a letter or other post is opened the prisoner should be present if this can be conveniently arranged.

A letter or other mail that has been subject to scrutiny may be withheld if this is necessary on grounds of security. When this is done, the prisoner should be informed immediately.

In the case of incoming mail which is withheld, the prisoner shall be informed, to the extent deemed appropriate, of the content. Withheld mail shall be handed over to the prisoner as soon as it becomes possible to do so and, at latest, at the end of the stay in prison unless special reasons exist for not doing so. (SFS 1982:401)

Section 28

The provisions of Sections 25-27 concerning letters shall also apply to other written messages. The provisions in these Sections that are applicable to individual prisoners shall also apply to prisoner associations. (SFS 1991:1133).

Section 29

A prisoner may receive visits to the extent that this can be conveniently arranged. A prisoner may not receive a visit which may jeopardise prison security or which can hinder his or her adjustment in the community or which is on some other way damaging to the prisoner or some other person. If a prisoner is kept separate from other prisoners during the investigation of a disciplinary offence, he or she may also be refused visits to the extent that this is unavoidably necessary to ensure that the purpose of the investigation is not jeopardised.

In order to determine whether a prisoner in a closed prison may be allowed to receive a particular visit or whether the visit shall be supervised, a prior investigation shall be made into whether the presumptive visitor has been sentenced for, or is suspected of, criminal activity. If necessary, information shall also be obtained on the presumptive visitor's general personal circumstances.

If security considerations so require, a prison official shall be present during a visit (supervised visit). A visit by a lawyer representing a prisoner in a legal matter shall only be supervised if the lawyer or the prisoner so requests.

If security considerations so require, a visit may be made conditional upon the visitor submitting to a body search or to a superficial body observation. (SFS 1995:492).

Section 29a

If it is necessary for the maintenance of security, the Prison and Probation Service is empowered to decide that all persons entering the prison shall be subject to searching (general entry control). The purpose of the general entry control shall be to search for prohibited objects. Written messages shall not be examined.

A decision on a general entry control shall be valid for at most three months.

The Prison and Probation Service may grant an individual dispensation from a general entry control if there is a special reason to do so. (SFS 2005:971).

Section 30

Telephone conversations between prisoners and persons outside the prison are permitted to the extent that convenient arrangements can be made for them. A prisoner may be denied a telephone call that is calculated to jeopardise prison security or that can hinder his or her adjustment in

the community or is in some other way damaging to the prisoner or another person. If a prisoner is kept separate from other prisoners during the investigation of questions arising under Section 49, he or she may also be refused contact with other persons by telephone to the extent that this is unavoidably necessary to ensure that the purpose of the investigation is not jeopardised.

To the extent that it is deemed necessary, a control of the kind described in the second paragraph of Section 29 may be used concerning any person that the prisoner wishes to talk with by telephone.

A prison official may monitor a telephone conversation in some suitable way if this is warranted on grounds of security. Listening-in may only occur with the knowledge of the prisoner. Telephone conversations with a lawyer who is representing the prisoner in some legal matter may not be listened to without the prisoner's consent. (SFS 1998:610).

Section 31

The Government may authorise a departure from the provisions of Sections 25-29 and 30 if this is necessary in the interest of national security or because of the danger that a prisoner during the enforcement of the sentence in a prison will engage in terrorist crime as provided for in Section 2 of the Punishment of Terrorism Act (SFS 2003:148). SFS 2003:1219

Section 32

A prisoner may be granted permission to leave the prison for a short period (normal leave) to facilitate his or her adjustment in the community provided that there is no manifest danger of continued criminal activity or considerable danger for some other form of misuse of the leave. When assessing this risk special consideration shall be given to whether the prisoner has misused or dealt illicitly with drugs within the prison or refused to give a urine sample in accordance with the provisions of Section 52d without a valid reason.

Leave may also be granted if any special reason, other than that mentioned in the first paragraph exists for doing so (special leave).

A normal or special leave may be subject to such conditions as are deemed necessary concerning the place where the leave shall be spent, an obligation to report and other requirements. If close supervision is called for, it may be stipulated that the prisoner shall be placed under surveillance during the leave.

It follows from Section 7 that a decision on leave that conflicts with any special conditions for enforcement of sentence may not be taken. (SFS 1998:599).

Section 33

Preparations during the final period of the stay in prison. For the prisoner's release shall be especially focused on concrete measures that facilitate the transition to a life in freedom

The prisoner's accommodation and occupational situation together with his or her need of support or treatment measures shall be closely examined. The examination shall seek to ensure that the prisoner to the greatest extent possible shall have his or her livelihood arranged for with work or in some other way and that he or she shall be provided with accommodation. If the prisoner is in need of education, training or financial, social or medical support after release, steps shall be taken to ensure that as far as possible these needs are satisfied.

The prerequisites for granting the prisoner a facilitating release measure of the kind described in Section 54 shall be carefully considered.

Release preparations shall be undertaken in close collaboration with the prisoner and in collaboration with the relevant administrations, organisations and private persons able to promote the prisoner's adjustment in the community.

A record shall be kept of the measures and the decisions concerning them taken in accordance with this Section. (SFS 2006:432).

Section 33a

Annulled by SFS 2006:432.

Section 33b

Annulled by SFS 2006:432.

Section 34

Annulled by SFS 2006:432.

Section 35

If a prisoner is serving a sentence for a crime against life, health, freedom or peace, the injured party shall be asked if he or she wishes to be informed of the following:

- 1 the prison in which the prisoner is being held;
- 2 if the prisoner is transferred to an open prison;
- 3 if the prisoner is granted leave in accordance with Section 32;
- 4 if the prisoner is permitted a sojourn away from the prison under the provisions of Sections 14, 34, 37, 38, 43 or 54;
- 5 if the prisoner or the Prison and Probation Service applies for a commutation under the Commutation of Life Sentences Act (2006:45);
- 6 if the prisoner is released;
- 7 if the prisoner escapes, and

8 if the prisoner absconds after a leave or any other sojourn outside the prison.

A request for information about a planned sojourn outside prison need not be met when such information would be unnecessary owing to a decision on surveillance during the sojourn or other conditions that clearly make such information unnecessary. The same shall apply if providing such information can be feared to cause danger to the prisoner's life or health.

The provision of information concerning release shall be provided an appropriate time before such release and otherwise as early as possible. The information furnished shall take account of the circumstances in the individual case and shall contain information on the rules that apply for deciding on a prohibition of visits in accordance with the provisions of the Prohibition of Visits Act (1988:688). (SFS 2006:932).

Section 36

Within the limits set by the provisions and agreements in force for prison and probation operations, prisoners have the right to discuss matters of common concern to themselves in some suitable way with the management of the prison. They also have the right to arrange in some suitable way to hold meetings for the discussion of such matters. A prisoner who is being kept separate from other prisoners may, however, only take part in such a discussion or meeting if his or her participation entails no drawbacks. (SFS: 2005:971)

Section 37

If a prisoner is in need of medical attention for the maintenance of health or the treatment of sickness, he or she shall be treated in accordance with the instructions of a doctor. Use should be made of the public medical services if any necessary examinations and treatment cannot be conveniently carried out in the prison. If necessary, the prisoner may be transferred to a public hospital. If it should come to the knowledge of health and medical staff employed by the Prison and Probation Service that a prisoner is suffering from an infectious disease which under Chapter 1, Section 3 of the Infectious Diseases Act (SFS 2004:168) constitutes a socially dangerous disease, the governor of the prison must be informed unless it is clear that there is no danger of infection. Provisions on coercive forensic psychiatric care for prisoners are contained in the Act on Coercive Forensic Psychiatric Care (1991:1129).

The delivery of the child of a woman prisoner shall, as far as possible, take place at a hospital. If necessary, the woman prisoner shall be transferred there, or to some

other institution where she can be given suitable treatment, well before the delivery is due.

A prisoner sojourning away from the prison under the provisions of the first or second paragraphs of this Section shall be placed under surveillance or be subject to special instructions if there are grounds for this course of action.

The treatment of a prisoner who has been transferred to a hospital of the kind provided for under Section 6, first paragraph of the Act on Coercive Forensic Psychiatric Care (1991:1129) shall be in accordance with the prescriptions of Sections 18-24 of that Act and the provisions of Section 8, second and third paragraphs of the same Act concerning the Service for the Swedish Prison and Probation Service and the Government to decide on special restrictions for a particular prisoner. (SFS 2006:250).

Section 38

A prisoner who is subject to an assessment of the risk of relapse into crime under Section 10 of the Commutation of Life Sentences Act (SFS 2006:45) a sojourn away from the prison may be granted to the extent that the agency responsible for the assessment considers necessary for carrying out the assessment.

If there are grounds for doing so, a prisoner granted a sojourn away from the prison in accordance with the first paragraph shall be placed under supervision or made subject to special instructions. (SFS 2006:48).

Section 39

Transferred to Section 64. SFS 2006.432

Section 40

If a prisoner is sick when due to leave the prison, continued medical treatment may be provided in the prison if he or she requests this and such a course appears reasonable.

Section 41

A woman who, on reception into prison, brings an infant with her or who thereafter gives birth to a child, may be authorised to have the child with her.

Section 42

When a prisoner is under transfer, care shall be taken to ensure that he or she is not exposed to the attention of unauthorised persons.

A prisoner may be handcuffed for movement inside the prison, under transport or with any sojourn away from the prison if security considerations demand it.

A doctor's authorisation for a transport journey must be obtained if it can be feared that such a journey may have a damaging effect on the prisoner's health. (SFS 1995:492).

Section 43

A prisoner must appear before a court, or a Supervision Board set up under the provisions of Chapter 37 of the Penal Code, if a court or such Board requests it. If some other official body requests the appearance of a prisoner, the Prison and Probation Service shall consider whether the request shall be granted. A prisoner may be temporarily placed in a remand prison in connection with such an appearance if this is necessary on grounds of security.

The time necessary for any appearance referred to in the first paragraph shall be counted as time served. This shall also apply to the time during which a prisoner sojourns away from the prison under Chapter 4, Section 29 or 31, of the Act on International Collaboration in Criminal Matters (SFS 2000:962)).

A prisoner who is being prosecuted shall, on request, be granted such easement of the conditions of enforcement as may be necessary for the preparation of his or her case. (SFS 2005:971).

Section 44

A prisoner shall receive remuneration for work carried out in accordance with the norms laid down by the Government or an administration appointed by the Government, always provided that the work was not performed for the prisoner personally or for an external employer. A remuneration shall also be paid when the prisoner, during working hours and in accordance with what has been decided about his or her activities, takes part in education, training or some specially arranged activity or treatment or pursues personal studies. If neither work nor some other activity which would entitle the prisoner to remuneration can be provided, or if the prisoner is wholly or partially incapable of taking part in such an activity, remuneration shall nevertheless be paid insofar as the prisoner is not already in receipt of an old age pension in accordance with the Act on Income-based Pensions (1998:674) or a disability pension in accordance with the Act on Guaranteed Pensions (1998:702) or sickness or disability benefits in accordance with the National Insurance Act (1962:381).

Remuneration for work shall be determined taking into account the prisoner's work effort unless there are special reasons for not doing so. Remuneration for other activities shall ordinarily be uniformly determined.

The Government or an Service appointed by the Government shall lay down rules about the use of any remuneration resulting from the provisions of the first paragraph of this Section or of any other employment income earned by a prisoner. (SFS 2002: 307).

Section 45

If a prisoner wilfully destroys prison property, payment for such damage may be deducted from any monies due to the prisoner under the first paragraph of Section 44.

Remuneration for work that is held on behalf of a prisoner by the Prison and Probation Service shall not be subject to distraint. (SFS 2005:971).

Section 46

Annulled by SFS (1976:506).

Section 47

Annulled by SFS (1976:610).

Section 48

Annulled by SFS (1976:610).

Section 49

Provisions concerning the postponement of conditional release are contained in Chapter 26, Sections 6 and 7 of the Penal Code.

A prisoner who violates the instructions and conditions that apply to the enforcement may be given a warning. (SFS 2006:432).

Section 50

During the investigation of a matter falling under Section 49, a prisoner may be temporarily kept separate from other prisoners if this is unavoidably necessary to avoid jeopardising the purpose of the investigation. This measure may be used for no longer than four days. If the prisoner cannot be kept separate in the prison itself he or she may be placed in a remand prison if that is more convenient than transferring the prisoner to another prison. The prisoner shall have such easement of the conditions of separation as is possible. (SFS 1998:610).

Section 51

Matters falling under Section 49 shall be dealt with promptly.

Before a decision on a warning the prisoner shall be heard. What transpires from the hearing and the investigation shall be recorded.

In cases and matters concerning postponement of conditional release under the provisions of Chapter 26, Sections 6 and 7 of the Penal Code a lawyer shall be provided for the prisoner at public expense unless it can be considered that there is no need for a legal representative. Before a decision on postponement of conditional release is taken, the prisoner shall be given the opportunity to express him or herself. (SFS 2006:432).

Section 52

Privileges to which a prisoner is entitled under this Act may be temporarily withdrawn if such action is necessary for the maintenance of order and security in the prison.

Section 52a

A prisoner may be subjected to a body search to discover any unauthorised article if

- 1 there is reason to suppose that such an article will be found on him or her,
- 2 he or she is returning from a sojourn outside the prison,
- 3 the prisoner will receive or has received an unsupervised visit, or
- 4 the searches are made randomly or in connection with a wider investigation undertaken for security reasons of some place within the prison and the prisoner has, or has had, some special association with that place.

Unless it is manifestly unnecessary, a prisoner received into the prison shall be subjected to a body search on entry. This shall also be done when a prisoner in a closed prison returns from a sojourn away from the prison or has had an unsupervised visit.

In addition to what is provided in the first and second paragraphs of this Section, a prisoner may be subjected to a superficial body search that is considered to be necessary on grounds of security and which is only intended to discover a weapon or other dangerous object. (SFS 1995:492).

Section 52b

A prisoner may be subjected to a body examination if there is reason to suppose that an unauthorised object will be found on him.

To the extent necessary, a body examination may be undertaken in cases falling under the provisions of the first paragraph of Section 52 a, sub-paragraphs 2-4 and the second paragraph. A prisoner in an open prison may only be subjected to a superficial body examination. (SFS 1995:492).

Section 52c

A body search or body examination may not be made more intrusive than the purpose of the measure requires. Every possible consideration permitted by the circumstances shall be shown. If possible a witness shall be present.

A body search or body examination of a woman prisoner may not be conducted or witnessed by anyone who is not a woman, a doctor or a registered nurse.

The following measures may, however, be carried out or witnessed by a man:

- 1 a body search in accordance with the provisions of 52a, third paragraph;

- 2 a body search entailing only that an object in the possession of a person is examined;
- 3 a body search undertaken with a metal detector or a similar technical device; and
- 4 a body search entailing only a blood or a breath alcohol test.

Any unauthorised object discovered as a result of a body search or a body examination shall be confiscated and kept on the prisoner's behalf unless otherwise provided. (SFS 2003:1219).

Section 52d

It shall be obligatory, unless medical or similar reasons dictate otherwise, for a prisoner to provide a sample of blood, urine or breath when required in order to check that he or she is not under the influence of a dependency producing substance or a doping substance referred to in Section 1 of the Act Prohibiting Certain Doping Substances (1991:1969) or some similar substance referred to in the Act Prohibiting Certain Substances Harmful to Health (SFS 1999:46).

Section 53

If there are manifest grounds for fearing that the implementation of the provisions of this Act will be detrimental to the physical or mental health of a prisoner, such adaptations as are necessary may be made to prevent these detrimental consequences.

Chapter 3 – Facilitating release

Section 54

In order to reduce the risk of a prisoner relapsing into crime and in general to facilitate a prisoner's adjustment in the community, he or she may be granted the following sojourns away from the prison:

- 1 an activity sojourn in accordance with the provisions of Section 55;
- 2 a treatment sojourn in accordance with the provisions of Section 56;
- 3 a sojourn in a halfway house in accordance with the provisions of Section 57;
- 4 an extended activity sojourn in accordance with the provisions of Section 58

Sojourns of the kind described at 2 – 4 in the above paragraph shall be planned so that they may continue until the day of conditional release.

It follows from Section 7 that a facilitating release measure provided for in the first paragraph may not be authorised in conflict with any special conditions that apply to the enforcement of the sentence. (SFS 2006:432).

Activity sojourn

Section 55

An activity sojourn means that the prisoner is authorised to be away from the prison during the daytime in order to work, engage in education or training, undertake treatment or take part in some other specially organised activity.

An activity sojourn may be granted to a prisoner in need of an introduction to work life or other activity that can promote a stable social environment after release if there is no considerable risk that he or she will commit an offence, evade the full enforcement of the sanction or in some other way engage in serious misconduct. (SFS 2006:432)

Treatment sojourn

Section 56

A treatment sojourn means that the prisoner resides in a treatment body of the kind described in Chapter 6, Section 1 of the Social Welfare Act (SFS 2001:453).

A treatment sojourn may be granted to a prisoner in need of care or treatment for the misuse of a dependency producing substance or some other special condition that can be presumed to be related to his or her criminality release if there is no considerable risk that he or she will commit an offence, evade the full enforcement of the sanction or in some other way engage in serious misconduct. (SFS 2006:432)

Section 56a

Annulled by SFS 2006:432.

Halfway house

Section 57

A sojourn in a halfway house means that the prisoner is placed in a hostel controlled by the Prison and Probation Service and which is designed to provide support and supervision of the prisoner.

A halfway house sojourn may be granted to a prisoner in need of special support or control provided that

- 1 at least half of the sentence but at least three months has been served;
- 2 there is no considerable risk that he or she will commit an offence, evade the full enforcement of the sanction or in some other way engage in serious misconduct, and
- 3 he or she is employed, is engaged in education or training, is under treatment or taking part in some specially organised activity.

The prisoner must not be away from the halfway house other than at specially determined times. (SFS 2006:432).

Extended activity sojourn

Section 58

An extended activity sojourn means that the prisoner serves the imprisonment under supervision in his or her home.

An extended sojourn may be granted if

- 1 at least half of the sentence but at least three months has been served;
- 2 there is no considerable risk that he or she will commit an offence, evade the full enforcement of the sanction or in some other way engage in serious misconduct;
- 3 he or she has a home;
- 4 he or she is employed, is engaged in education or training, is under treatment or taking part in some specially organised activity. (SFS 2006:432).

Section 58a

Transferred to Section 73. (SFS 2006:432).

Miscellaneous provisions on facilitating release

Section 59

A prisoner who is granted a facilitating release measure is obliged to

- 1 be of good behaviour;
- 2 abstain from using alcohol or other intoxicating substance;
- 3 give a blood, urine or breath sample in order to check whether he or she is not under the influence of alcohol or other prohibited substance;
- 4 keep the Prison and Probation Service informed on any circumstances that are of importance for the sojourn away from the prison;
- 5 maintain contact with the Prison and Probation Service in accordance its instructions, and
- 6 fulfil the prescriptions and conditions that are applicable to facilitating release measures. (SFS 2006:432).

Section 59a

Transferred to Section 75. (2006:432).

Section 59b

Transferred to Section 75. (2006:432).

Section 59c

Transferred to Section 75. (2006:432).

Section 59d

Transferred to Section 75. (2006:432).

Section 60

A facilitating release measure shall include such conditions as are necessary for the purpose of the measure to be realised or to allow the Prison and Probation Service to exercise any necessary control. These conditions may concern

- 1 a prohibition to leave the home other than at pre-determined times;
- 2 an obligation to stay within a defined geographical area;
- 3 a prohibition to enter a defined geographical area or to enter into contact with a particular person;
- 4 the use of an electronics device to be used in the control of sub-sections 1–3 above, or
- 5 any other similar conditions found to be necessary.

If special reasons dictate, the Prison and Probation Service may, in connection with a decision on a facilitating release measure, impose a condition that shall apply after conditional release in accordance with the provisions of Chapter 26, Section 15 of the Penal Code. (SFS 2005:1493).

Section 61

The Prison and Probation Service shall control that the prisoner follows the conditions that have been imposed and in general fulfils the obligations associated with a facilitating release measure.

If new circumstances so require, the Prison and Probation Service may annul or modify the conditions or impose new conditions. (SFS 2006:432).

Section 61a

Transferred to Section 81. (SFS 2006:432).

Section 62

The authorisation for a facilitating release measure shall be annulled if

- 1 the necessary prerequisites no longer exist;
- 2 the prisoner fails to follow the conditions or fulfil the obligations attendant upon a facilitating release measure. (SFS 2006:432).

Section 63

If authorisation for a facilitating release measure is annulled, the prisoner shall be immediately taken to a prison for continued enforcement of the sentence in prison. (SFS 2006:432).

Section 64

Time spent by the prisoner away from the prison under the provisions of Sections 14, second paragraph, 32, 37 and 38 or a facilitating release measure in accordance with the provisions of Section 54 shall be counted as time served unless special reasons dictate otherwise. (SFS 2006:432).

Section 65

The Prison and Probation Service is empowered to engage a firm, association, community or a foundation for activities with a halfway house. (SFS 2006:432).

Section 66

Any person employed by or entrusted with an assignment by a firm, society, association or foundation that is responsible for the activities provided for under Sections 56 or 57 shall not unauthorised disclose or make use of anything that he or she may learn in the course of employment or discharge of a task about the individual's personal circumstances or circumstances of importance for dealing with crime.

So far as public service activities are concerned, the provisions of the Secrecy Act (SFS 1980:100) are applicable. (SFS 2006:432).

Section 67

The person responsible for an activity provided for under Sections 56 and 57 shall

- 1 keep the Prison and Probation Service continuously informed on the progress of such activity;
- 2 consult the Prison and Probation Service on matters of major importance, and
- 3 immediately report if a prisoner fails to follow imposed conditions or fulfil the conditions that apply to the facilitating release activity. (SFS 2006:432).

Chapter 4 – On decisions

Section 68

Decisions in accordance with this Act shall be taken by the Prison and Probation Service unless otherwise provided in Sections 70, 71 and 73. (SFS 2003:242).

Section 69

Decisions taken in accordance with this Act shall take immediate effect unless otherwise ordered. (SFS 2006:432).

⁽⁵⁾ Supervision Boards are provided for under Chapter 37 of the Penal Code. The Government or an administration appointed by the Government designates the chairman and the vice-chairman. Both shall have experience as judges. Three other members of the Board are appointed by an election conducted by a municipal or county council. (Translator's note.)

Section 70

A decision to annul the authorisation for an activity sojourn, a halfway house sojourn or an extended activity sojourn shall be taken by a Supervision Board⁵ following a report by the Prison and Probation Service. A Supervision Board may also take up the review of such a matter on its own initiative. (SFS 2006:432).

Section 71

If the question of annulling an authorisation for an activity sojourn, a halfway house sojourn or an extended activity sojourn arises, the Prison and Probation Service may immediately annul the authorisation whilst awaiting a review of the matter by a Supervision Board.

The Supervision Board, whilst awaiting the definitive review of the matter, shall review by the first working day after that on which such a decision was taken whether that decision shall be upheld. If the Supervision Board does not confirm the decision it shall cease to apply. The Board shall thereafter speedily take up the matter for definitive review. (SFS 2006:432).

Section 72

The Supervision Board that is operative in the probation district in which a prisoner resides shall review whether the annulment of an authorisation for a facilitating release measure in accordance with the provisions of Sections 70 and 71 is called for. Another Supervision Board may review such matters if special reasons dictate. (SFS 2006:432).

Section 73

The Government may decide in respect of a particular prisoner that the question of a sojourn away from the prison shall be subject to the Government's decision if this is necessary on grounds of national security or having regard to the risk that the prisoner, during the period of enforcement in the prison, will lend assistance to the commission of a terrorist offence under the provisions of Section 2 of the Act on the Punishment of Terrorist Offences (SFS 2003:148). (SFS 2006:432).

Chapter 5 – On appeals

Section 74

Decisions taken in individual cases by the Prison and Probation Service in accordance with the provisions of this Act may be appealed to an administrative court unless another procedure follows from the provisions of Section 80.

Leave to appeal is required with appeals to an administrative court.

Other decisions of the Prison and Probation Service may not be appealed. SFS 2006:432).

Section 75

A decision may not be appealed under the provisions of Section 74 before that decision has been reviewed by the Prison and Probation Service. Such a review may be requested by the person concerned by a negative decision. An appeal concerning a decision that has not been reviewed shall be treated as a request for review.

A decision reviewed in accordance with this Section shall not be changed to the disadvantage of the individual concerned. (SFS 2006:432).

Section 76

A request for review of a decision shall be in writing and have been received by the Prison and Probation Service within three weeks from the day that the individual concerned was informed of the decision. When requesting the review of a decision, the individual shall state what decision is referred to and what change in that decision he or she is requesting. (SFS 2006:432).

Section 77

The Prison and Probation Service shall examine whether the request for review of a decision has been received in due time. If the request has been received late it shall be rejected always provided that the delay was not caused by the individual having received erroneous administrative information on the procedure for requesting the review of a decision. (SFS 2006:432).

Section 78

A decision by the Prison and Probation Service in accordance with the first paragraph of Section 74 shall be appealable to the county court in the court area in which the prison, remand prison or probation office was situated at the time when the first decision in the matter was taken. (SFS 2006:432).

Section 79

The decision of a Supervision Board in accordance with Sections 70 and 71 is appealable to the National Supervision Board.⁽⁶⁾

A decision of the National Supervision Board cannot be appealed. (SFS 2006:432).

Section 80

A decision on a sojourn away from the prison concerning a prisoner subject to a Government order made in accordance with Section 31 is appealable to the Government. (SFS 2006:432).

Chapter 6 – Miscellaneous provisions

Section 81

The Prison and Probation Service may authorise a security guard in an authorised security firm to carry out within the framework of his employment, certain supervisory tasks when a prisoner sojourns away from the prison. If special reasons exist, an authorisation may also concern certain supervisory tasks within the prison. The authorisation shall specify the nature and scope of the supervisory tasks. The authorisation can be revoked.

The security guard may not unauthorised disclose or make use of anything that he or she may learn as a result of the assignment about the individual's personal circumstances or circumstances of importance for national security or for dealing with crime. The provisions of the Secrecy Act (SFS 1980:100) apply to public service activities. (SFS 2006:432).

Section 82

Any person who unlawfully conveys or attempts to convey a weapon or other instrument to a prisoner with which he or she can harm him or herself or any other person, shall be sentenced to a fine or imprisonment for at most one year unless the offence carries a more severe punishment in the Penal Code.

Any person unlawfully conveying or attempting to convey a weapon or other object with which the prisoner may harm himself or herself or some other person, shall be sentenced to a fine or to imprisonment for at most one year unless the act in question may be punished more severely under the provisions of the Penal Code.

Any person conveying to a prisoner an alcoholic beverage or other intoxicant, or a syringe or needle that can be used for making an injection into the human body, or who otherwise helps a prisoner to obtain such intoxicants or objects shall be sentenced to a fine or imprisonment for at most six months; unless the act in question may be punished more severely under other legislative provisions. (SFS 2006:432).

Section 83

Alcoholic beverages, intoxicating substances, doping substances referred to in the Act Prohibiting Certain Doping Substances (1991:1969) or substances referred to in the Act Prohibiting Certain Substances Harmful to Health (1999:42) may be confiscated, if they

- 1 are found in the possession of prisoner,
- 2 have been sent to a prisoner
- 3 are conveyed by someone who will be admitted to prison, or
- 4 are otherwise found within the prison and their owner is unknown.

The Prison and Probation Service shall arrange for the destruction or sale of the confiscated property in accordance with the provisions on confiscated property in the first paragraph of Section 2 of the Act on the Confiscation of Alcoholic Beverages, etc. (1958:205).

The provisions of the first and second paragraphs of the present Section are also applicable to syringes or needles that can be used for making an injection into the human body, or any other object which is particularly intended to be employed for the misuse or handling of a narcotic drug.

Money that is found in the possession of, or has been supplied to, a prisoner in violation of the special provisions dealing with the right of prisoners to possess money shall be confiscated unless such action is manifestly unreasonable. The Prison and Probation Service shall arrange for confiscated monies to earn interest but they shall not be placed at the disposal of the prisoner before the end of the stay in prison unless special reasons dictate otherwise. (2006:432).

Section 84

Where property other than that referred to in Section 83 is found within the prison and can be presumed to be subject to confiscation, the Prison and Probation Service shall take charge of it pending a decision on confiscation. The taking on charge shall be reported as soon as possible to whoever is empowered to decide about confiscated property. (SFS 2006:432).

⁽⁶⁾ Provisions on the National Supervision Board are to be found in Chapter 37 of the Penal Code. The Board consists of a chairman and four other members, all of whom must have taken the judge's oath. They are appointed by the Government for a period of five years.



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