

Act on Imprisonment (Swedish Code of Statutes 2010:610)

Chapter 1 Introductory provisions

The scope and contents of the Act

Section 1

This Act contains provisions on the enforcement of sentences of imprisonment in prisons. The provisions relate to

- placement (Chapter 2),
- occupation and remuneration (Chapter 3),
- leisure (Chapter 4),
- personal possessions (Chapter 5),
- association and separation (Chapter 6),
- visits and other forms of contacts (Chapter 7),
- special control and coercive measures (Chapter 8),
- health and medical care (Chapter 9),
- leave and other temporary stays away from prison (Chapter 10),
- special preparatory release measures (Chapter 11),
- warnings and postponement of conditional release (Chapter 12) and,
- decisions and appeals, etc. (Chapters 13–15).

Section 2

A prisoner may be allowed to stay away from prison in accordance with Chapter 9, Section 1, Chapter 10 Sections 1–4 and Chapter 11, Section 1.

The transportation of a prisoner outside the prison under arrangements made by the Prison and Probation Service for the purpose of carrying out a decision taken in accordance with this Act shall not be considered as a stay away from prison.

Chapters 2-10 are not applicable during a stay away from prison in accordance with Chapter 11, Section 1, first paragraph, (2)-(4).

Section 3

Provisions concerning when a prison sentence may be enforced and how the time for enforcement shall be reckoned are contained in the Act on the Reckoning of Time under Punishment, etc. (1974:202).

Enforcement objectives and organisation

Section 4

Every prisoner shall be treated with respect for his or her human dignity and with understanding for the special difficulties associated with the deprivation of liberty.

Section 5

Enforcement shall be devised so as to facilitate the prisoner's adjustment in the community and counteract negative consequences of deprivation of liberty.

Enforcement shall, so far as possible and without neglecting the requirement to protect the community, focus especially on measures intended to prevent re-offending. An individual enforcement plan shall be drawn up for each prisoner.

Enforcement shall be planned and devised after consultation with the prisoner and in collaboration with the relevant authorities.

Section 6

Enforcement may not entail limitations of the prisoner's liberty other than those that follow from this Act or are necessary to maintain good order or security.

A control or coercive measure may only be used if it is reasonably proportionate to the objective of the measure. If a less intrusive measure is sufficient it shall be used.

Special conditions for long-sentence prisoners

Section 7

For a prisoner serving a sentence of imprisonment of at least four years a decision shall, unless it is manifestly unnecessary, be taken on the special conditions that are necessary for security reasons concerning

- (1) prison placement,
- (2) a stay away from prison in accordance with Chapter 10, Sections 1 and 2, and
- (3) special preparatory release measures in accordance with Chapter 11, Section 1.

For special reasons, the conditions referred to in the first paragraph shall also be decided on for a prisoner sentenced to imprisonment for at least two years.

Section 8

An assessment of which special conditions that shall apply to enforcement in accordance with Section 7 shall be carried out as soon as enforcement begins or otherwise when there is a need to do so. The conditions shall be reviewed when there is a reason to do so.

A decision on prison placement, leave, special leave or special preparatory release measures may not be taken in conflict with the special conditions imposed.

Chapter 2 Placement

Prison placement

Section 1

A prisoner may not be placed so that he or she is subjected to a more intrusive supervision and control than that which is necessary to maintain good order or security.

The prisoner's need of occupation, care and appropriate release planning shall be taken into account to the extent possible when deciding on placement.

Section 2

A prisoner may not be placed so that he or she is together with prisoners of the opposite sex. However, a prisoner may be authorised to be together with prisoners of the opposite sex if this is appropriate and the prisoners consent to it.

Placement of young persons

Section 3

A prisoner who is under the age of 18 years may not be placed so that he or she is together with prisoners aged 18 or over unless this can be considered to be in his or her best interests.

Placement in a security unit

Section 4

A prisoner may be placed in a unit with an especially high degree of supervision and control (a security unit) if

- (1) there is a continuing risk that the prisoner will escape or be liberated and it can be assumed that he or she is especially inclined to continue serious criminal activity, or
- (2) there is special reason to assume that this is needed to prevent the prisoner from engaging in serious criminal activity during his or her stay in prison.

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

Authorisation to have an infant in prison

Section 5

A prisoner may be allowed to have an infant with him or her if this can be considered to be in the best interests of the infant.

Chapter 3 Occupation and remuneration

The prisoner's right to occupation

Section 1

A prisoner shall be given the opportunity to take part in occupation in the form of work, education, training, programmes related to crime and misuse or some other structured occupational activity.

Obligation to take part in occupation

Section 2

A prisoner is obliged to carry out or take part in the occupation assigned to him or her.

A prisoner in receipt of old-age pension in accordance with the Social Insurance Code may not be required to undertake an occupation. A prisoner who has been granted sickness benefit or activity compensation in accordance with the same Code may only be required to undertake occupation of the nature and to the extent that can be regarded as suitable for him or her.

A prisoner may not be required to submit to treatment of medical character.

Remuneration

Section 3

A prisoner is entitled to remuneration from the Prison and Probation Service if

- (1) he or she has carried out or participated in an assigned occupation, and
- (2) remuneration for the occupation is not being paid for by another person or body.

Section 4

The Prison and Probation Service shall withhold one-tenth of the remuneration referred to in Section 3 for leave and release purposes. In special cases the Prison and Probation Service may authorise the use of withheld remuneration for some other purpose. Withheld remuneration shall be paid to the prisoner no later than when he or she ceases to be deprived of liberty.

With regard to a person sentenced to expulsion, remuneration withheld in accordance with the first paragraph may be used to pay for a journey referred to in Chapter 19, Section 1 of the Aliens Act (2005:716).

Section 5

If a prisoner has intentionally damaged property that belongs to or has been made available to the Prison and Probation Service, the Prison and Probation Service may withhold a sum from the remuneration referred to in Section 3 corresponding to the cost of replacing the property or substituting for it in some other way

Section 6

Remuneration referred to in Section 3 may not be subject to distraint.

Chapter 4 Leisure

Time outdoors

Section 1

A prisoner shall be given the opportunity to spend at least one hour each day outdoors unless there are exceptional reasons for not providing this opportunity.

Recreational activity

Section 2

A prisoner shall be given the opportunity of engaging, in some suitable way, in physical or other recreational activity.

Access to mass media

Section 3

A prisoner shall be given the opportunity of following, in some suitable way, events in the outside world.

Religious practice

Section 4

A prisoner shall be given the opportunity of practising, in some suitable way, his or her religion.

Prisoners' Council (*Sn. förtroenderåd*)

Section 5

A prisoner shall be given the opportunity of meeting with other prisoners in some suitable way to discuss matters of common interest to the prisoners (prisoners' council).

A prisoners' council shall be given the opportunity of holding discussions in some suitable way with the management of the prison.

Chapter 5 Personal possessions

Section 1

A prisoner may receive and possess books, periodicals and newspapers, but not those that can (1) jeopardise good order or security, or

(2) be assumed to counteract the treatment he or she is undertaking.

Otherwise a prisoner may receive and possess the personal possessions that are justified having regard to the fact that it must be possible to undertake enforcement in a purposeful way.

Section 2

Possessions that a prisoner may not receive and possess, may be seized and retained on behalf of the prisoner. Possessions that have been seized shall be released to the prisoner no later than when he or she shall no longer be deprived of liberty.

A prisoner may not, without special permission, have at his or her disposal a passport or money that has been seized in accordance with the first paragraph.

Section 3

Possessions that have been seized may be sent at the prisoner's expense to the address at which he or she is registered in the population register or to another address specified by the prisoner.

Section 4

If a prisoner leaves possessions behind at the prison, these possessions shall be held there for a period of three months from when his or her deprivation of liberty ended. If the possessions have not been collected within this period, the Prison and Probation Service may arrange to have them sold or, if this is not possible, destroyed.

If the Prison and Probation Service has sold a prisoner's possessions, he or she is entitled to reasonable compensation. A higher amount may not be paid in such compensation than was received from the sale.

Chapter 6 Association and separation

Association

Section 1

During the time that he or she is obliged to carry out or take part in an occupation, a prisoner shall be together with other prisoners (association) unless otherwise provided in this Act or resulting from the special nature of the occupation.

Section 2

A prisoner shall be given the opportunity of association in his or her leisure time unless otherwise provided in this Act.

Separation for nightly rest

Section 3

Prisoners may be held separate from one another in connection with nightly rest.

Separation at own request

Section 4

A prisoner may, if it is appropriate, be allowed to be separated from other prisoners at his or her own request.

Permission for separation in accordance with the first paragraph shall be reviewed as often as there is reason to do so and at least once per month.

Separation for reasons of good order and security

Section 5

Prisoners may be temporarily held separate from one another if this is necessary to maintain good order and security.

Section 6

A prisoner may be temporarily held separate from other prisoners if this is necessary because the prisoner is violent or intoxicated.

If separation in accordance with the first paragraph cannot be carried out in the prison, the prisoner may be placed in a remand prison for at most two days.

Section 7

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

- (1) having regard to national security,
- (2) having regard to the existence of a risk to the life or health of the prisoner or some other person or a risk of serious damage to property that belongs to or has been made available to the Prison and Probation Service,
- (3) having regard to a risk that the prisoner will escape or be liberated and it can be assumed that he or she is especially inclined to continue serious criminal activity,
- (4) in order to prevent the prisoner from influencing another prisoner to seriously disrupt good order in the prison,
- (5) in order to prevent the prisoner assisting another prisoner to gain access to alcohol, narcotics, some other intoxicating substance, a substance referred to in Section 1 of the Act Prohibiting Certain Doping Substances (1991:1969) or a substance covered by the Act Prohibiting Certain Substances Harmful to Health (1999:42), or
- (6) in order to prevent the prisoner from seriously molesting another prisoner.

A decision on separation in accordance with the first paragraph shall be reviewed as often as there is reason to do so and at least every tenth day.

Separation during investigation of misconduct

Section 8

During an investigation of matters provided for in accordance with Chapter 12, Section 1 of this Act or Chapter 26, Sections 6 and 7 of the Penal Code, a prisoner may be held temporarily separate from other prisoners to the extent that is absolutely necessary to avoid jeopardising the purpose of the investigation. The prisoner may not be held separate for longer than four days.

A prisoner who is being held separate from other prisoners in accordance with the first paragraph may be refused contact with other persons through visits, electronic communication or mail if this is absolutely necessary to avoid jeopardising the purpose of the investigation.

If a separation in accordance with the first paragraph cannot be carried out in the prison, the prisoner may be placed in a remand prison.

Separation for a body inspection

Section 9

A prisoner may be held separate from other prisoners if this is necessary to carry out a body inspection.

Medical examination

Section 10

A prisoner who is being held separate from other prisoners because he or she behaves violently or is a danger to his or her own life or health shall be examined by a doctor as soon as possible. A prisoner who is being held separate from other prisoners for other reasons shall be examined by a doctor if this is needed having regard to the state of the prisoner's health and at least once per month.

Chapter 7 Visits and other forms of contacts

Visits

Section 1

A prisoner may receive visits to the extent that visiting can be conveniently arranged. However, a visit may be refused if it

- (1) may jeopardise security in a way that cannot be dealt with by a control measure in accordance with Section 2 or 3,
- (2) may counteract the prisoner's adjustment in the community, or
- (3) may be harmful in some other way for the prisoner or another person.

Section 2

If it is necessary for security reasons, a visit may be subject to control by

- (1) staff supervision of the visit, or
- (2) the visit taking place in a visiting room designed to make it impossible to hand over articles.

A visit by a lawyer (*S.w.* advokat) who is assisting the prisoner in a legal matter may only be controlled if the lawyer or the prisoner so requests.

Section 3

If necessary for security reasons a visit may be made conditional on the visitor submitting to a body search or a superficial body inspection.

Electronic communication

Section 4

A prisoner may be in contact with another person through electronic communication to the extent that this can be conveniently arranged. However, such communication may be refused if it

- (1) may jeopardise security in a way that cannot be dealt with by listening-in in accordance with Section 5,
- (2) may counteract the prisoner's adjustment in the community, or
- (3) may be harmful in some other way to the prisoner or some other person.

Section 5

Electronic communication between a prisoner and another person may be listened to if this is necessary for security reasons. The persons who are to communicate with each other shall be informed in advance of this control.

Electronic communication between a prisoner and a lawyer (*S.w.* advokat) representing the prisoner in a legal matter may not be listened to.

Mail

Section 6

Mail between a prisoner and a lawyer (*Sw.* advokat), a Swedish administration or an international organisation that has been recognised by Sweden as competent to receive complaints from private individuals, shall be forwarded without examination. If there is reason to assume that the information about the sender of such mail to a prisoner is incorrect, the mail in question may be examined in order to investigate the identity of the sender.

Section 7

In cases other than those referred to in Section 6, mail to or from a prisoner in a prison may be examined if this is necessary having regard to good order or security. The purpose of the examination shall be to examine whether the item of correspondence

- (1) contains any prohibited article, or
- (2) is part of an ongoing or planned criminal activity, a planned escape or some similar endeavour.

Section 8

Unless there are special reasons to the contrary, mail that has been examined shall be released to the prisoner as soon as possible and no later than when he or she shall no longer be deprived of liberty.

Section 9

The provisions in Sections 6–8 also apply to mail to or from an association of prisoners.

Common provisions

Section 10

If it is necessary to be able to assess whether a visit or electronic communication can be permitted in accordance with Section 1 or 4 or shall be subject to control in accordance with Section 2 or 5, a prior investigation shall be made to find out whether the person with whom the contact is to take place has been convicted or is suspected of a crime or of engaging in criminal activity. To the extent necessary information may also be obtained about his or her personal circumstances in general.

Section 11

The Government may decide in relation to a particular prisoner on exceptions to the provisions of this Chapter if this is necessary having regard to national security or the risk that the prisoner will assist in the commission of a terrorist offence in accordance with the provisions of Section 2 of the Act on the Punishment of Terrorist Offences (2003:148).

Section 12

Provisions on refusing a prisoner contact with some other person through a visit, electronic communication or mail are also contained in Chapter 6, Section 8, second paragraph.

Chapter 8 Special control and coercive measures

Photography

Section 1

A photograph may be taken of a prisoner to facilitate his or her identification.

Control of room

Section 2

A prisoner's room and his or her possessions may be subject to a control to the extent necessary to maintain good order or security.

The first paragraph also applies to other closed storage places that the prisoner has at his or her disposal.

Body search and body inspection

Section 3

Unless it is manifestly unnecessary a person who is to be admitted to a prison shall be subjected to a body search or a body inspection on arrival at the prison to search for prohibited articles.

Section 4

A prisoner may be subjected to a body search or a body inspection to search for prohibited articles 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 stay away from prison,
- (3) the prisoner will receive or has received a visit not subject to a control measure referred to in Chapter 7 Section 2, or
- (4) it takes place in connection with a random control or in connection with a wider examination undertaken for security reasons of some area within the prison and the prisoner has, or has had, some special connection with that area.

Section 5

If it is necessary for security reasons, a prisoner may also in cases other than those referred to in Sections 3 and 4, be subjected to a body search in order to search for weapons or other dangerous articles.

Section 6

A prisoner is obliged to provide urine, breath, saliva, sweat, blood or hair samples, on request, unless there are medical or similar reasons against so doing, to control that he or she is not under the influence of alcohol, narcotics, some other intoxicant, a substance referred to in Section 1 of the Act Prohibiting Certain Doping Substances (1991:1969) or a substance covered by the Act Prohibiting Certain Substances Harmful to Health (1999:42).

Section 7

A body search or body inspection may not be carried out or witnessed by anyone of the opposite sex who is not a doctor or a registered nurse. However, this does not apply to

- (1) a body search referred to in Section 5,
- (2) a body search that only entails the examination of articles that a person is bearing,
- (3) a body search carried out using a metal detector or a similar technical device, or

(4) a body search that only entails taking samples other than urine samples in accordance with Section 6.

If necessary, a body search or a body inspection of a male prisoner may also be carried out or witnessed by a woman even in cases other than those referred to in the first paragraph.

Seizure of prohibited articles

Section 8

Alcohol, narcotics, other intoxicating substances, substances referred to in Section 1 of the Act Prohibiting Certain Doping Substances (1991:1969) or substances covered by the Act Prohibiting Certain Substances Harmful to Health (1999:42) may be seized and destroyed

- (1) if they are brought in by someone who is to be admitted to a prison,
- (2) if they are found in the possession of a prisoner,
- (3) if they are sent to a prisoner, or
- (4) if they are otherwise found in a prison and have no known owner.

The first paragraph also applies to syringes, injection needles and other articles that are particularly intended for use with narcotics misuse or for some other dealings with narcotics.

Section 9

An article found in a prison may be seized in cases other than those specified in Section 8 and in Chapter 5, Section 2 if it can be assumed that the article will be confiscated. The seizure shall be reported as soon as possible to the person who may decide on confiscation.

Instruments of restraint

Section 10

A prisoner may be restrained with an instrument of restraint

- (1) during movement inside the prison and during transport or any other stay away from prison if this is necessary for security reasons, or
- (2) if he or she behaves violently and restraint is absolutely necessary having regard to danger to the life and health of the prisoner or some other person.

A doctor shall examine a prisoner who has been restrained in accordance with the first paragraph, (2), as soon as possible.

General entry control

Section 11

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

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

The Prison and Probation Service may allow an exemption from a general entry control in individual cases if there are special reasons for doing so.

Control of vehicles

Section 12

If necessary for the maintenance of security at a prison, a vehicle may, when entering or leaving the prison, be searched for prohibited articles or persons who are trying to enter or leave the prison without permission. Written messages may not be examined.

Powers in dealing with unauthorised persons

Section 13

An official of the Prison and Probation Service may refuse entry to or remove a person who is trying without authorisation to enter, or refuses to leave, a prison.

A person who is to be removed may, in connection with the intervention,

- (1) be subjected to a body search in accordance with Section 5, or
- (2) be restrained in accordance with Section 10, first paragraph, (2).

An intervention in accordance with the first or second paragraph shall be documented.

Chapter 9 Health and medical care

Section 1

A prisoner who needs health or medical care shall be treated in accordance with the instructions of a doctor. If the prisoner cannot be examined or suitably treated in the prison, the public health service shall be used. If necessary, the prisoner shall be transferred to a hospital.

An authorised stay away from prison in accordance with the first paragraph shall be combined with any necessary conditions. If it is necessary for security reasons, the prisoner shall be placed under surveillance.

Section 2

The Act on Coercive Forensic Psychiatric Care (1991:1129) contains provisions on the compulsory psychiatric care of prisoners.

The provisions of Sections 18-24 of the Act on Compulsory Psychiatric Care (1991:1128) and the provisions of Section 8, second and third paragraphs of the Act on Coercive Forensic Psychiatric Care concerning the authority of the Prison and Probation Service and the Government to order special restrictions for a particular prisoner shall apply to a prisoner who has been transferred for voluntary psychiatric care to a medical institution referred to in Section 6, first paragraph, of the Act on Coercive Forensic Psychiatric Care.

Section 3

If it can be feared that a transportation may harm the prisoner's health, the consent of a doctor shall be obtained for the transportation.

Chapter 10 Leave and other temporary stays away from prison

Leave

Section 1

To facilitate a prisoner's adjustment in the community, he or she may be granted permission to stay away from prison for a brief period of time (leave) if

- (1) at least a one-quarter of the sentence, but at least two months, has been served, and
- (2) there is no manifest risk that the prisoner will commit crime, evade the full enforcement of the sentence or otherwise misbehave.

For a prisoner serving life imprisonment, the period referred to in the first paragraph shall be determined as if the sentence is for eighteen years.

For special reasons, leave may be granted even though the period referred to in the first paragraph has not elapsed.

Special leave

Section 2

For particularly compassionate reasons, a prisoner may be granted permission to stay away from prison for a brief period (special leave) if

- (1) his or her need for a stay away from prison cannot be met by leave in accordance with Section 1, and
- (2) the stay away from prison can be granted having regard to the risk that the prisoner will commit crime, evade the full enforcement of his or her sentence or otherwise misbehave.

Appearance before a court or other authority

Section 3

A prisoner may temporarily stay away from prison if a public authority requests that he or she shall appear before it. Such an appearance shall always take place if it is a court or a supervision board that requests that the prisoner appear before it.

Assessment of the risk of re-offending

Section 4

A prisoner who is to undergo an assessment of his or her risk of re-offending in accordance with Section 10 of the Act on the Commutation of Life Sentences (2006:45) may stay away from prison to the extent that the authority responsible for the assessment considers necessary for carrying out the assessment.

Controls

Section 5

Authorisation of a stay away from prison in accordance with Sections 1–4 shall be combined with any necessary conditions. The prisoner shall be placed under surveillance if this is necessary for security reasons.

During a stay away from prison in accordance with Sections 1 and 2 electronic devices may be used to control compliance with the conditions imposed.

Placement in a remand prison

Section 6

In connection with a stay away from prison in accordance with Sections 2–4 and Chapter 9, Section 1 of this Act and Chapter 4, Sections 29 and 31 of the Act on International Judicial Assistance in Criminal Matters (2000:652) a prisoner may be temporarily placed in a remand prison if this is necessary for security reasons or having regard to the transport arrangements.

Chapter 11 Special preparatory release measures

Kinds of special preparatory release measures

Section 1

To reduce the risk of re-offending or otherwise facilitate a prisoner's adjustment in the community, he or she may be granted permission to stay away from prison through the following preparatory release measures:

- (1) activity release in accordance with Section 2,
- (2) a stay in care in accordance with Section 3,
- (3) a stay in a half-way house in accordance with Section 4, and
- (4) extended activity release in accordance with Section 5.

A stay away from prison in accordance with the first paragraph, (2)–(4) shall be planned so that it can continue until the time for conditional release.

Activity release

Section 2

Activity release means that during the day a prisoner carries out work, receives treatment or takes part in education, training or a specially arranged activity away from the prison.

Activity release may be granted to a prisoner who needs an introduction to work life or to some other activity that can promote a stable life after release providing there is no noteworthy risk that he or she will commit crime, evade the full enforcement of his or her sentence or otherwise seriously misbehave.

Stay in care

Section 3

A stay in care means that a prisoner is placed in a home referred to in Chapter 6, Section 1 of the Social Services Act (2001:453).

A stay in care may be granted for a prisoner who needs care or treatment for the misuse of a dependency producing substance or for some other special condition that can be assumed to be linked to his or her criminality providing there is no noteworthy risk that he or she will commit crime, evade the full enforcement of his or her sentence or otherwise seriously misbehave.

Half-way house

Section 4

A stay in a half-way house means that a prisoner is placed in a home under the control of the Prison and Probation Service that is designed to give the prisoners supervision and special support.

A stay in a half-way house may be granted to a prisoner who is in need of supervision or special support if

- (1) at least half of his or her sentence, but at least three months, has been served,
- (2) there is no noteworthy risk that he or she will commit crime, evade the full enforcement of his or her sentence or seriously misbehave in some other way, and
- (3) he or she is carrying out work, receiving treatment or participating in education, training or a specially arranged activity.

The prisoner may not be outside the half-way house other than at specifically determined times.

Extended activity release

Section 5

Extended activity release means that a prisoner serves the prison sentence under controlled forms in his or her home.

Extended activity release may be granted if

- (1) at least half of the sentence, but at least three months, has been served,
- (2) there is no noteworthy risk that the prisoner will commit crime, evade the full enforcement of the sentence or otherwise seriously misbehave,

- (3) he or she has access to housing, and
- (4) he or she is carrying out work, receiving treatment or participating in education, training or a specially arranged activity.

Common provisions

Section 6

Authorisation of a preparatory release measure shall be combined with the conditions needed to achieve the purpose of the measure or to enable the Prison and Probation Service to exercise necessary control. Electronic devices may be used to check on stated conditions.

If there is reason to do so because of changed circumstances, the Prison and Probation Service may alter, cancel or state new conditions.

For special reasons, the Prison and Probation Service may combine a stay in care in accordance with Section 3 with an instruction that shall apply to the period after conditional release in accordance with Chapter 26, Section 15, first paragraph, (3), of the Penal Code. If there is reason to do so because of changed circumstances, the Prison and Probation Service may alter, cancel or state a new instruction.

Section 7

A person who has been granted a preparatory release measure is obliged to provide urine, breath, saliva, sweat, blood and hair samples on request to check that he or she is not under the influence of alcohol, narcotics, some other intoxicant, a substance referred to in Section 1 of the Act Prohibiting Certain Doping Substances (1991:1969) or a substance covered by the Act Prohibiting Certain Substances Harmful to Health (1999:42).

Section 8

An authorisation of a preparatory release measure shall be cancelled if

- (1) the pre-requisites for the measure no longer exist, or
- (2) the prisoner does not comply with the stated conditions or meet the obligations that apply to the preparatory release measure.

Section 9

If an authorisation of an ongoing preparatory release measure is cancelled, the prisoner shall immediately be taken to a prison for the continued enforcement of his or her sentence in prison.

Section 10

The Prison and Probation Service may engage a company, an association, a collective or a foundation for a half-way house service.

Section 11

A party operating a privately run half-way house in accordance with Section 10 or a home for a stay in care in accordance with Chapter 6 Section 1 of the Social Services Act (2001:453) shall

- (1) continuously keep the Prison and Probation Service informed about the progress of the activity,
- (2) consult the Prison and Probation Service on matters of major importance, and
- (3) immediately report if the prisoner does not comply with the stated conditions or meet the obligations that apply to the preparatory release measure.

Section 12

A person employed by or holding an assignment with a company, an association, a collective or a foundation that is responsible for a service referred to in Section 3 or 4 may not, without

authorisation, disclose or make use of what he or she has learned on account of his or her employment or assignment about the personal circumstances of an individual or matters of importance for the investigation or prosecution of crime.

Chapter 12 Warning and postponement of conditional release

Warning

Section 1

A prisoner who violates the regulations and conditions that apply to the enforcement may be given a warning.

Postponement of conditional release

Section 2

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

Provisions about procedure

Section 3

Questions concerning a warning in accordance with Section 1 or the postponement of conditional release in accordance with Chapter 26, Sections 6 and 7 of the Penal Code shall be resolved promptly.

Section 4

Before a decision on a warning is taken, a hearing shall be held with the prisoner.

Section 5

In cases and matters concerning the postponement of conditional release in accordance with Chapter 26, Sections 6 and 7 of the Penal Code a public counsel (*S.m. offentligt biträde*) shall be appointed for the prisoner unless it can be assumed that there is no need for a counsel. Before a decision on the postponement of conditional release is communicated, the prisoner shall be given an opportunity to express an opinion.

Chapter 13 Decisions

Section 1

A decision in accordance with the provisions of this Act is taken by the Prison and Probation Service unless otherwise provided in Sections 3, 4 or 6.

Section 2

A decision taken in accordance with this Act shall take effect immediately unless otherwise ordered.

Section 3

A question concerning the cancellation of an authorisation for an ongoing stay in care, a stay in a half-way house or extended activity release shall be examined by a supervision board following a report from the Prison and Probation Service. The board may also examine the question on its own initiative.

Section 4

In cases referred to in Section 3 the Prison and Probation Service may immediately cancel the authorisation pending the examination by the supervision board.

The decision of the Prison and Probation Service shall be submitted to the supervision board immediately. No later than the first working day after the day on which the decision of the Prison and Probation Service was issued, the supervision board shall examine whether the decision shall remain in place pending its final examination. The decision ceases to be valid if the board does not confirm the decision within this period. The board shall promptly take up the matter for its final examination.

Section 5

A question concerning the cancellation of an authorisation for a preparatory release measure in accordance with Sections 3 and 4 shall be examined by the supervision board whose district includes the probation office at which the prisoner is registered. For special reasons, another supervision board may examine such a question.

Section 6

In relation to a particular prisoner the Government may order that a matter concerning a stay away from prison be transferred to the Government for examination if this is required having regard to national security or the risk that the prisoner will be an accomplice to a terrorist offence as provided in Section 2 of the Act on Criminal Responsibility for Terrorist Offences (2003:148) during the enforcement of his or her sentence in a prison

Chapter 14 Appeals

Section 1

The decisions of the Prison and Probation Service taken in accordance with this Act may be appealed to an administrative court unless otherwise provided in Section 5.

A decision is appealed to the administrative court whose district includes the prison, the remand prison or the probation office at which the appellant was registered when the first decision in the matter was taken.

Leave to appeal is required for an appeal to the administrative court of appeal.

Section 2

A decision may not be appealed in accordance with Section 1, first paragraph until the decision has been reviewed by the Prison and Probation Service. Such a review may be requested by the person who is affected by the decision if it has gone against him or her. An appeal against a decision that has not been reviewed shall be considered to be a request for a review.

With a review in accordance with the first paragraph, the decision may not be altered to the disadvantage of the appellant.

Section 3

A request for review shall be made in writing and be received by the Prison and Probation Service no later than three weeks from the date on which the appellant was informed of the decision. In the request for reconsideration the appellant shall state what decision the request refers to and what change in the decision he or she is requesting.

The Prison and Probation Service shall examine whether the written request for review has been received within the time allowed. If the request has been received too late, it shall be rejected unless the delay is due to incorrect information on how to request a review given to the appellant by the Service.

Section 4

A decision of a supervision board taken in accordance with Chapter 13, Section 3 may be appealed to an administrative court. The supervision board shall not be a party in the court.

Leave to appeal is required for an appeal to the Administrative Court of Appeal.

Section 5

A decision on a stay away from prison for a prisoner for whom the Government has issued an order in accordance with Chapter 7, Section 11 shall be appealed to the Government.

Chapter 15 Other provisions

Punishments

Section 1

Any person who unlawfully conveys or attempts to convey a weapon or other dangerous object to a prisoner shall be sentenced to a fine or imprisonment for up to one year, unless the Penal Code provides a more severe punishment for the act in question.

Section 2

A person providing a prisoner with alcohol or other intoxicant, or a syringe or needle that can be used for misuse of narcotics shall be sentenced to a fine or imprisonment for up to six months unless the act in question may be punished more severely under another Act. The same applies to anyone who helps a prisoner in some other way to gain possession of such an intoxicant or object.

Security firms

Section 3

The Prison and Probation Service may appoint a security guard employed in an authorised security firm to carry out certain supervisory tasks within the framework of that firm when a prisoner is to stay away from prison. For special reasons, such an appointment may relate to certain security tasks in a prison. The appointment shall specify the nature and scope of the assignment. The appointment may be revoked.

Section 4

A security guard holding an appointment in accordance with Section 3 may not, without authorisation, disclose or make use of what has been learned in the course of an assignment about the personal circumstances of an individual or matters of importance for national security or for the investigation and prosecution of crime.

In activities of public institutions, the provisions of the Public Access to Information and Secrecy Act (2009:400) are applicable instead.

Implementation regulations

Section 5

Regulations on the implementation of this Act are issued by the Government or the authority designated by the Government.

This Act enters into force on 1 April 2011 when the Prison Treatment Act (1974:203) shall cease to apply.