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The terms of Punishment act (2018:1251)

Introductory provision

Section 1

This act contains provisions on when a prison sentence may be executed and how terms of punishment are to be calculated.

Commencement of imprisonment

Conditions for enforceability

Section 2

A prison sentence may be executed when

- (1) a judgment or a decision, insofar as either relates to a prison sentence, has taken legal effect against the sentenced person; or,
- (2) a decision on enforcement in Sweden of an equivalent foreign sentence has taken legal effect.

If a decision in accordance with the first paragraph, (2) entails that a new sanction shall be determined through a Swedish judgment, execution may only take place when said judgment has taken legal effect.

Section 3

If provided for by special provisions, a prison sentence may be executed even if the judgment or decision as per Section 2 has not taken legal effect.

Section 4

The Swedish Prison and Probation Service shall verify whether a prison sentence is executable.

The right to commence imprisonment

Section 5

A sentenced person is entitled to begin serving a prison sentence if he or she requests this and the prison sentence is executable.

Sentenced persons who are not deprived of liberty

Section 6

If a sentenced person not deprived of his or her liberty when the prison sentence is executable, he or she shall without delay be ordered to appear at a certain time at the correctional facility where the prison sentence is to be enforced.

If the sentenced person does not comply with or cannot be notified of an order as per the first paragraph or if there is a risk of the latter, the Swedish Police Authority shall, upon request from the Swedish Prison and Probation Service, escort said person to a detention center or correctional facility.

If it is assessed that there is no risk of the sentenced person evading the execution of the sentence, the Swedish Police Authority may order the sentenced person to appear at a correctional facility instead of escorting him or her to said facility.

Section 7

The Swedish Prison and Probation Service may postpone the execution of a prison sentence

- (1) regarding judgments and decisions, relating to prison sentences of no more than three months, if the purpose is to achieve a more even number of inmates in the correctional facilities;
- (2) while awaiting the opinion on the transfer of the enforcement of a Swedish judgment or decision imposing a prison sentence to another state; or,
- (3) while awaiting the government's decision in a case of pardon.

In the cases falling under the first paragraph, (1), execution of a sentence may be postponed for no more than six months from the day on which the prison sentence became enforceable.

Sentenced persons who are deprived of liberty

Section 8

If a sentenced person is detained, taken into custody in accordance with Chapter 26, Section 22, first paragraph or Chapter 28, Section 11, first or third paragraph of the Penal Code or is imprisoned due to another sentence when a prison sentence becomes enforceable, execution shall commence immediately where said person is being held.

If a sentenced person is neither being held in a correctional facility when the execution in accordance with the first paragraph is to commence nor, at the same time, is detained or taken into custody in accordance with Chapter 26, Section 22, first paragraph or Chapter 28, Section 11, first or third paragraph of the Penal Code in another case, he or she shall be transferred to a correctional facility for continued execution.

Taking into a detention center

Section 9

A sentenced person who is to be transferred or escorted to a correctional facility for the execution of a prison sentence may, in connection to this, be taken into a detention center

- (1) while waiting to be placed in a correctional facility; or,
- (2) if it is necessary due to the transport conditions.

In the situations envisaged in the first paragraph, the sentenced person may be temporarily taken into police arrest. If the sentenced person is less than eighteen years old, he or she may only be taken into police arrest if this is absolutely necessary.

Section 10

The time in a detention center under Section 9, first paragraph may not last longer than necessary and no longer than seven days, unless there are special reasons for a longer period. Even if there are special reasons, the period may not extend thirty days.

When applying the first paragraph, time in a police arrest shall be calculated as time in a detention center.

Declaration of satisfaction

Section 11

A sentenced person may declare that he or she refrains from appealing or proceeding an appeal of a judgment or a decision insofar as either relates to a prison sentence (declaration of satisfaction).

Section 12

A declaration of satisfaction cannot be received unless both the person who is to receive the declaration and the sentenced person have access to the judgment, decision or the court's certificate of the result in the case (certificate of judgment). If the sentenced person is deprived of his or her liberty, he or she must be afforded a period of consideration up until the second day after the judgment was delivered to him or her in court, or otherwise was served to the sentenced person in its entirety. The sentenced person shall also, when possible, have the opportunity to consult with his or her defense counsel during the period of consideration.

Before a declaration of satisfaction is submitted, the person receiving the declaration must have appropriately explained the implications and the impact of the declaration of satisfaction to the sentenced person.

A witness shall be present when a declaration of satisfaction is submitted. A declaration of satisfaction must be documented.

The effects of a declaration of satisfaction

Section 13

A declaration of satisfaction may not be withdrawn.

A declaration of satisfaction entails that the judgment or the decision, insofar as either relates to the prison sentence, takes legal effect against the sentenced person.

Deferral

Conditions for deferral

Section 14

Upon the application of a sentenced person and to the extent that the stake of public security so allows, deferral of the execution of a prison sentence may be granted for a period of maximum six months from the date when the prison sentence becomes executable, provided that there are special reasons for this with reference to the sentenced person's health, family, work or educational matters or other similar circumstances. In case of extraordinary reasons, deferral may be granted for an additional period of at most six months. A sentenced person who is pregnant or breastfeeding children may be granted a deferral for as long as is considered reasonable.

An application of deferral may not be approved if the sentenced person is deprived of his or her liberty as a detainee or if he or she is imprisoned in a correctional facility for the execution of a sentence in another case.

Revocation

Section 15

A decision of deferral may be revoked if

- (1) the conditions on which the decision was based upon present substantial shortcomings; or,
- (2) the sentenced person is sanctioned for new offences following criminal proceedings against him or her.

Impediment against execution of imprisonment before the first application has been examined

Section 16

If a sentenced person has applied for deferral no later than on the day that he or she, according to an order provided for in the Section 6, first paragraph, should have appeared at a correctional facility for execution of the sentence, and deferral has not previously been applied for in the matter, the sentenced person may not be taken into a correctional facility to commence

imprisonment until the Swedish Prison and Probation Service has examined the application.

Calculation of the term of punishment

Time for the commencement of the term of punishment

Section 17

Unless otherwise stipulated in special provisions, the term of punishment is to be calculated starting on the date that the prison sentence becomes executable and

- (1) the sentenced person is, for that reason, deprived of his or her liberty; or,
- (2) the sentenced person is deprived of his or her liberty or is already deprived of his or her liberty as a detainee or taken into custody in accordance with Chapter 26, Section 22, first paragraph or Chapter 28, Section 11, first or third paragraph of the Penal Code.

The term of punishment shall be calculated up until the day when the sentenced person is released.

If a prison sentence has already been served prior to the day referred to in the first paragraph, the time for the commencement of the term of punishment shall instead be the day when the judgment or decision, insofar either relates to a prison sentence, took legal effect.

Calculation bases

Section 18

When a prison sentence for a fixed term is executed, the term of punishment shall be calculated in days. A prison sentence expressed in months or years shall be converted into days. One month shall be regarded as thirty days and a year as three hundred and sixty-five days.

Section 19

If several fixed-term prison sentences are executed simultaneously, the aggregated term in prison expressed in days shall be the basis for calculating the term of punishment.

Section 20

In the act (2018:1250) on the crediting of periods of deprivation of liberty, there are provisions on crediting periods of deprivation of liberty as execution of a sentence.

In Chapter 26 of the Penal Code there are provisions on parole and the probationary period following the parole.

Decision on the term of punishment

Section 21

The sentenced person shall be pronounced with a decision on the term of punishment settling

- (1) the day of commencement for the term of punishment;
- (2) the length of the prison sentence expressed in days;
- (3) the number of days to be credited from previous deprivations of liberty; and,
- (4) the day of the ending of the term of punishment.

If the prison sentence is longer than thirty days, the decision shall also settle

- (1) the earliest date for parole;
- (2) the remaining term of punishment expressed in days; and,
- (3) the day of expiration of the probationary period.

If a decision referred to in the first paragraph relates to a sentence of lifetime imprisonment, the decision shall settle

- (1) the day of commencement for the term of punishment; and,
- (2) the number of days that are to be credited from previous deprivations of liberty if the sentence is converted to a fixed term.

The decision shall be pronounced without delay.

Alterations of a decision on the term of punishment

Section 22

A decision on the term of punishment shall be altered when circumstances give occasion for this. The decision shall be pronounced without delay.

Other provisions

Authorisation

Section 23

The government, or the authority designated by the government, may pronounce further instructions on the commencement of imprisonment, declaration of satisfaction, deferral and the calculation of the term of punishment.

Competent authority

Section 24

Decisions under this act are to be made by the Swedish Prison and Probation Service.

Unless otherwise decided, decisions under this act apply immediately.

Appeal

Section 25

Decisions by the Swedish Prison and Probation Service may be appealed to an Administrative Court if the decision relates to

- (1) appearance at a correctional facility in accordance with Section 6, first paragraph;
- (2) deferral in accordance with Section 14 or revocation of a granted deferral in accordance with Section 15; or,
- (3) the decision on the term of punishment in accordance with Section 21 or alterations to such a decision in accordance with Section 22.

Other decisions under this act may not be appealed.

A decision is to be appealed to the Administrative Court for the court district of the correctional facility, detention center or probation office where the appellant was admitted when the first decision in the matter was made. Leave to appeal is required for appeal to the Administrative Court of Appeal.

Section 26

A decision may not be appealed according to Section 25, first paragraph until the decision has been reviewed by the Swedish Prison and Probation Service. Such 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 regarded as 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 27

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

The Swedish 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 authority.

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1. This act enters into force on 1 April 2019.
 2. The present act repeals the act (1974:202) on the calculation of punishment terms etc.
 3. However, the repealed act still applies
 - a. as regards such temporary holding in a detention center or a police arrest that is in progress at the time of said coming into force;
 - b. for the examination of a declaration of satisfaction submitted before said coming into force;
 - c. for the reviewing and appeal of a deferral decision pronounced in a matter or case before said coming into force, and;
 - d. when calculating a punishment term for anyone to whom a punishment term decision has been pronounced prior to said coming into force. However, when applying the provision in Section 22 of the repealed act together with Section 19, second paragraph and Section 19 a of the same

act as well as Chapter 33, Section 8 of the Penal Code, reference shall also be made to the act (2018:1250) on the crediting of periods of deprivation of liberty. If the punishment term decision refers to a lifetime imprisonment, the decision shall however be considered to have been pronounced under the new act.

- e. A revocation decision in accordance with Section 15 may only be based on circumstances that have occurred after said coming into force.
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