

Act relating to the execution of sentences etc. (Execution of Sentences Act)

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Chapters:

- Chapter 1. The scope of the Act and general principles for the execution of sentences (Section 1 - 4)
 - Chapter 1 A. The Norwegian Correctional Service's processing of personal data (Section 4a-4e)
 - Chapter 1 B. Processing of personal data in the Infoflyt system (Section 4f-4k)
 - Chapter 2. Administrative provisions, etc. (Section 5-9)
 - Chapter 3. Sentences of imprisonment, preventive detention and special criminal sanctions (Section 10-45)
 - Chapter 4. Remand in custody and other sanctions when specially so provided by statute (Section 46-52)
 - Chapter 5. Community sentences (Section 53-60)
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See Section 13 of the Military Penal Code, cf. Section 16. - Cf. Chapter 2 of the former Criminal Act of 20 August 1842 and Act of 12 July 1848, Act of 13 October 1857, Act no. 2 of 6 June 1884, Act no. 1 of 26 June 1893, Act no. 4 of 31 May 1900, Act of 12 December 1903 (additional Act no. 2 of 26 March 1907, Act no. 1 of 21 March 1919, Act no. 2 of 24 March 1922, Act no. 2 of 11 August 1924, Act no. 2 of 22 February 1929, Act no. 5 of 6 June 1933, Act no. 3 of 22 May 1953), and Act no. 7 of 12 December 1958.

Chapter 1. The scope of the Act and general principles for the execution of sentences

Section 1. Scope of the Act

This Act applies to the execution of sentences of imprisonment, special criminal sanctions, preventive detention, community sentences, and remand in custody, and to the execution of other sanctions when specially so provided by statute.

The King may prescribe specific rules relating to the Norwegian Correctional Service's activities and the organisation and execution of prison sentences, preventive detention, special criminal sanctions, custody on remand, community sentences and other sanctions when specially so provided by statute.

0 Amended by Act no. 131 of 21 December 2005 (entered into force 1 January 2006 pursuant to Royal Decree no. 1580 of 21 December 2005), Act no. 98 of 16 December 2016 (entered into force 1 January 2017 pursuant to Royal Decree no. 1604 of 16 December 2016).

Section 1 a. Execution of sentences in another state

Following a decision by the Norwegian Correctional Service, convicted persons who are sentenced to an unconditional prison sentence may serve the sentence in another state with which Norway has signed an agreement.

A convicted person who serves a sentence in another state pursuant to paragraph one, is considered to be imprisoned in Norway and shall, with the clarifications provided in paragraph three, have the rights and obligations arising from this.

The Norwegian Correctional Service shall ensure that convicted persons who serve their sentences in another state pursuant to paragraph one are offered medical care that is equivalent to the service the convicted person would have been entitled to while serving the sentence in Norway. The Norwegian Board of Health Supervision oversees the Norwegian Correctional Service's obligations under this provision. The Health Services Supervision Act applies correspondingly. Chapter 7 of the Patient and User Rights Act relating to complaints applies to the Norwegian Correctional Service's obligations under this provision. Upon request, the Norwegian Correctional Service shall provide the Norwegian Board of Health Supervision and the county governor with the information they require to carry out their duties under this provision. The information may be given irrespective of a duty of confidentiality.

The King may issue supplementary regulations and establish the exemptions from Sections 4, 7, 8, paragraph one and 27, which are necessary in order for a sentence to be served in another state pursuant to paragraph one.

0 Added by Act no. 66 of 19 June 2015. Repealed by Act no. 66 of 19 June 2015 (entered into force 1 September 2020).

Section 2. Purpose

A sentence shall be executed in a manner that takes into account the purpose of the sentence that serves to prevent the commission of new criminal acts, that reassures society, and that, within this framework, ensures satisfactory conditions for the inmates.

There must be an offer to undergo a restorative process while the sentence is being served.

In the case of persons remanded in custody, the Norwegian Correctional Service shall make suitable arrangements for remedying the negative effects of isolation.

0 Amended by Act no. 49 of 20 June 2014 (entered into force 1 July 2014 pursuant to Royal Decree no. 795 of 20 June 2014).

Section 3. Contents

Sanctions shall be executed in a manner that satisfies the need for security. The substance thereof shall be based on the measures available to the Norwegian Correctional Service for assisting a convicted person to adjust to society. The Norwegian Correctional Service shall make suitable arrangements for enabling a convicted person to avoid committing new criminal acts through his or her own efforts.

Particular importance shall be attached to a child's right of access to his or her parents during the execution of a sanction.

A convicted person has a duty to take an active part during the execution of a sentence and special criminal sanctions. The duty to take an active part may include work, service beneficial to the community, training, programmes or other measures that are likely to counteract new criminality. In the event of illness or disability, the duty to take an active part may cease.

In the execution of sentences of imprisonment, preventive detention and special criminal sanctions, there shall, insofar as possible, be a gradual transition from imprisonment to complete freedom, and opportunities to participate in leisure activities shall also be provided.

0 Amended by Act no. 131 of 21 December 2005 (entered into force 1 January 2006 pursuant to Royal Decree no. 1580 of 21 December 2005).

Section 4. Administrative cooperation

Through cooperation with other government agencies, the Norwegian Correctional Service shall ensure that convicted persons and inmates in custody on remand receive the services that they have a statutory right to. The cooperation shall contribute to a coordinated effort to cover the needs of convicted persons and inmates and to promote their return to society.

Chapter 1 A. The Norwegian Correctional Service's processing of personal data

0 Chapter added by Act no. 85 of 17 December 2010 (entered into force 20 September 2013 pursuant to Royal Decree no. 1098 of 20 September 2013), and heading amended by Act no. 3 of 23 January 2015.

Section 4a. Relationship to other statutes

The Personal Data Act applies with the supplementary provisions stipulated in this chapter.

0 Added by Act no. 85 of 17 December 2010 (entered into force 20 September 2013 pursuant to Royal Decree no. 1098 of 20 September 2013).

Section 4b. Data controller

Data controller refers to the person who, pursuant to statute or regulations, alone or together with others, determines the purpose of the data processing and the aids that shall be used.

0 Added by Act no. 85 of 17 December 2010 (entered into force 20 September 2013 pursuant to Royal Decree no. 1098 of 20 September 2013).

Section 4c. Purpose of processing personal data

The Norwegian Correctional Service can process personal data that is necessary in order to:

- a) plan, administer and execute sanctions and coercive measures pursuant to Section 1 of the Execution of Sentences Act,
- b) maintain peace and order and ensure the safety of employees, inmates, convicted persons and society at large,
- c) ensure that inmates and convicted persons have satisfactory conditions when serving their sentences and offer them services intended to counteract repeat crime, including facilitating services from other agencies with the objective of promoting the adjustment of inmates and convicted persons back into society,
- d) ensure that children have right of access to their parents under safe and secure conditions,
- e) notify the aggrieved person or his or her surviving relatives, cf. Section 7 b,
- f) prepare social inquiry reports, cf. Chapter 14 of the Criminal Procedure Act.

0 Added by Act no. 85 of 17 December 2010 (entered into force 20 September 2013 pursuant to Royal Decree no. 1098 of 20 September 2013), and amended by Act no. 6 of 20 January 2012 (entered into force 20 January 2012 pursuant to Royal Decree no. 41 of 20 January 2012).

Section 4d. Who the Norwegian Correctional Service may process personal data about

For the purpose referred to in Section 4c, the Norwegian Correctional Service may process personal data about:

- a) convicted persons and inmates,
- b) next of kin and others who have contact with or attempt to establish contact with the convicted person or inmate,
- c) people who have or seek access to prison areas,
- d) children of the convicted person or inmate and the child's next of kin or other caregivers,
- e) the accused or person indicted who is subject to a social inquiry report.

0 Added by Act no. 85 of 17 December 2010 (entered into force 20 September 2013 pursuant to Royal Decree no. 1098 of 20 September 2013), amended by Act no. 6 of 20

January 2012 (entered into force 20 January 2012 pursuant to Royal Decree no. 41 of 20 January 2012).

Section 4e. Requirements for the statutory regulation of data processing

Among other things, the King may prescribe regulations for:

- a) the legal grounds that authorise the data processing,
- b) the purpose of the data processing,
- c) who the data controller is,
- d) the data categories that can be registered,
- e) person(s) at the Norwegian Correctional Service who has/have access to the data,
- f) the right to disclose data,
- g) obligation to provide information, access, correction, blocking and deletion of data,
- h) information security and internal control.

0 Added by Act no. 85 of 17 December 2010 (entered into force 20 September 2013 pursuant to Royal Decree no. 1098 of 20 September 2013).

Chapter 1 B. Processing of personal data in the Infoflyt system

0 Chapter added by Act no. 3 of 23 January 2015.

Section 4f. The purpose of processing personal data in the Infoflyt system

The Norwegian Correctional Service may process personal data pertaining to convicted persons and inmates in the Infoflyt system if this is necessary for:

- a) preventing escape when there is a risk of escape,
- b) preventing external attacks that have the purpose of assisting escape,
- c) preventing hostage taking,
- d) preventing and combating organised crime, terrorism, violent extremism or other serious crime while in custody on remand, serving a sentence and other criminal sanctions, or
- e) ensuring the safety of inmates or convicted persons or other persons with a special need for protection.

When assessing whether it is necessary to process personal data in the Infoflyt system, the Norwegian Correctional Service must place particular emphasis on the nature and seriousness of the criminal offence, the length of the sentence, criminal history, behaviour when serving previous sentences, other criminal offences that are under investigation or before the courts, links to criminal networks, cooperative partners' knowledge of the inmate or convicted person and other factors that provide grounds to assume that the person in question will commit or aid and abet actions as referred to in paragraph one, (a) to (d).

If the inmate or convicted person is registered in the Infoflyt system, the Norwegian Correctional Service may process personal data about his or her visitors, telephone contacts or postal correspondents, family friends, friends, acquaintances and others who have or seek contact with the inmate or convicted person or who the inmate or convicted person seeks contact with, when it is assumed that the contact or desired contact is established to commit or aid and abet actions as referred to in paragraph one, (a) to (d).

The Norwegian Correctional Service can also process personal data pertaining to other persons if this is necessary for ensuring the safety of the persons themselves or for inmates or convicted persons in instances in which there is a special need for protection pursuant to paragraph one (e).

0 Added by Act no. 3 of 23 January 2015.

Section 4g. The Norwegian Correctional Service's obligation to provide information

The data controller at the Norwegian Correctional Service shall inform the registered person that personal data about him or her is being processed in the Infoflyt system and that the data can be disclosed to the police and prosecuting authority pursuant to Section 4i.

The data controller may only refrain from informing the registered person if:

- a) this is necessary for safeguarding the purposes stipulated in Section 4f, paragraph one, (a) to (e),
- b) this is necessary in the interests of national or public security,
- c) the data was received from the Norwegian Police Security Service, or
- d) the registered person is not an inmate or convicted person and a separate case has not been established for him or her in the Infoflyt system.

0 Added by Act no. 3 of 23 January 2015.

Section 4h. The registered person's right of access

A registered person who so requests shall be granted access to the data that is registered about him or her in the Infoflyt system and the data that has been disclosed to the police and prosecuting authority.

Access can be partly or fully denied if:

- a) this is necessary for safeguarding the purposes stipulated in Section 4f, paragraph one, (a) to (e),
- b) this is necessary in the interests of national or public security, or
- c) the data was received from the Norwegian Police Security Service.

If the request for access is not granted and there are grounds for the Norwegian Correctional Service to refrain from informing the registered person pursuant to Section 4g, paragraph

two, a response must be given that does not indicate that there is a registration in the Infoflyt system.

0 Added by Act no. 3 of 23 January 2015.

Section 4i. Disclosure of personal data to the police and prosecuting authority

If it is necessary for fulfilling the purposes stipulated in Section 4f, paragraph one, (a) to (e), or for the police to be able to conduct a risk assessment in connection with the registered inmate or convicted person, the Norwegian Correctional Service may, without being subject to a duty of confidentiality, disclose data to the police and prosecuting authority.

0 Added by Act no. 3 of 23 January 2015.

Section 4j. The Norwegian Data Protection Authority's controls and methods

Upon request from the registered person or person who presumes he or she is registered, the Norwegian Data Protection Authority must verify that the data pertaining to the person in question is processed in accordance with the law and that the rules relating to the obligation to provide information and access are complied with. This does not apply to data which the Norwegian Correctional Service has received from the Norwegian Police Security Service.

If the Norwegian Correctional Service or the police have decided on exemptions from the obligation to provide information pursuant to Section 4g, paragraph two, or Section 48 of the Police Registry Act, the response must not indicate that a registration has been made in the Infoflyt system.

The Norwegian Data Protection Authority cannot issue orders for access to data that the Norwegian Correctional Service or the police have exempted from the right of access pursuant to Section 4h, paragraph two or Section 49, paragraph four of the Police Registry Act.

0 Added by Act no. 3 of 23 January 2015.

Section 4k. Regulations

The King may prescribe regulations relating to:

- a) responsibility for processing data,
- b) type of data that can be processed,
- c) data quality,
- d) access,
- e) cooperation with the police,
- f) procedure when opening and closing a case,
- g) obligation to provide information,
- h) inspection,

- i) correcting, blocking and deleting,
- j) duty to act in the event of errors or omissions,
- k) storage and use of blocked information,
- l) disclosure of information to the police,
- m) procedural rules,
- n) appeals and appeal deadlines,
- o) supervision, and
- p) information security and internal control.

0 Added by Act no. 3 of 23 January 2015.

Chapter 2. Administrative provisions, etc.

0 Heading amended by Act no. 5 of 7 March 2008 (entered into force 1 July 2008 pursuant to Royal Decree no. 242 of 7 March 2008).

Section 5. Organisational division of the Norwegian Correctional Service

The Norwegian Correctional Service is organised into the Directorate of Norwegian Correctional Service, regional level and local level.

The Directorate of Norwegian Correctional Service is responsible for the professional and administrative management of the Norwegian Correctional Service. The King appoints the head of the Service.

At regional level, a regional director exercises professional and administrative management. It may be decided that regional directors shall be employed on fixed-term contracts.

The King may prescribe further rules relating to the activities of the Norwegian Correctional Service, the organization and execution of prison sentences, preventive detention, special criminal sanctions, remand in custody, community sentences, and other sanctions when specially provided by statute.

0 Amended by Act no. 131 of 21 December 2005 (entered into force 1 January 2006 pursuant to Royal Decree no. 1580 of 21 December 2005) and Act no. 3 of 28 February 2014.

Section 6. Authority to hand down decisions

Decisions pursuant to this Act may be made at local level unless otherwise stipulated in paragraph two.

Decisions shall be made at regional level in all cases pursuant to Sections 11, 37, paragraph four and paragraph seven, third sentence, 38, paragraphs three and four, 44, paragraph two and 58, paragraph two. When a convicted person is sentenced to imprisonment for a term exceeding ten years, or to a special criminal sanction or preventive custody, or is imprisoned

in a department that has an especially high level of security pursuant to Section 10, paragraph two, decisions pursuant to Sections 12 to 16, 20, 33, 35, 36 and 42 to 44, shall also be made at regional level.

In cases in which the convicted person is under the age of 18, copies of decisions made at local level must be sent to regional level.

0 Amended by Act no. 131 of 21 December 2005 (entered into force 1 January 2006 pursuant to Royal Decree no. 1580 of 21 December 2005), Act no. 84 of 29 June 2007 (entered into force 1 August 2008 pursuant to Royal Decree no. 586 of 13 June 2008), Act no. 34 of 24 June 2011, and Act no. 6 of 20 January 2012, (entered into force 20 January 2012 pursuant to Royal Decree no. 41 of 20 January 2012).

Section 7. Rules of procedure

The Public Administration Act applies subject to the following exceptions:

- a) A convicted person, an inmate or a person employed in the Norwegian Correctional Service cannot act as an agent for a person who is serving a sentence or who is in custody pursuant to this Act.

The proceedings may be oral if necessary for reasons of time. This also applies to

- b) administrative decisions and information of such decisions that is to be given to convicted persons or inmates.

A party is not entitled to inspect a document that contains information which, in the interests of another person, must be deemed inadvisable for the party to obtain knowledge

- c) of. The party is also not entitled to become acquainted with information in a document if inspection thereof is inadvisable for security reasons, or in the interests of the investigation of criminal offences.

An exemption may be made from the duty to provide grounds for an administrative

- d) decision pursuant to Section 24 of the Public Administration Act if such grounds will disclose information that is exempted from the right to inspection pursuant to (c).

The deadline for an appeal in cases pursuant to this Act is seven days. This does not apply

- e) to cases concerning sanctions for breaches pursuant to Section 40, paragraph one to and including paragraph six, and Section 58, paragraph one. In such cases the deadline is 48 hours.

A decision to bring a case before the courts pursuant to Section 44, paragraph two, Section

- f) 58, paragraph two or Section 39, paragraph one and two of the General Civil Penal Code cannot be appealed. The same applies to a decision of committal to prison pursuant to Section 11.

Even if the deadlines in Section 35, paragraph three of the Public Administration Act

- g) have been exceeded, the Directorate of Norwegian Correctional Service and the regional level may, of its own accord, reverse a decision that has been made by a subordinate body to the detriment of a convicted person or inmate if there are special reasons for doing so.

- h) Every person who is employed by or performs services or work for the Norwegian Correctional Service is subject to a duty of confidentiality concerning important

knowledge he or she may obtain about security in the prisons and in connection with the execution of sentences outside of the prisons.

- A duty of confidentiality does not prevent the Norwegian Correctional Service from providing such information as is mentioned in Section 16, paragraph seven, Section 20, paragraph two, Section 36, paragraph three, Section 40, final paragraph, Section 42 paragraphs six and seven and Section 45, paragraph six of the General Civil Penal Code, to the aggrieved person in criminal proceedings or to a surviving relative of the said person.

0 Amended by Act no. 67 of 30 August 2002 (entered into force 1 January 2003 pursuant to Royal Decree no. 938 of 30 August 2002), Act no. 83 of 29 June 2007 (entered into force 1 November 2007 pursuant to Royal Decree no. 1138 of 12 October 2007), Act no. 85 of 17 December 2010 (entered into force 17 December 2010 pursuant to Royal Decree no. 1668 of 17 December 2010), Act no. 44 of 14 June 2013, Act no. 3 of 28 February 2014, Act no. 16 of 9 May 2014 (entered into force 9 May 2014 pursuant to Royal Decree no. 625 of 9 May 2014), and Act no. 65 of 19 June 2015 (entered into force 1 October 2015).

Section 7 a. Obligation to provide information to the Norwegian Correctional Service

Before information is provided as mentioned in paragraph two, assistance or consent must be sought from the person the information directly applies to.

The Norwegian Correctional Service has the right, without being subject to a duty of confidentiality, to retrieve data from:

- a. The National Registry: data concerning the inmate's name, national identity number, place of birth, place of residence and nationality.
- b. Employees in the child welfare services and social services: data about the inmate's children and family-related circumstances that is necessary for safeguarding the consideration of the child and the rest of the family while serving the sentence, when on leave of absence, upon release and when being transferred to forms of executing a sentence other than prison with a high level of security.
- c. Health personnel in the health and care services: data as mentioned in (b), including data that is strictly necessary in order to avert risks to the life and health of the inmate him or herself, other inmates and staff.
- d. Providers of access to electronic communication networks or communication services: data about contract-based, confidential telephone numbers and other subscription information.

The data shall be provided without undue delay. The regional director will determine who shall have the authority to retrieve and receive data as referred to above.

0 Added by Act no. 83 of 29 June 2007 (entered into force 1 November 2007 pursuant to Royal Decree no. 1138 of 12 October 2007), amended by Act no. 85 of 17 December 2010 (entered into force 17 December 2010 pursuant to Royal Decree no. 1668 of 17 December 2010), Act no. 30 of 24 June 2011 (entered into force on 1 January 2012 pursuant to Royal Decree no. 1252 of 16 December 2011), and Act no. 44 of 14 June 2013.

Section 7 b. Notice to the aggrieved person or his or her surviving relatives

For rules relating to notice to the aggrieved person or his or her surviving relatives regarding decisions by the Norwegian Correctional Service, see Section 16, paragraph seven, Section 20, paragraph two, Section 36, paragraph three, Section 40, final paragraph, Section 42, paragraphs six and seven, and Section 45, paragraph six of the General Civil Penal Code.

0 Added by Act no. 5 of 7 March 2008 (entered into force 1 July 2008 pursuant to Royal Decree no. 242 of 7 March 2008), amended by Act no. 44 of 14 June 2013, Act no. 16 of 9 May 2014 (entered into force 9 May 2014 pursuant to Royal Decree no. 625 of 9 May 2014), and Act no. 65 of 19 June 2015 (entered into force 1 October 2015).

Section 8. Requirements for employees, etc.

Special educational requirements may be demanded of persons who are to be employed in the Norwegian Correctional Service. There must not be anything that calls into question the good character of employees at the Norwegian Correctional Service or employees who perform work for the Service as part of the administrative cooperation. To verify that the requirement for good conduct is satisfied, the Norwegian Correctional Service shall require the presentation of a complete police certificate of conduct. Other persons who perform work for the Norwegian Correctional Service may also be required to present a complete police certificate of conduct. When assessing whether persons referred to in the previous sentence can perform work for the Norwegian Correctional Service, consideration must be made to, among other things, his or her connection to the Norwegian Correctional Service, the tasks that are performed and the scope and duration of these, and who he or she has contact with when performing these tasks.

An employee may, however, be temporarily or permanently transferred to another operational entity at the Norwegian Correctional Service if consideration of the service so warrants.

0 Amended by Act no. 83 of 29 June 2007 (entered into force 1 November 2007 pursuant to Royal Decree no. 1138 of 12 October 2007).

Section 9. Supervisory councils

The supervisory councils shall exercise supervision over prisons and probation offices and over the treatment of convicted persons and inmates. The Directorate of Norwegian Correctional Service decides on the geographical division of the areas of responsibility for the supervisory councils. The King may, in regulations, prescribe specific rules relating to supervision over prisons and probation offices and over the treatment of convicted persons and inmates.

0 Amended by Act no. 98 of 16 December 2016 (entered into force 1 January 2017 pursuant to Royal Decree no. 1604 of 16 December 2016).

Chapter 3. Sentences of imprisonment, preventive detention and special criminal sanctions

0 Heading amended by Act no. 131 of 21 December 2005 (entered into force 1 January 2006 pursuant to Royal Decree no. 1580 of 21 December 2005).

Section 10. Forms of execution

Sentences of imprisonment, preventive detention and special criminal sanctions may be executed:

- a) in prisons with a high security level (closed prisons),
- b) in prisons with a lower security level (open prisons),
- c) in halfway houses,
- d) outside prison subject to special conditions pursuant to Section 16, or
- e) on probation subject to conditions pursuant to Section 43, paragraph two.

A department in a prison that has a high level of security may be suitably organized for inmates who have special needs, including persons who are imposed special criminal sanctions or preventive detention, or converted to an especially high security level.

Sentences may be executed by 24-hour detention in an institution or hospital pursuant to Sections 12 and 13.

Alternative sentences of imprisonment stipulated pursuant to Section 55 of the General Civil Penal Code can be executed as a unpaid work in lieu of a fine pursuant to Section 16 a.

For convicted persons under the age of 18, the social inquiry report prepared pursuant to Section 161 a of the Criminal Procedure Act shall form the basis for selecting the form in which execution of the sentence shall take place and other decisions relating to execution of the sentence. A new social inquiry report shall be prepared if more than one year has passed from when the social inquiry report was prepared until execution of the sentence has been initiated, or if the child's personality, life situation or future opportunities have undergone a significant change.

Entered into force 1 March 2002 with the exception of paragraph one (c).

0 Amended by Act no. 131 of 21 December 2005 (entered into force 1 January 2006 pursuant to Royal Decree no. 1580 of 21 December 2005), Act no. 6 of 20 January 2012 (entered into force 20 January 2012 pursuant to Royal Decree no. 41 of 20 January 2012), Act no. 35 of 24 June 2011 (entered into force 1 January 2014 pursuant to Royal Decree no. 1363 of 29 November 2013), Act no. 16 of 9 May 2014 (entered into force 9 May 2014 pursuant to Royal Decree no. 625 of 9 May 2014), and Act no. 65 of 19 June 2015 (entered into force 1 October 2015).

Section 10 a. Special rules for young inmates

When someone under the age of 18 is incarcerated, his or her period of incarceration must be adapted to his or her individual needs. Entities that are established especially for inmates under the age of 18 must have an inter-agency team that shall safeguard the needs of young people during execution of their sentences and prepare them for the period following release.

The Norwegian Correctional Service issues supplementary provisions relating to requirements for prisons that are used for inmates under the age of 18, requirements for employee qualifications, and requirements for the composition, function and work tasks of the inter-agency team.

0 Added by Act no. 6 of 20 January 2012 (entered into force 30 August 2015 pursuant to Royal Decree no. 1233 of 30 October 2015).

Section 11. Committal to prison and half-way houses

The Norwegian Correctional Service shall commit convicted persons directly to prisons with a high security level unless otherwise stipulated pursuant to this Act. Insofar as this is possible in practice and is appropriate, convicted persons should be committed to a prison in the vicinity of their home district.

If special security reasons make it necessary, convicted persons may be committed to a department with an especially high security level pursuant to Section 10, paragraph two.

Convicted persons with special needs, including persons who are imposed special criminal sanctions or preventive detention, should be placed in a department that has been adapted for this pursuant to Section 10, paragraph two.

The Norwegian Correctional Service shall consider whether a convicted person may be committed directly to a prison with a lower security level if he or she is sentenced to imprisonment for a term not exceeding two years. No decision to make such a committal shall be taken if the purpose of the sentence or security reasons contraindicate this, or there is reason to assume that the convicted person will evade execution of the sentence. In special cases, a convicted person may be committed directly to a prison with a lower security level when he or she is sentenced to imprisonment for a term exceeding two years.

The Norwegian Correctional Service shall assess whether the convicted person can be placed directly in a half-way house if he or she was sentenced to imprisonment for a term not exceeding one year. Paragraph four, sentence two applies correspondingly.

The Norwegian Correctional Service must always consider placing convicted persons under the age of 18 in prisons with a lower level of security or in half-way houses.

0 Amended by Act no. 131 of 21 December 2005 (entered into force 1 January 2006 pursuant to Royal Decree no. 1580 of 21 December 2005), Act no. 6 of 20 January 2012 (entered into force 20 January 2012 pursuant to Royal Decree no. 41 of 20 January 2012), and Act no. 44 of 14 June 2013.

Section 12. Execution of a sentence in an institution

In special cases, a sentence may be wholly or partly executed in the form of 24-hour detention in an institution if such detention is necessary for improving the convicted person's capacity to function socially and in a law-abiding manner, or there are other compelling reasons for doing so. The convicted person may be restrained against his or her will and brought back in the case of escape, if necessary by force and with the aid of public authorities. The Norwegian Correctional Service shall not decide on such execution if there are security reasons that contraindicate this or there is reason to assume that the convicted person will evade execution of the sentence.

0 Amended by Act no. 64 of 15 June 2001 (entered into force on 1 January 2002).

Section 13. Execution of sentence in a hospital

The Norwegian Correctional Service may decide that a sentence may be executed in the form of 24-hour detention in a hospital if treatment of a disease necessitates this, and such treatment cannot be given during ordinary execution of the sentence.

Section 14. Transfer from one form of execution to another

The Norwegian Correctional Service may transfer inmates to another prison if:

- a) it is probable that an inmate has committed or will commit a criminal act,
- b) there is reason to assume that an inmate will evade execution of the sentence,
- c) this is necessary to prevent the inmate, despite a talk concerning his or her behaviour having been conducted, from continuing to exercise an especially negative influence on the prison environment,
- d) a transfer is necessary in order to maintain peace, order and security in the prison,
- e) the state of a building or staff conditions or lack of space necessitate this, when there are special circumstances that make transfer necessary out of consideration
- f) to an employee or the performance of his or her duties or the circumstances in general necessitate this, or
- g) this is necessary for avoiding an adverse mix of inmates.

The Norwegian Correctional Service can also transfer an inmate to another prison if the transfer adequately safeguards the needs of the inmate.

Inmates who serve their sentences in a department with an especially high security level may be transferred to another prison in order to prevent breaches of the peace, order and security in the said department even if the conditions prescribed in paragraph one (a) to (e) are not fulfilled.

A convicted person who himself or herself so wishes may be transferred to another prison if this is appropriate for the continued execution of the sentence.

A convicted person who serves preventive detention or special criminal sanctions in prison can be transferred to a department adapted for inmates with special needs, cf. Section 10, paragraph two, even if the conditions in paragraph one (a) to (g) or paragraph two are not satisfied. The transfer must be necessary for preventing breaches of the peace, order and security or for safeguarding the special needs of the convicted person.

A convicted person can be temporarily transferred to another prison in connection with a court hearing. In very exceptional circumstances, transfer in connection with a court hearing can also take place from prison to custody cells. Periods spent in custody cells must be as brief as possible.

A convicted person who serves his or her sentence outside prison pursuant to Section 16 may be returned to prison if it is probable that the said person has committed or will commit a criminal act, evade execution of the sentence or breach the preconditions and conditions for execution of sentence outside prison.

A convicted person shall not be transferred to a more restrictive prison than is necessary.

0 Amended by Act no. 83 of 29 June 2007 (entered into force 1 November 2007 pursuant to Royal Decree no. 1138 of 12 October 2007) and Act no. 44 of 14 June 2013.

Section 15. Transfer to a less restrictive prison

Inmates in a department that has an especially high level of security, or that is suitably organized for inmates with special needs, may be transferred to a prison with a high level of security if security reasons do not contraindicate this and there is no reason to assume that the inmates will evade execution. The same applies to persons for whom, pursuant to Section 5-6 of the Mental Health Protection Act, a decision is made to transfer to an institution under the Norwegian Correctional Service if they consent thereto. The Norwegian Correctional Service shall consider whether inmates in a department that has an especially high level of security may be transferred to a prison with a high level of security at intervals of not more than six months.

After having served part of their sentence, inmates may be transferred from a prison with a high security level to a prison with a lower security level. Inmates shall not be transferred if the purpose of the sentence or security reasons contraindicate this, or there is reason to assume that the inmates will evade execution of the sentence. The Norwegian Correctional Service shall consider transfer to a prison with a lower security level when a year remains until the inmates may be released on probation.

Inmates may be transferred from a prison with a high or lower level of security to a halfway house when part of the sentence has been executed. Inmates shall not be transferred if the purpose of the sentence or security reasons contraindicate this, or there is reason to assume that the inmates will evade execution of the sentence. The transfer must be an appropriate means of promoting a positive development and of counteracting new criminality.

0 Amended by Act no. 64 of 15 June 2001 (entered into force on 1 January 2002).

Section 16. Execution of sentence outside prison

If it is a necessary and appropriate means of ensuring the continuation of a particularly positive development and the counteraction of new criminality, the Norwegian Correctional Service may transfer a convicted person for execution of sentence outside prison subject to special conditions when half the term of the sentence has been served. The Norwegian Correctional Service must always assess whether the conditions for transferring convicted persons under the age of 18 for execution of the sentence outside prison are in place when half the term of the sentence has been served. No such decision to transfer shall be made if the purpose of the sentence or proper security considerations in regard to its execution contraindicate this.

If the unconditional prison sentence that has been imposed or the remaining period until expected release is up to 4 months and it is an appropriate means of ensuring a positive development and the counteraction of new criminality, the sentence can be served outside of prison when the condition is set that the convicted person must be subject to electronic monitoring. The Norwegian Correctional Service must always assess whether convicted persons under the age of 18 satisfy the conditions for execution of the sentence outside of prison with electronic monitoring. For convicted persons under the age of 18, the condition that the imposed prison sentence or remaining period until expected parole is up to 4 months does not apply. The Norwegian Correctional Service can issue regulations with supplementary provisions pertaining to the use of electronic monitoring. Paragraph one, third sentence applies accordingly.

It is a precondition for execution of the sentence outside prison that the convicted person shall have a permanent residence and be employed in a form of work, training or other measures. The convicted person shall also avoid the use of intoxicants, anaesthetics, hormone preparations or other chemical substances that are not lawfully prescribed.

If it appears to be necessary for a properly secure execution of sentence outside prison, the Norwegian Correctional Service shall lay down special conditions. Among other things, the Norwegian Correctional Service may determine that the convicted person shall:

- a) undergo treatment,
- b) participate in a programme,
- c) take antabus or other prescribed medicines,
- d) comply with provisions concerning where to stay, or
- e) avoid the company of specific persons.

The Norwegian Correctional Service may abolish fixed conditions, amend them or lay down new conditions if it appears necessary for a properly secure execution of the sentence.

The Norwegian Correctional Service shall check that the convicted person complies with preconditions and fixed conditions. As a step in such control, measures pursuant to Section 56 may be implemented. In the event of breaches of conditions or preconditions, or if it is probable that a convicted person has committed or will commit a criminal act or will evade execution of the sentence, the provisions concerning return to prison in Section 14, paragraphs six and seven shall apply.

If it is of importance for an aggrieved person in criminal proceedings or for his or her surviving relatives to be informed of the date of the execution of sentence outside prison, the Norwegian Correctional Service shall notify the aggrieved person or the surviving relatives in advance. Notification must also include information about conditions that have been set pursuant to Section 16, paragraph four (d) and (e) if these conditions directly concern the aggrieved person or his or her surviving relatives.

The convicted person and aggrieved person must be offered a restorative process. If an agreement is reached to comply with regulations relating to place of residence, or to refrain from having relations with specific persons, the Norwegian Correctional Service shall take the agreement into consideration when setting conditions for execution of the sentence outside of prison. The Norwegian Correctional Service does not need to take the agreement into consideration if it will be unreasonable for the aggrieved person or convicted person.

0 Amended by Act no. 83 of 29 June 2007 (entered into force 1 November 2007 pursuant to Royal Decree no. 1138 of 12 October 2007) and Act no. 84 of 29 June 2007 (entered into force 1 November 2007 pursuant to Royal Decree no. 1139 of 12 October 2007) and new paragraph two that entered into force 1 August 2008 pursuant to Royal Decree no. 586 of 13 June 2008), Act no. 6 of 20 January 2012 (entered into force 20 January 2012 pursuant to Royal Decree no. 41 of 20 January 2012), Act no. 19 of 24 May 2013, Act no. 3 of 28 February 2014, Act no. 16 of 9 May 2014 (entered into force 9 May 2014 pursuant to Royal Decree no. 625 of 9 May 2014), and Act no. 49 of 20 June 2014 (entered into force 1 July 2014 pursuant to Royal Decree no. 795 of 20 June 2014) .

Section 16 a. Execution of alternative sentence of imprisonment through unpaid work in lieu of a fine

If a person who shall execute an alternative sentence of imprisonment handed down in a judgment, penalty charge or simplified penalty charge so consents, the Norwegian Correctional Service can decide that the alternative sentence of imprisonment shall be executed through unpaid work in lieu of a fine. Carrying out unpaid work in lieu of a fine presupposes that the person who has been fined has his or her place of residence and domicile in Norway during the execution period. The Norwegian Correctional Service shall ask for the fined person's consent when summoning him or her to serve the alternative sentence of imprisonment.

If the conditions for unpaid work in lieu of a fine are in place, the Norwegian Correctional Service shall set the number of hours for the unpaid work in lieu of a fine from 2 to 180 hours and an execution period from 20 days to 6 months.

The Norwegian Correctional Service shall determine the specifics of the unpaid work in lieu of a fine within the framework set in the judgment imposing the fine or in penalty charges. Section 53, paragraphs one and three, Section 54, paragraph one (a) to (c) and (e), paragraphs two and three, Section 56, paragraphs two and three and Section 57 apply correspondingly. The Norwegian Correctional Service shall verify that the person who has been fined complies with the requirements and conditions.

If the person who has been fined deliberately or negligently breaches provisions stipulated in or pursuant to paragraph three, the Norwegian Correctional Service shall inform him or her of

the breach, clarify the requirements in a suitable manner and make him or her aware of the consequences of repeated breach.

In the event of repeated breach of conditions or requirements or if it is probable that the person fined has committed or will commit a criminal offence or evade executing a sentence, the provisions relating to return to prison in Section 14, paragraphs seven and eight shall apply. The Norwegian Correctional Service can interrupt the execution of a sentence.

The Ministry issues regulations with specific rules relating to unpaid work in lieu of a fine, including setting the number of hours, content and execution and interruption.

0 Added by Act no. 35 of 24 June 2011 (entered into force 1 January 2014 pursuant to Royal Decree no. 1363 of 29 November 2013), amended by Act no. 65 of 19 June 2015 (entered into force 1 October 2015), and Act no. 98 of 16 December 2016 (entered into force 1 January 2017 pursuant to Royal Decree no. 1604 of 16 December 2016).

Section 17. The company of other inmates

Insofar as this is practically possible, inmates shall be allowed company during work, training, programmes or other measures, and in leisure periods. The Norwegian Correctional Service may decide on complete or partial exclusion from company pursuant to the provisions of Section 29, paragraph two and Sections 37, 38, 39 and 40, paragraph two (d). Inmates shall be placed in a single room at night unless health conditions or lack of space prevent this.

Company for inmates who are serving their sentences in a department as referred to in Section 10, paragraph two, may be wholly or partly restricted in the interests of peace, order and security, or if this is in the interests of the inmates themselves or other inmates, and does not appear to be a disproportionate measure.

Section 18. Work, training, programmes or other measures

The Norwegian Correctional Service shall arrange for inmates to be offered activities during the daytime.

Section 19. Daily pay

Convicted persons who are serving their sentences in prison or outside prison pursuant to Sections 12 and 13, may be granted daily pay. The Directorate of Norwegian Correctional Service determines the rates.

0 Amended by Act no. 3 of 28 February 2014.

Section 20. Day-release

The Norwegian Correctional Service may grant inmates permission to take part in work, training, programmes or other measures outside prison if security reasons do not contraindicate this, and there is no reason to assume that inmates will evade execution of their sentences.

It may be required that the wage be transferred to the Norwegian Correctional Service in accordance with statutory deductions. The prison can then make deductions from the wage for day-release living expenses. The Directorate of Norwegian Correctional Service determines the rates. If the inmate him or herself is responsible for purchasing and preparing his or her own food, no deductions shall be made for this. The Ministry may issue regulations relating to the inmate's coverage of living expenses while on day-release, including the cost elements that can be deducted and calculation of the costs. The Ministry can also issue regulations relating to how the Norwegian Correctional Service and inmate may use the remainder of the wage after living expenses are deducted.

If it is important for an aggrieved person in criminal proceedings or for his or her surviving relatives to be informed of the day-release date, the Norwegian Correctional Service shall notify the aggrieved person or his or her surviving relatives in advance.

0 Amended by Act no. 83 of 29 June 2007 (entered into force 1 November 2007 pursuant to Royal Decree no. 1138 of 12 October 2007) and Act no. 98 of 16 December 2016 (entered into force 1 January 2017 pursuant to Royal Decree no. 1604 of 16 December 2016).

Section 21. Leisure activities

The Norwegian Correctional Service shall arrange for inmates to be given facilities to take part in leisure activities, including opportunities for physical and cultural activities.

Section 22. Outdoor time

Inmates must, insofar as possible, be allowed out in the open air every day.

Section 23. Religion and philosophy of life

The Norwegian Correctional Service shall give inmates opportunities to practise their religion and philosophy of life.

Section 24. Reporting and interviews

The Norwegian Correctional Service may grant permission for reporting from prisons. Conditions may be set for such permission in order to ensure peace, order and security in the prison.

Inmates are entitled to allow themselves be interviewed and photographed. The Norwegian Correctional Service shall arrange for the practical implementation of this right. The Norwegian Correctional Service may decide the time and place for an interview in the interests of peace, order and security in the prison. The consent of the police is required for interviews with persons remanded in custody who are subject to restrictions imposed pursuant to Section 186, paragraph two of the Criminal Procedure Act.

A person who is granted permission to make reports pursuant to paragraph one, or who interviews inmates, may be subjected to a duty of confidentiality with regard to information concerning security conditions in the prison. Any person who wilfully or negligently breaches the duty of confidentiality shall be liable to fines or to imprisonment for a term not

exceeding 6 months. Attempted offences are punished in the same manner. Complicity is not punishable.

0 Amended by Act no. 65 of 19 June 2015 (entered into force 1 October 2015).

Section 25. Cooperative bodies

If requested by the inmates, the Norwegian Correctional Service should establish cooperative bodies with representatives of the inmates and staff as members. If sentences are executed in a department as referred to in Section 10, paragraph two, such bodies may be established if security reasons do not contraindicate this.

The aim of the cooperative bodies is to facilitate the discussion of issues that are of importance to the inmates' daily lives. Issues concerning an individual inmate or employee, or issues concerning the organization of security measures, may not be discussed.

Section 26. Private possessions

The Norwegian Correctional Service may, in the interests of peace, order and security, make provisions concerning what objects inmates may be permitted to take into or out of prison.

Objects that are taken into or out of prison may be examined pursuant to Sections 27 and 28.

The Norwegian Correctional Service may, however, withhold money or objects, which a person has attempted to take into or bring out of prison in violation of paragraph one. If the money or objects are not seized pursuant to Chapter 16 of the Criminal Procedure Act, confiscated pursuant to Section 67 of the General Penal Code, or retained on any other grounds, they shall be returned no later than upon release or when a visitor leaves the prison. The Norwegian Correctional Service may destroy alcohol, other intoxicants and medicines etc.

0 Amended by Act no. 65 of 19 June 2015 (entered into force 1 October 2015).

Section 27. Examination of persons and objects

The Norwegian Correctional Service may examine persons and objects in the prison area by means of technological equipment or dogs in order to prevent objects being brought in that are not permitted. If such objects are found, or the person does not cooperate with the examination, the prison may refuse the person entry. If objects that are not permitted are found, the provisions in Section 26, paragraph three shall apply.

If an examination pursuant to paragraph one makes a positive finding or the Norwegian Correctional Service otherwise so decides, a person may be searched if he or she consents thereto. If the result of the examination pursuant to paragraph one is positive, or there is otherwise reason to assume that a person is attempting to bring objects that are not permitted into the prison, the person may be detained by staff until the police arrive even if the person

does not consent to a search. If unauthorised objects are found, the provision in paragraph one, second and third sentences shall apply accordingly.

An examination pursuant to paragraph one by means of technological equipment or dogs involving a public defence counsel and representative of a public authority, including a diplomatic or consular representative, can only take place in a department with an especially high security level. These persons may only be refused entry pursuant to paragraph one if they do not cooperate with the examination. If the result thereof is positive, such control measures as are mentioned in Section 31, paragraph three, cf. paragraph six, may be implemented.

Valid identification may be demanded of any person in order to establish his or her correct identity.

Before the Norwegian Correctional Service grants permission to visit inmates, information concerning the visitor's character may be obtained in advance.

In the event of telephone calls, the identity of the caller may be checked in advance.

Inmates may be photographed in order to establish their correct identity.

0 Amended by Act no. 35 of 24 June 2011.

Section 28. Inspection of inmates, rooms and possessions

The Norwegian Correctional Service may inspect inmates, their rooms and possessions in order to prevent disorder or criminal acts. The inspection may be carried out by means of technological equipment or dogs, search or bodily search.

Section 29. Inspection in order to expose the use of intoxicants etc.

The Norwegian Correctional Service may order convicted persons who are serving sentences pursuant to Section 10, paragraph one (a), (b), (c) and (d), to provide urine samples, and breath or blood specimens, or to cooperate with other forms of inspection which may be carried out without risk or particular discomfort, in order to expose the use of intoxicants, anaesthetics, hormone preparations or other chemical substances that are not lawfully prescribed. Blood samples may only be taken by health service personnel.

If it is probable that a convicted person is concealing intoxicants, anaesthetics, hormone preparations or other chemical substances that are not lawfully prescribed in his or her body, the Norwegian Correctional Service may decide that the convicted person shall be placed in a secluded room equipped with a special lavatory. A medical opinion shall be obtained and taken into account when considering whether this measure shall be implemented. While so placed, the convicted person shall be subject to constant supervision by health service personnel. If it is probable that the convicted person is concealing substances in his or her body that have not been legally prescribed, the Norwegian Correctional Service can also use a radiological examination to detect the substance. A referral for such an examination shall be decided by a doctor who determines whether the use of radiation is justified, cf. Section 13 of the Radiation Protection Act.

If there is a high probability that an inmate is concealing intoxicants, anaesthetics, hormone preparations or other chemical substances that are not lawfully prescribed in his or her body, the Norwegian Correctional Service may decide that a bodily search or other measure may be carried out in order to reveal the substance. A medical opinion shall be obtained and taken into account when considering whether this measure shall be implemented. The procedure may only be carried out by health service personnel. Consent shall be obtained from the regional level in advance if practically possible.

0 Amended by Act no. 83 of 29 June 2007 (entered into force 1 November 2007 pursuant to Royal Decree no. 1138 of 12 October 2007).

Section 30. Mail

Inmates may send and receive mail unless otherwise stipulated in this provision.

The Norwegian Correctional Service shall check mail sent to and by inmates in a department with an especially high security level before it is delivered or posted. Mail to and from inmates in a prison with a high security level shall be checked, but such checks may be waived if security reasons do not contraindicate this. Mail to and from inmates in a prison with a lower level of security or halfway house shall be checked if this appears necessary for security reasons.

Checking mail may take place by opening and reading through the postal item before it is delivered or posted, and by such inspection as is mentioned in Section 27, paragraph one. In a department with an especially high security level, inmates may be ordered to conduct correspondence in a language that members of staff understand. In a department with a high security level, inmates may, in exceptional cases and after an individual assessment, be ordered to correspond in a language that members of staff understand.

The Norwegian Correctional Service may refuse to deliver or send a postal item to or from inmates if the said item contains information concerning the planning or committing of a criminal act, evasion of execution of the sentence, or acts that will disturb peace, order and security. Inmates should be informed of any part of the postal item that may be reported without harm.

Any postal item that the inmate has already received may be checked pursuant to paragraph three.

A postal item sent to or by a public defence counsel and representative of a public authority, including a diplomatic or consular representative, may be inspected pursuant to Section 27, paragraph three. The inspection shall not include reading through the contents. The postal item shall always be opened in the presence of the inmate.

In accordance with specific provisions, the Norwegian Correctional Service may permit inmates to use electronic communication in the form of text, audio and image if security reasons or the consideration of proper use of resources do not contraindicate this. The provisions in paragraphs two to six shall apply correspondingly.

0 Amended by Act no. 83 of 29 June 2007 (entered into force 1 November 2007 pursuant to Royal Decree no. 1138 of 12 October 2007) and Act no. 84 of 29 June 2007 (entered into force 1 November 2007 pursuant to Royal Decree no. 1139 of 12 October 2007) and Act no. 98 of 16 December 2016 (entered into force 1 January 2017 pursuant to Royal Decree no. 1604 of 16 December 2016).

Section 31. Visits

Inmates may receive visits unless otherwise stipulated in this provision.

The Norwegian Correctional Service shall control visits to a department with an especially high security level. Visits to a prison with a high security level shall be controlled, but such controls may be waived if security reasons do not contraindicate this. Visits to a prison with a lower security level or to a halfway house shall be controlled if this appears necessary for security reasons.

Controls may take place in the form of supervision by a member of the staff during the visit, by listening to the conversation, by means of a glass wall or by prohibiting physical contact between inmates and visitors. If it is necessary to listen to the conversation for security reasons, the inmate and the visitor may be ordered to conduct the conversation in a language that staff understand. Multiple control measures may be implemented simultaneously if necessary. The control measures initiated shall not be stricter than necessary.

The Norwegian Correctional Service may refuse to allow a visit if there is reason to assume that the visit will be misused for planning or committing a criminal act, evasion of execution of the sentence, or acts that may disturb peace, order and security. If the visit is of great significance for the inmate and the control is sufficient for preventing the visit from being misused for such purposes as mentioned in the first sentence of this paragraph, the visit should be controlled, but not denied.

Visitors may be examined pursuant to Section 27 paragraphs one, two, four and five.

A public defence counsel and a representative of a public authority, including a diplomatic or consular representative, may be inspected pursuant to Section 27, paragraphs two to five. Such a visit shall not be controlled by listening to a conversation.

Visits should be carried out in a room designed for this purpose. The prison shall arrange for visits by children to be carried out in a considerate manner. In the event of a breach of the current visiting rules, the visit may be terminated.

Inmates under the age of 18 may receive visits from immediate family who stay in close proximity to the prison for up to three days at a time if this is acceptable in terms of security. The Norwegian Correctional Service issues regulations relating to the execution of, and financial contributions to, visits from an inmate's immediate family.

0 Amended by Act no. 83 of 29 June 2007 (entered into force 1 November 2007 pursuant to Royal Decree no. 1139 of 12 October 2007) and Act no. 6 of 20 January 2012 (entered into force 30 August 2015 pursuant to Royal Decree no. 1233 of 30 October 2015).

Section 32. Telephone calls

Inmates may use telephones unless otherwise stipulated in this provision.

The Norwegian Correctional Service shall control telephone calls to and from inmates in a department with an especially high security level. Telephone calls to and from inmates in a prison with a high security level shall be controlled, but such controls may be waived if security reasons do not contraindicate this. Telephone calls to and from inmates in a prison with a lower security level or halfway house shall be controlled if this appears necessary for security reasons.

A telephone call may be controlled by listening to the conversation. The parties to the conversation shall be notified in advance if this occurs. The parties may be ordered to conduct the conversation in a language that staff understand. The caller's identity may be investigated during the conversation.

The Norwegian Correctional Service may refuse to allow inmates to use the telephone if there is reason to assume that the telephone conversation will be misused for planning or committing a criminal act, evasion of execution of the sentence, or acts that will disturb peace, order and security. If the telephone call is of great significance for the inmate, and the control is sufficient to prevent the call being misused for such purposes as are mentioned in the first sentence of this paragraph, the call should be controlled but not denied.

Telephone conversations may be tape-recorded if it is probable that inmates are planning to evade execution of the sentence. The parties to the conversation shall be notified in advance that a recording will be made.

A telephone call to or from a public defence counsel and representative of a public authority, including a diplomatic or consular representative, may be investigated pursuant to Section 27, paragraph six before the call begins. The call cannot be listened to or recorded.

0 Amended by Act no. 84 of 29 June 2007 (entered into force 1 November 2007 pursuant to Royal Decree no. 1139 of 12 October 2007).

Section 33. Leave of absence from prison

If security reasons do not contraindicate this, the Norwegian Correctional Service may grant inmates leave of absence for short periods if there are special and compelling reasons for doing so, or when leave of absence is deemed to be appropriate for the continued execution of the sentence.

Inmates may not be granted ordinary leave of absence until part of the sentence has been executed.

In assessing whether leave of absence is justifiable from a security standpoint, based on the knowledge the Norwegian Correctional Service has of the inmate and his or her conduct during execution of the sentence, particular emphasis shall be assigned to whether there is reason to assume that the inmate will commit a new criminal act, evade execution of the sentence, or breach the preconditions or leave of absence conditions laid down pursuant to Section 36, paragraphs one and two.

Section 34. Escorted leave

The Norwegian Correctional Service may grant inmates leave of absence from prison under the escort of members of staff.

Section 35. Interruption of the sentence

The Norwegian Correctional Service may decide that execution of the sentence shall be interrupted if the convicted person's state of health requires it, or if there are other particularly compelling reasons for doing so that cannot otherwise be remedied.

Section 36. Determination of conditions relating to leave of absence and interruption of the sentence

It is a precondition that inmates granted leave of absence and interruption of sentence shall not commit a new criminal act, and shall stay at a given address, comply with conditions laid down pursuant to paragraph two and return to prison in a sober state at a fixed time. During leave of absence inmates shall also avoid the use of intoxicants, anaesthetics, hormone preparations or other chemical substances that are not lawfully prescribed.

The Norwegian Correctional Service shall lay down special conditions if this is deemed necessary for carrying out the leave of absence or interruption of sentence in a manner that is justifiable from a security standpoint. Among other things, it may be stipulated that an inmate shall:

- a) make visits to a specific authority or person,
- b) report to the police or the Norwegian Correctional Service at a fixed time,
- c) take antabus or other prescribed medicines,
- d) provide a clear urine sample or breath specimen prior to departure,
- e) be collected and brought back to prison by specific persons,
- f) comply with provisions concerning the place where he or she shall stay,
- g) avoid the company of specific persons, or
- h) during interruption of sentence, avoid the use of intoxicants, anaesthetics, hormone preparation or other chemical substances that are not lawfully prescribed. Conditions concerning prohibition of the use of alcohol shall only be waived if this is deemed to be unobjectionable from a security standpoint.

If it is of importance for an aggrieved person in criminal proceedings or for his or her surviving relatives to be informed of the date of the leave of absence or interruption of sentence, the Norwegian Correctional Service shall notify the aggrieved person or the surviving relatives in advance. The notice must also include information about the conditions set pursuant to Section 36, paragraph two (f) and (g) if these conditions directly apply to the aggrieved person or his or her surviving relatives.

The convicted person and aggrieved person must be offered a restorative process. If an agreement is reached to comply with regulations relating to place of stay or refrain from having contact with specific people, the Norwegian Correctional Service shall take the

agreement into consideration when setting conditions for leave of absence or interruption of sentence. The Norwegian Correctional Service does not need to take the agreement into consideration if it will be unreasonable for the aggrieved person or convicted person.

0 Amended by Act no. 83 of 29 June 2007 (entered into force 1 November 2007 pursuant to Royal Decree no. 1138 of 12 October 2007), Act no. 44 of 14 June 2013, and Act no. 49 of 20 June 2014, (entered into force 1 July 2014 pursuant to Royal Decree no. 795 of 20 June 2014).

Section 37. Exclusion from company as a preventive measure

The Norwegian Correctional Service may decide that an inmate shall be wholly or partly excluded from the company of other inmates if this is necessary in order to:

- a) prevent inmates from continuing to influence the prison environment in a particularly negative manner,
- b) prevent inmates from injuring themselves or acting violently or threatening others,
- c) prevent considerable material damage,
- d) prevent criminal acts, or
- e) maintain peace, order and security.

The provisions in paragraph one (b) to (e) apply correspondingly for inmates under the age of 18, however it may only be decided to exclude inmates if this is strictly necessary and less invasive methods have been unsuccessfully attempted or will clearly be inadequate.

The Norwegian Correctional Service shall decide on partial exclusion if this is sufficient for preventing acts pursuant to paragraph one (a) to (e) and paragraph two.

Complete or partial exclusion pursuant to paragraph one, two or three shall not be maintained longer than is necessary, and the Norwegian Correctional Service shall continually consider whether there are still grounds for exclusion.

If complete exclusion from company exceeds 14 days, the regional level shall decide whether the inmate shall continue to be excluded. If the total period of exclusion exceeds 42 days, the measure shall be reported to the Norwegian Correctional Service. Notice must then be sent to the Norwegian Correctional Service at 14-day intervals. Exclusion pursuant to paragraph one (a) to (e) may only extend beyond one year if the inmate himself or herself so wishes.

Decisions to exclude persons under the age of 18 must be immediately reported to regional level. The Norwegian Correctional Service shall continually assess whether there are grounds for maintaining the measure. If the exclusion exceeds 3 days, the case must be sent to regional level for a new assessment. If exclusion exceeds 5 days, notice must be sent to the Directorate of Norwegian Correctional Service. [Under no circumstances can complete exclusion of inmates under the age of 18 exceed 7 days.]¹

If partial exclusion from other company exceeds a period of 30 days, this measure shall be reported to the regional level. If partial exclusion from other company of an inmate under the age of 18 exceeds 7 days, the Directorate of Norwegian Correctional Service shall determine

whether the inmate shall still be excluded. Notice must then be given to the Directorate with 7 day intervals.

Exclusion must be used with care such that no person is caused unnecessary harm or suffering. Inmates who are completely excluded from other company must be checked by employees several times a day. A doctor must be notified of exclusion without undue delay. Employees under the age of 18 must have continual supervision.

The Norwegian Correctional Service may decide that all or some inmates shall be wholly or partly excluded from company if it is probable that an unspecified number of inmates have committed or are in the process of committing such acts as are mentioned in paragraph one, or if urgent building or staff conditions necessitate this. Such exclusion may be maintained for up to three 24-hour periods. Regional level may extend the exclusion by up to three 24-hour periods if there are special reasons for doing so. Paragraph ten applies for employees under the age of 18.

The Norwegian Correctional Service may decide that an inmate shall be wholly or partly excluded from company if building or staff conditions necessitate this, or if the inmate himself or herself so wishes. Paragraph ten applies for employees under the age of 18.

The Norwegian Correctional Service may decide that an inmate under the age of 18 shall be wholly or partly excluded if building or staff conditions make this strictly necessary, or if the inmate himself or herself so wishes and this is deemed to be strictly necessary. Less invasive measures must have been unsuccessfully attempted or be clearly inadequate. Decisions to exclude persons under the age of 18 must be immediately reported to regional level. Such exclusion can be maintained for up to 48 hours. Regional level can extend exclusion by up to 48 hours if special reasons necessitate this. If so, notice must also be sent to the Directorate of Norwegian Correctional Service. Exclusion must be used with care such that no person is caused unnecessary harm or suffering. Inmates under the age of 18 must have continual supervision. The Norwegian Correctional Service can prescribe specific rules relating to exclusion of inmates under the age of 18, and measures for remedying possible negative consequences of this.

Section 17, paragraph two shall be applied for exclusion from company in departments as mentioned in Section 10, paragraph two.

0 Amended by Act no. 44 of 14 June 2013, Act no. 3 of 28 February 2014, and Act no. 6 of 20 January 2012 (entered into force 30 August 2015 pursuant to Royal Decree no. 1233 of 30 October 2015) with the exception of paragraph five, final sentence) as amended by Act no. 3 of 28 February 2014, and Act no. 3 of 22 April 2016 (entered into force 22 April 2016 pursuant to Royal Decree no. 407 of 22 April 2016). Amended by Act no. 6 of 20 January 2012 (entry into force from the date decided by the King, paragraph five, final sentence).

1 This sentence has not entered into force.

Section 38. Use of coercive measures in prison

The Norwegian Correctional Service may use a security cell, restraining bed or other approved coercive measure in order to:

- a) prevent a serious attack on or injury to a person,
- b) prevent the execution of serious threats or considerable damage to property,
- c) prevent serious riots or disturbances,
- d) prevent escape from prison during transportation to or from a destination,
- e) prevent unlawful intrusion into a prison, or
- f) secure access to a closed or barricaded room.

The Norwegian Correctional Service shall only use coercive measures if circumstances make this strictly necessary, and less invasive measures have been unsuccessfully attempted or will clearly be inadequate. Coercive measures shall be used with care such that no person is caused unnecessary harm or suffering. Insofar as this is possible, a medical opinion shall be obtained and taken into account in considering whether a decision shall be made to use a security cell or a restraining bed. The Norwegian Correctional Service shall continually assess whether there are grounds for maintaining the measure.

For employees under the age of 18, coercive measures may only be used if this is absolutely necessary, and less invasive measures have been unsuccessfully attempted or will clearly be inadequate. Coercive measures shall be used with care such that no person is caused unnecessary harm or suffering. Insofar as this is possible, a medical opinion shall be obtained and taken into account in considering whether a decision shall be made to use a security cell or a restraining bed. Inmates under the age of 18 must have continual supervision. The Norwegian Correctional Service shall continually assess whether there are grounds for maintaining the measure.

Use of a restraining bed for a period that exceeds 24 hours shall be reported to the regional level, which will decide whether the measure shall be maintained. The matter shall be re-evaluated after 24 hours. The measure shall be reported to the Norwegian Correctional Service if a restraining bed is used for more than three 24-hour periods. For employees under the age of 18, use of a restraining bed must be continually reported to regional level, which will determine whether the measure shall be continued. The measure must be reported to the Directorate of Norwegian Correctional Service if a restraining bed is used for more than 24-hours.

Use of a security cell for more than three 24-hour periods shall be reported to the regional level, which will decide whether the measure shall be continued. The measure shall be reported to the Directorate of Norwegian Correctional Service if a security cell is used for more than six 24-hour periods. For inmates under the age of 18, use of a security cell for more than 24 hours must be reported to regional level, which will determine whether the measure shall be continued. The measure shall be reported to the Directorate if a security cell is used for more than three 24-hour periods.

0 Amended by Act no. 3 of 28 February 2014, and Act no. 6 of 20 January 2012 (entered into force 30 August 2015 pursuant to Royal Decree no. 1233 of 30 October 2015) as amended by Act no. 3 of 28 February 2014.

Section 39. Immediate exclusion of inmates as a consequence of breaches of execution of prison sentences, preventive detention and special criminal sanctions.

If it is probable that an inmate has committed an act that may result in a sanction pursuant to Section 40, paragraph two (c), (d) and (e), the Norwegian Correctional Service may wholly or partly exclude the inmate from company for up to 24 hours. Immediate exclusion from company cannot be used for inmates under the age of 18.

0 Amended by Act no. 131 of 21 December 2005 (entered into force 1 January 2006 pursuant to Royal Decree no. 1580 of 21 December 2005), and Act no. 6 of 20 January 2012 (entered into force 30 August 2015 pursuant to Royal Decree no. 1233 of 30 October 2015).

Section 40. Sanctions in the event of breach of execution of prison sentence, preventive detention and special criminal sanctions.

The Norwegian Correctional Service may impose sanctions pursuant to this provision if inmates wilfully or negligently breach the rules for peace, order and discipline or preconditions and conditions stipulated in or pursuant to this Act. This includes breaches committed during temporary absence from prison or during transportation to and from prison. A decision may also be made to impose sanctions on any person who has been complicit in the breach.

The following sanctions may be imposed:

- a) written reprimand,
- b) loss of daily pay for a specified period,
- c) loss of privileges,
- d) exclusion from leisure group or other activities for a period of up to 20 days for breaches that are assessed in the same sanctions case, or
- e) loss of entitlement to leave of absence for a period not exceeding four months.

Convicted persons who serve their sentences outside prison pursuant to Section 16 may receive a written reprimand unless a decision has been made to return them to prison pursuant to Section 14, paragraph four. If, as a consequence of a breach, a convicted person is or will be transferred to prison, a decision to impose sanctions shall only be made if the convicted person has evaded execution of the sentence.

If an inmate has committed more than one breach, the Norwegian Correctional Service shall decide on a joint sanction. A decision may be made to withdraw a privilege, in addition to imposing a sanction pursuant to paragraph two (a), (b), (d) and (e). Alternatively, the Norwegian Correctional Service may decide to withdraw two privileges. Unless the inmate has evaded execution of the sentence, a decision to impose sanctions shall not be made if, as a consequence of the breach, the inmate is or will be, transferred to a more restrictive prison.

The sanction may be suspended subject to a probationary period not exceeding three months. If, during the probationary period, the inmate is guilty of new breaches, the probationary period will be interrupted. In such cases, the Norwegian Correctional Service shall decide on a new joint sanction.

If health or other special reasons so warrant, a sanction may be interrupted or wholly or partly remitted. If execution of an interrupted sanction is not resumed within three months, the sanction shall be remitted.

A person who wilfully or through gross negligence fails to comply with orders as referred to in Section 461, paragraph one of the Criminal Procedure Act, shall be liable to fines or imprisonment for a term not exceeding three months. Prison sentences of less than 14 days may be imposed. Paragraph one does not apply to failure to be present to serve community sentences that is dealt with in accordance with the provisions relating to breach, cf. Section 58.

If it is of importance to an aggrieved person in criminal proceedings or his or her surviving relatives to be informed that the convicted person evaded execution of the prison sentence, preventive detention or special criminal sanctions, the Norwegian Correctional Service must notify the aggrieved person or his or her surviving relatives of this as soon as possible.

0 Amended by Act no. 131 of 21 December 2005 (entered into force 1 January 2006 pursuant to Royal Decree no. 1580 of 21 December 2005), Act no. 83 of 29 June 2007 (entered into force 1 November 2007 pursuant to Royal Decree no. 1138 of 12 October 2007) and Act no. 84 of 29 June 2007 (entered into force 1 November 2007 pursuant to Royal Decree no. 1138 of 12 October 2007) and Act no. 44 of 14 June 2013, and Act no. 65 of 19 June 2015 (entered into force 1 October 2015). Amended by Act no. 6 of 20 January 2012 (entry into force from the date decided by the King).

Section 41. Preparation for release

The Norwegian Correctional Service shall, with sufficient time in advance, make preparations and contribute to suitable arrangements for release on probation. This also applies, insofar as possible, to inmates who are serving shorter prison sentences. Necessary contact shall be made with public authorities, organizations or private persons who can assist in providing properly organized living arrangements, work, training or other measures that will help in ensuring that the inmate leads a law-abiding way of life following release.

Section 42. Release from a prison sentence

The Norwegian Correctional Service may release a convicted person on probation when the said person has served two-thirds of the sentence and not less than 60 days, including any period spent remanded in custody. If release on probation entails that the period of the sentence remaining is less than 14 days, the convicted person may only be released on probation if there are compelling reasons for doing so. A convicted person who has been sentenced abroad to imprisonment for a term exceeding 30 years, and who is transferred to Norway to serve the sentence, may be released on probation after serving a term of not less than 20 years' imprisonment.

The Norwegian Correctional Service may decide that a convicted person who is no longer in prison, but who fulfils the conditions for release on probation pursuant to paragraph one, shall be released on probation without being recommitted to prison.

If half the sentence of imprisonment and not less than 60 days in prison has been served, including any period spent remanded in custody, the Norwegian Correctional Service may release a convicted person on probation if there are special reasons for doing so.

If there are special reasons for doing so, the Norwegian Correctional Service may release a convicted person a short time before he or she was otherwise scheduled to be released.

The Norwegian Correctional Service shall not decide to release a convicted person on probation if, after an overall assessment, the circumstances make such a release inadvisable. The Norwegian Correctional Service shall assign particular importance to the convicted person's conduct while serving the sentence, and to whether there is reason to assume that the convicted person will commit new criminal acts during the probationary period.

If it is of importance for an aggrieved person in criminal proceedings or for his or her surviving relatives to be informed of the date of release, the Norwegian Correctional Service shall notify the aggrieved person or his or her surviving relatives in advance. Notice can also be given if the released person changes place of residence during the parole period and it is important to the aggrieved person or his or her surviving relatives to be aware of the change.

Notice pursuant to this Section must also include information about conditions set pursuant to Section 43, paragraph two (d) and (e) if these conditions directly apply to the aggrieved person in criminal proceedings or his or her surviving relatives.

The probationary period shall expire on the date the sentence of imprisonment would have been served in its entirety.

0 Amended by Act no. 83 of 29 June 2007 (entered into force 1 November 2007 pursuant to Royal Decree no. 1138 of 12 October 2007) and Act no. 44 of 14 June 2013, and Act no. 98 of 16 December 2016 (entered into force 1 January 2017 pursuant to Royal Decree no. 1604 of 16 December 2016).

Section 43. Determining and amending conditions for release on probation from a prison sentence

It is a precondition for release on probation that the person being released does not commit a new criminal act during the probationary period.

If it appears necessary for effecting the release on probation in a manner that satisfies the need for security, the Norwegian Correctional Service shall impose a condition that, for a limited period of time, the person who is released shall appear in a sober state before the Norwegian Correctional Service. If it appears necessary from a security standpoint, the Norwegian Correctional Service shall, during the period in which there is of duty to appear before it, determine that persons released on probation shall:

- a) comply with provisions relating to place of residence,

- b) appear in a sober state before a public authority, person or organization in accordance with instructions from the Norwegian Correctional Service,
- c) comply with provisions relating to treatment,
- d) comply with provisions relating to place of stay, work or training, or
- e) avoid the company of specific persons.

If it appears necessary in order to effect the release on probation in a manner that satisfies the need for security, conditions imposed during the period when there is a duty to appear may be abolished or amended, or the Norwegian Correctional Service may lay down new conditions as specified in paragraph two. If a breach of a condition laid down pursuant to Section 43 is suspected, measures pursuant to Section 56 may be instituted.

The Norwegian Correctional Service may extend the period when there is a duty to appear, but not beyond the expiry of the probation period, on the same conditions as specified in paragraph three.

The convicted person and aggrieved person must be offered a restorative process. If an agreement is reached to comply with regulations relating to place of stay or refrain from having contact with specific people, the Norwegian Correctional Service shall take the agreement into consideration when setting conditions for parole. The Norwegian Correctional Service does not need to take the agreement into consideration if it will be unreasonable for the aggrieved person or convicted person.

0 Amended by Act no. 49 of 20 June 2014 (entered into force 1 July 2014 pursuant to Royal Decree no. 795 of 20 June 2014).

Section 44. Breaches of conditions for release on probation during the period when there is a duty to appear before the Norwegian Correctional Service

If the person released on probation wilfully or negligently breaches conditions laid down pursuant to Section 43, paragraph two, the Norwegian Correctional Service may order the person so released to appear for a discussion concerning the imposition of stricter conditions. During such a discussion, the person so released shall be informed of the consequences of repeated breaches of conditions. If it appears necessary for preventing new breaches, the Norwegian Correctional Service shall lay down conditions pursuant to Section 43, paragraph two, or new conditions to the effect that the person released on probation shall:

- a) avoid the use of intoxicants, anaesthetics, hormone preparations or other chemical substances that are not lawfully prescribed, or
comply with provisions relating to a duty to report to the police or Norwegian
- b) Correctional Service in addition to the duty to appear pursuant to Section 43, paragraph two.

If, after the Norwegian Correctional Service has held a discussion concerning the imposition of stricter conditions or laid down conditions pursuant to paragraph one, the person released on probation again breaches conditions, regional level may bring the case before the district court with an application for returning him or her to prison for complete or partial execution of the remainder of the sentence. The provisions relating to reversal of community sentences

pursuant to Section 52, paragraph one (a) of the General Civil Penal Code apply equivalently for return to prison to serve the remainder of the sentence following parole. Section 58, paragraph two applies correspondingly.

If the person released on probation fails to appear for the discussion on imposing stricter conditions pursuant to paragraph one, execution of the sentence may be interrupted. The same applies if the person released on probation again breaches conditions after completion of the discussion on imposing stricter conditions. If the regional level brings the case before the district court pursuant to paragraph two, execution of the sentence will be interrupted from the date the application is remitted to the court.

If the court makes an order deciding that the person released on probation shall be returned to prison to fully complete service of the remainder of the sentence, the Norwegian Correctional Service may decide on new release on probation even if the minimum periods laid down in Section 42, paragraph one have not been fulfilled for the remainder of the sentence.

The Norwegian Correctional Service may request that the police apprehend the person released on probation pursuant to Section 461, paragraph two of the Criminal Procedure Act if this is necessary in order to implement a sanction pursuant to paragraph one.

0 Amended by Act no. 67 of 30 August 2002 (entered into force 1 January 2003 pursuant to Royal Decree no. 938 of 30 August 2002), Act no. 28 of 20 May 2005 (entered into force 1 January 2006 pursuant to Royal Decree no. 1580 of 21 December 2005), Act no. 85 of 17 December 2010 (entered into force 17 December 2010 pursuant to Royal Decree no. 1668 of 17 December 2010), Act no. 44 of 14 June 2013, and Act no. 65 of 19 June 2015 (entered into force 1 October 2015).

Section 45. Commission of a new criminal act during the probation period

If a person released on probation commits a new criminal act during the probation period, the provisions relating to reversal of community sentence pursuant to Section 52, paragraph one (b) of the General Civil Penal Code shall apply correspondingly. However, it is sufficient if an indictment is issued or an application is made for the case to be adjudicated not later than six months after the probation period has expired.

If a person released on probation is charged with a criminal act that may result in him or her being returned to prison to complete service of the remainder of the sentence pursuant to Section 52, paragraph one (b) of the General Civil Penal Code, execution of the sentence may be interrupted.

0 Amended by Act no. 28 of 20 May 2005 (entered into force 1 January 2006 pursuant to Royal Decree no. 1580 of 21 December 2005), and Act no. 65 of 19 June 2015 (entered into force 1 October 2015).

Chapter 4. Remand in custody and other sanctions when specially so provided by statute

Section 46. General provisions

The Norwegian Correctional Service may not impose other restrictions on the liberty of inmates pursuant to this chapter than those necessary for effecting the purpose of the imprisonment or maintaining peace, order and security in the prison. Detrimental effects of the imprisonment must be prevented insofar as this is possible.

The Norwegian Correctional Service shall give priority to measures for remedying negative effects of isolation pursuant to Section 186, paragraph two and Section 186 a of the Criminal Procedure Act.

0 Amended by Act no. 55 of 28 June 2002 (entered into force 1 October 2002 pursuant to Royal Decree no. 647 of 28 June 2002).

Section 47. Location of inmates

The Norwegian Correctional Service should locate inmates in the vicinity of their home districts when this is practically possible. The same applies to persons remanded in custody, unless due consideration for the investigation or the defence of the person charged contraindicates this.

Persons remanded in custody may be transferred to another prison or custody cell pursuant to Section 14. Transfer to another prison can also occur when this is considered necessary for investigative considerations. Paragraph one, second sentence applies correspondingly insofar as it is appropriate.

Persons remanded in custody cannot, without their own consent, be ordered to share rooms with others unless health conditions or space considerations warrant this.

0 Amended by Act no. 83 of 29 June 2007 (entered into force 1 November 2007 pursuant to Royal Decree no. 1138 of 12 October 2007).

Section 48. (Repealed by Act no. 55 of 28 June 2002).

Section 49. Work, training, programmes and other measures

Insofar as this is practically possible, inmates are entitled to participate in work, training, programmes or other measures. The Norwegian Correctional Service may not order persons remanded in custody to take part in such activities. They may, however, be ordered to help with necessary cleaning and other housework in the prison.

Section 50. Right to spend one's own money

Persons remanded in custody are entitled to use their own money if this is compatible with peace, order and security in the prison. The right to spend their own money may be restricted when in the company of other inmates.

Section 51. Health Service

Persons remanded in custody have opportunities to receive visits and to be treated by their own doctors or dentists if there are reasonable grounds for doing so. The prescribing of medicines shall take place in consultation with the prison health service.

Section 52. Other provisions

The provisions in the Execution of Sentences Act shall otherwise apply insofar as it is compatible with decisions regarding restrictions or isolation pursuant to Section 186 and 186 a of the Criminal Procedure Act. Sections 12, 15, 16, 20, 33, 35, 36 and 41 to 45 in the Execution of the Sentences Act do not apply.

0 Amended by Act no. 55 of 28 June 2002 (entered into force 1 October 2002 pursuant to Royal Decree no. 647 of 28 June 2002), Act no. 44 of 14 June 2013, and Act no. 3 of 22 April 2016 (entered into force 22 April 2016 pursuant to Royal Decree no. 407 of 22 April 2016).

Chapter 5. Community sentences

Section 53. Contents of a community sentence

The hours constituting the term of a community sentence imposed pursuant to Section 49, paragraph one (a) of the General Civil Penal Code shall be spent on:

- a) community service,
- b) programmes, or
- c) other measures suitable for preventing new criminality.

In each particular case, the Norwegian Correctional Service will determine the precise contents of the community sentence within the limits set by the court in its judgment. If the court has imposed a condition that the convicted person shall comply with provisions relating to residence, place of stay, work, training or treatment, the Norwegian Correctional Service shall determine the precise contents of the provisions. The Norwegian Correctional Service shall place particular importance on measures that may enhance the convicted person's ability to rectify his or her pattern of criminal behaviour. The Norwegian Correctional Service shall also emphasise measures that may enhance the convicted person's ability to serve the sentence in accordance with the provisions prescribed in and pursuant to this Act.

The Norwegian Correctional Service shall alter the contents when this appears necessary in order to execute the community sentence in a manner that satisfies the need for security. The Norwegian Correctional Service may alter the contents if staffing conditions so warrant.

0 Amended by Act no. 65 of 19 June 2015 (entered into force 1 October 2015).

Section 54. Requirements relating to the convicted person

The convicted person shall serve the sentence in accordance with further instructions from the Norwegian Correctional Service. The convicted person shall:

- a) appear at appointed times and places,
- b) not be under the influence of intoxicants or anaesthetics when appearing,
- c) provide information about his or her residence, means of support, and other matters of significance for the execution of the sentence,
- d) comply with the conditions that the court has imposed pursuant to Section 50 of the General Civil Penal Code, and
- e) remain in Norway during the period of execution unless the Norwegian Correctional Service otherwise permits.

The convicted person shall not behave in a way that may:

- a) threaten the security of persons who are taking part in the execution of sentence, or
- b) have a particularly negative effect on the environment.

The convicted person shall not commit a new criminal act during the period of execution of sentence.

0 Amended by Act no. 28 of 20 May 2005 (entered into force 1 January 2006 pursuant to Royal Decree no. 1580 of 21 December 2005), and Act no. 65 of 19 June 2015 (entered into force 1 October 2015).

Section 55. Preventive prohibition of intoxicants

If it appears necessary in order to prevent a new criminal act that is aimed at a person's life, health or liberty, the Norwegian Correctional Service may at any time during the execution of sentence prohibit the convicted person from using intoxicants or anaesthetics.

The Norwegian Correctional Service shall lift the ban when it no longer appears necessary.

Section 56. Investigations in connection with the stipulated conditions or ban on intoxicants, or as a consequence of suspicion that the convicted person is under such influence when appearing before the court.

If the court has imposed conditions pursuant to Section 50 of the General Civil Penal Code or the Norwegian Correctional Service has prohibited the convicted person from using intoxicants or anaesthetics pursuant to Section 55 or Section 58, paragraph one, the Norwegian Correctional Service shall investigate whether the condition or prohibition is being complied with. The investigation may involve unannounced visits to the person's home. When a ban on intoxicants is imposed, the Norwegian Correctional Service may order the convicted person to provide a urine sample, a breath specimen or a blood specimen, or to cooperate with some other investigation that may be carried out without risk or particular discomfort. Blood samples may only be taken by health service personnel.

If there is reason to assume that the convicted person is under the influence of intoxicants or anaesthetics when appearing, the Norwegian Correctional Service shall investigate the matter as soon as possible. The convicted person may be ordered to provide a urine sample, a breath specimen or a blood specimen, or to cooperate in other investigations that may be carried out without risk or particular discomfort. Blood samples may only be taken by health service personnel.

Measures that are part of an investigation pursuant to paragraph one or two, shall not lead to a reduction in the number of hours of the sentence.

0 Amended by Act no. 28 of 20 May 2005 (entered into force 1 January 2006 pursuant to Royal Decree no. 1580 of 21 December 2005), and Act no. 65 of 19 June 2015 (entered into force 1 October 2015).

Section 57. Interruption of the sentence

The Norwegian Correctional Service may interrupt the execution of the sentence if the convicted person's state of health warrants this, or if there are other particularly compelling reasons that cannot be remedied in any other manner. If it appears necessary for ensuring that the interruption is effected in a manner that satisfies the need for security, the Norwegian Correctional Service shall lay down such conditions for the interruption as are mentioned in Section 58, paragraph one.

Section 58. Sanctions in the event of breach

If the convicted person wilfully or negligently breaches provisions laid down in or pursuant to Section 54, paragraph one and two, or Section 55, the Norwegian Correctional Service may order the convicted person to appear for a discussion on imposing stricter conditions. During such a discussion, the convicted person shall be informed of the consequences of repeated breaches. If this appears necessary in order to prevent new breaches, the Norwegian Correctional Service shall lay down conditions to the effect that the convicted person shall:

- a) comply with provisions concerning the place where he or she shall stay,
- b) avoid associating with specific persons,
- c) avoid the use of intoxicants or anaesthetics, or
- d) comply with provisions concerning a duty to report to the police or the Norwegian Correctional Service.

If, after the Norwegian Correctional Service has held a discussion on imposing stricter conditions or has laid down conditions pursuant to paragraph one, the convicted person again breaches the requirements or conditions laid down pursuant to paragraph one (a) to (d), the regional level should bring the case before the court with an application to the effect that the alternative sentence of imprisonment shall be wholly or partly executed pursuant to Section 52, paragraph one (a) of the General Civil Penal Code. In such instances, the same authority shall also hand down decisions regarding appeals to the Court of Appeal, enforcement pursuant to Section 455 of the Criminal Procedure Act and postponement of enforcement exceeding six months pursuant to Section 459 of the Criminal Procedure Act.

If the convicted person fails to appear at the discussion on imposing stricter conditions pursuant to paragraph one, the Norwegian Correctional Service may interrupt the execution of the sentence. The same applies if, after the conclusion of the discussion on imposing stricter conditions, the convicted person again breaches the requirements. If the regional level decides to bring the case before the court, execution of the sentence shall be interrupted from the date the application is remitted to the court.

The Norwegian Correctional Service may request that the police apprehend the convicted person pursuant to Section 461, paragraph two of the Criminal Procedure Act if this is necessary in order to implement a sanction pursuant to paragraph one.

0 Amended by Act no. 67 of 30 August 2002 (entered into force 1 January 2003 pursuant to Royal Decree no. 938 of 30 August 2002), Act no. 28 of 20 May 2005 (entered into force 1 January 2006 pursuant to Royal Decree no. 1580 of 21 December 2005), Act no. 14 of 13 April 2007, Act no. 44 of 14 June 2013, and Act no. 65 of 19 June 2015 (entered into force 1 October 2015).

Section 59. New criminal act

If the convicted person commits a new criminal act before the sentence has been fully served, the prosecuting authority may bring the case before the courts and petition that the alternative sentence of imprisonment be fully or partly enforced pursuant to Section 52, paragraph one (b) of the General Civil Penal Code.

If the convicted person is charged with a criminal act that may result in enforcement of the alternative sentence of imprisonment pursuant to Section 52, paragraph one (b) of the General Civil Penal Code, execution of the sentence may be interrupted. When the prosecuting authority decides to bring the case before the court, execution of the sentence is interrupted from the date the petition is sent to the court.

0 Amended by Act no. 28 of 20 May 2005 (entered into force 1 January 2006 pursuant to Royal Decree no. 1580 of 21 December 2005), and Act no. 65 of 19 June 2015 (entered into force 1 October 2015).

Section 60. Entry into force

This Act shall enter into force from the date decided by the King.¹

The Prison Act of 12 December 1958 shall be repealed from the same date. The regulations prescribed pursuant to the Prison Act and Section 28 b and Section 53, no. 6 of the General Civil Penal Code shall, however, continue to apply, insofar as they are not contrary to this Act, until they are repealed or amended by the King.

¹ From 1 March 2002 pursuant to Royal Decree no. 181 of 22 February 2002, with the exception of Section 10, subsection 1 (c).