



ACT NO. 169/1999 SB.

OF JUNE 30, 1999

THE IMPRISONMENT ACT

For purposes of the Prison Service of the Czech Republic

The Act No. 169/1999 Sb.

of June 30, 1999

on the imprisonment

and on amendments of some

relating Acts

The parliament resolved upon

this Act of the Czech Republic

SECTION I

THE IMPRISONMENT

CHAPTER I

Part 1

General provisions

Article 1

Subject of the amendment

(1) By this Act the execution of the imprisonment of sentenced persons (hereinafter only as „the imprisonment“) in prisons and in special units of remand prisons has been amended.

(2) By means of the imprisonment the purpose of the execution of the sentence of deprivation of liberty (hereinafter only as „the sentence“ is pursued, in the sense of the Penal Code and by means of measures laid down in this Act.

Article 2

Main principles of the imprisonment

(1) The imprisonment shall be executed only in such way that respects dignity of a sentenced person, and that constrains harmful effects of deprivation of liberty; however, need for protection of the community must not be endangered.

(2) Convicts must be treated such way so that their health might stay preserved and, as far as the imprisonment enables, such attitudes and skills be encouraged that will help convicts to become law abiding citizens after their return to the community.

Article 3

Agency providing the imprisonment

(1) As for convicts, guarding, supervision, treatment and conditions that are laid down for the imprisonment are provided by the Prison Service of the Czech Republic (hereinafter only as „the Prison Service“).

(2) The Prison Service is entitled to give convicts orders and directions and to use towards them only such restrictions and compulsory measures which have been laid down by the special Act.

(3) Obligations and authorisation of members of the Prison Service have laid down by the special Act (see remark¹). Civic employee of the Prison Service is authorized to give convicts orders and directions within the range laid down by this Act.

(4) For the purpose of this Act an employee of the Prison Service (hereinafter only as „the staff“) means both members of the Prison Service and civic employees.

Article 4

Advisory body

To apply knowledge, forms and methods of treatment that help to achieve the purpose of the imprisonment, the Director of Prison shall generally establish an Advisory Body. Members of the Advisory Body are appointed, with their agreement, by the Director of Prison and they shall be selected of specialist who are not employees of the prison. The activities of the Advisory Body is another act in public interest. The Prison Service shall provide members of the Advisory Body with reimbursement of travel expenses in compliance with a special laws, regulations and administrative provisions.

Article 5

The place of the imprisonment

(1) The sentence shall be served in a prison or in special unit of a remand prison. Prisons are established and abolished the Minister of Justice (hereinafter only as „the Minister“) and they are administered by the Prison Service according to the special Act.

(2) If health conditions of the convict requires such medical care that can not be provided by health centre of the Prison Service and the imprisonment can not be interrupted, the sentence shall be served for necessary period in health establishment outside facilities administered by the Prison Service, and in such case the nearest prison shall provide guarding the convict. Additional costs relating to such measures shall be paid to concerned external health establishment by the Prison Service.

(3) Juveniles who did not reach the age 18 shall serve their sentence separately from another convicts and in prisons or special units for juveniles, and internal differentiation shall be applied.

Article 6

Admission of convicts to the imprisonment

(1) Sentenced persons may be admitted to the imprisonment only upon of written order on the imprisonment made by the court. In case that written adjudication is not attached to the order on the imprisonment, the court shall that later.

(2) During the admission convict has to be provably familiarized with his or her rights and obligations according to this Act and according to Regulations of the Imprisonment, and with Internal regulation of the Prison.

Article 7

Placement of convicts

Male and female convicts are kept separately and usually separated are also:

juveniles from adults,

recidivists from persons sentenced first time,

persons sentenced for intended crimes from persons sentenced for crimes of negligence,

permanently not working persons,

mentally disordered persons and persons with behavioural disorders,

lifers, and

persons with imposed preventive medical treatment.

Article 8

Categories of prisons

(1) According to kind of external guarding and level of security prisons are divided into four fundamental categories:

with minimum supervision,

with medium supervision,

with guarding,

with enhanced guarding.

(2) Besides fundamental categories of prisons quoted in Item 1) also special prisons for juveniles shall be established.

(3) Within the framework of a prison units of various security category may be established as far as the purpose of the imprisonment will not be endangered.

Article 9

Classification of convicts according to security categories of prisons

(1) The court decides to which security category convict will be placed; the decision shall be made according to special Act.

(2) Convict shall begin to serve his or her sentence in prison that the court specified in its call to begin the imprisonment. For serious reasons convict may be accepted by another prison.

(3) Other placement of convicts into individual security categories in compliance with the decision of the court on classification into specified category of prison shall be done by the General Directorate of the Prison Service in co-operation with the Director of the prison, where convict begun to serve his or her sentence.

Article 10

Transfer of convicts

Upon the basis of special Acts (see remark⁵⁾) the court shall decide on the transfer of convicts in the course of the imprisonment.

Article 11

Proposal of the Director of the prison

to transfer the convict

(1) The Director of the prison is obliged to forward to the Court proposal to transfer the convict to prison of another security category in such case, when he assumes that this will contribute to achievement of the imprisonment (see remark⁵⁾).

(2) The Director must always attach to the proposal assessment of actual history of the imprisonment and of effectiveness of programs of the treatment and treatment, assessment of preventive medical treatment - if imposed, and he also shall mention another facts that may influence the decision of the Court. Also he shall identify evidence that he proposes to implement in case the Court find this necessary.

Article 12

Proposal of convict to be transferred

When the convict communicates to the prison that he is forwarding to the Court proposal to be transferred to prison of another security category, the Director of the prison, even without any appeal, shall send to the Court all the documents hereinbefore mentioned in Article 11 Item 2; this does not apply when a legal obstruction prevents the Court to deal with the proposal of the convict. In such case the Director of the prison will communicate to the Court reasons that made the proposal not eligible.

Part 2

The imprisonment in facilities that are not administered by the Prison Service

Article 13

In case that the possessor of such facility approves and concludes the contract on easements, the Minister may also establish prison in another facility than such not administered by the Prison Service. The facility, where the prison is located, is administered by the possessor of this facility in compliance with a contract concluded with the Prison Service. However, the Prison Service shall be responsible for security, treatment and for observance of legal conditions of the imprisonment. It also shall conduct state supervision over any construction. By conclusion of the contract on administering the right of supervision and control over the imprisonment shall remain untouched.

CHAPTER II

RIGHTS OF CONVICTS

Part 1

General provisions

Article 14

Internal regulations of the prison

Upon the approbation of the Directorate General of the Prison Service, the Director of the prison shall provide Internal regulations of the prison, where daily adjustment of the prison, activities of convicts and their part in solution of problems relating with living in prison are laid down.

Part 2

Rights of convicts

Article 15

Equality of rights

Under conditions and to the extent that is laid down by this Act, equal rights belong to all persons that have been sentenced to the imprisonment.

Article 16

Social conditions of convicts

and health care

(1) Convicts are provided with regular catering under conditions and valued in requirements to maintain their health, age and difficulty of their work. To the extent which the prison enables culture and religious traditions of convicts shall be also taken in account.

(2) Each convicts has to have a bed and space where to store his or her personal belongings.

(3) Clothing of convicts must be in harmony with climatic conditions and must sufficiently protect their health.

(4) Every day convicts must have ensured eight hours to sleep, time necessary for personal hygiene and cleaning, catering, at least one

hour for outdoor activities and reasonable personal free time.

(5) Each convict has the right to health care to the extent and under conditions laid down by special regulations with respect to restrictions resulting from achievements of the imprisonment.

(6) Convict with significant health disability have the right to be provided with reasonable conditions that will enable him or her, with respect to restrictions resulting from achievements of the imprisonment, dignified execution of the imprisonment.

(7) Serious disease or hurt of the convict, that requires hospitalisation, the will be announced by the prison, in case the convict can not do this himself or herself, to a spouse or to parents of the convict or to his or her children if their age is sufficient. If there are no such persons, a person designated by the convict shall be notified.

Article 17

Correspondence

(1) The convict has the right to receive and to send at his or her own costs written messages (hereinafter only as „correspondence“) without any restrictions, unless the Act would lay down this in a different way.

(2) The Prison Service is authorized to control correspondence mentioned hereinbefore in Item 1; hereat it is authorized to familiarize itself with content of correspondence being sent off. If the content will evoke suspicion that an offence is being prepared or committed, the Prison Service shall keep the correspondence and forwards it to an authority of criminal proceedings.

(3) It is inadmissible to control any correspondence between the convict and his or her lawyer, between the convict and state authorities of the Czech Republic or consular office of foreign country, or between the convict and an international organisation that, according to an international convention by which the Czech Republic has been bound, is competent to deal with issues relating to the protection of human rights. Such a correspondence shall be sent to an addressee and forwarded to the convict without any delay.

(4) The Prison Service shall provide the convict, who can not read or write, possibility to interpret received correspondence or assistance with writing applications, submissions or complaints intended to be sent to state authorities and to international organisations hereinbefore mentioned in Item 3, and with correspondence with his or her lawyer.

Article 18

Access to telephone

(1) In reasonable cases the convict has the right to use telephone to contact a close person.

(2) On behalf of the interest of the convict or for the sake of another serious reason the convict may be allowed to use telephone to contact person other than close.

(3) Costs of communication shall be covered by the convict.

(4) The prison Service has been authorized familiarize itself with the content of telephone conversation, hereinbefore mentioned in items 1 and 2, in the form of wiretapping.

Article 19

Visits

(1) In time that has been laid down by the Director of the prison the convict has the right to accept visits of close persons for total time up to three hours in a calendar month.

(2) Visits are usually organized in designated rooms. Convicts who have been placed into bed unit of health centre may receive a visit only with respect to his or her health conditions and with approval of a doctor. Visit of the convict who has been placed into external health facility that is not administered by the Prison Service has to be negotiated with concerned health facility.

(3) If higher number has not been laid down by the Internal Regulations of the prison, 4 person, including children under age, may visit the convict. Children below the age of 15 may participate in the visit only when they are accompanied by a person older than 18 years.

(4) For the sake of correction of the convict or for the sake of another serious reason, the convict may be allowed to accept even visit of persons other than close. In particularly reasonable case Directors of prisons may permit a visit between convicts who are close persons. In such case costs of transfer shall be shared equally by both convicts, unless it is settled in different way.

(5) In exceptional cases the Director of the prison may permit a visit without any visual and auditory supervision of the staff of the Prison Service in the place that has been intended for such a visit.

(6) In case that it is reasonable in the sense breaching purpose and achievements of the imprisonment, the Director of the prison is authorized to grant a permission to leave the prison in connection with a visit.

(7) The staff of the Prison Service is authorized to interrupt the visit when the convict or visitors, despite repeated warning, breach the order, discipline or security of the prison.

Article 20

Religious and social services

(1) The convict has the right to receive religious and other relating services that follows humanitarian achievements within the extent resulting from special regulations.

(2) Prisons allow common religious services for convicts usually during working leisure time. Attendance in religious services is voluntary. Time of religious services shall be laid down by the Internal Regulations of the prison.

(3) To provide religious services, special laws, regulations and administrative provisions shall determine conditions of co-operation with registered churches and religious communities.

(4) Prisons shall enable relevant organisations of social safety to provide convicts services of social care the achievement of which is to assist convicts to create positive conditions in the sense their future independent life in freedom.

Article 21

Satisfying cultural needs

(1) The convict has the right to order books, newspapers and magazines, including foreign press, if distribute in the Czech Republic, at his or her own costs; thereby the right of the Prison Service to take away a thing, that would disrupt purpose of the imprisonment.

(2) The convict may borrow, free of charge, books from prison library, including professional publications and law regulations.

Article 22

Usage of another objects

(1) The convict has the right to borrow and play party games that are at the disposal in the prison.

(2) In reasonable cases the convict may be allowed to buy, to let send, respectively to let bring and to use another objects, that relate to his or her education and programs of the treatment with the convict according to Article 41 (hereinafter only as „the treatment”), respectively to hobby activities, as far as this will not be in conflict with the purpose of the imprisonment, and their quantity, character or usage will not disrupt order in housing unit or will not damage health or will not constrain the other convicts.

Article 23

Purchase of food-stuff

and objects of personal need

(1) The convict has the right to purchase in prison shop food-stuff and objects of personal need, respectively objects relating to his or her hobby activities, education or to realisation of the treatment. Usually the purchase is accomplished as non-cash transaction drawing from the part of financial sources which is at free convict’s disposal.

(2) Shops with food-stuff and chemist and industrial goods are established in prisons. Minimal assortment is laid down by the Internal Regulations of the prison. If the purchase can not be accomplished in prison shop the Prison Service is obliged to arrange it.

(3) The Director of the Prison is authorized to lay down financial amount for which the convict may do shopping.

Article 24

Packages

(1) The convict has the right to receive a package up to the weight of 5 kg, that may contain food and personal belongings twice a year, usually at the occasion of his or her birthday or Christmas.

(2) Packages are submitted to the control of the staff of the Prison Service. Object that are in conflict with the purpose of the imprisonment or that are not allowed to posses, especially objects that may endanger life and health of the convict himself or herself or of another persons, shall not be forwarded to the convict. Objects that were not forwarded shall be sent back to the consignor at convict’s costs.

(3) Restrictions laid down in Item 1 shall not be applied to packages containing underwear, clothing and objects relating to the treatment, education or hobby activities.

Article 25

Allowance and disposal of funds

(1) Providing that money was sent to convict to prison it shall be transferred onto his or her account, that has been opened and kept by the prison and convict shall be notified. If convict does not agree with allowance the money shall be returned to sender at convict’s costs.

(2) For purpose of shopping convict may also use money that is being sent during the imprisonment or that he or she put into bailment at the admission.

(3) If convict saved in prison less financial amount than assumed fare to his place and daily allowance at the time of his or her release from the imprisonment, the convict shall be not allowed to buy foodstuffs and another things or to dispose of this money another way.

(4) If convict shall not settle claims laid down by the Court and that have been caused by the offence through which he or she was sentenced, receivables relating to penal proceedings, respectively loss that he or she caused to the Prison Service during the imprisonment, he or she may use money that was into bailment only for purpose of purchase of fundamental hygienic things, settlement of these receivables or administrative fees or to cover costs of medical care.

(5) By provision of Item 4 the right of a convict according to Article 33 Item 5 to dispose of storage charge that comes from his or her

remuneration remains unaffected.

Article 26

Protection of rights of convicts, including means

of legal protection

(1) To apply his or her rights and legitimate interests convict may submit complaints and applications to competent authorities to be settled; possible application must be sent off without delay. Director of the prison shall appoint employees of the Prison Service that is authorized to take over and send off complaints and applications and to keep record of such correspondence; he shall establish such conditions for submitting complaints and applications of convicts so that it would be prevented that they are handled only by authorized persons.

(2) Employees of the Prison Service shall without delay inform the Director of the prison, the state's attorney, the judge or the authority that conducts surveillance over the prison, of the request of convict for an interview, and shall arrange such interview according their instructions.

(3) Convict has the right to receive legal assistance from the lawyer who is authorized within the framework of his or her competence to keep correspondence with the convict and talk to him or her without attendance of third person.

(4) Employees of the Prison Service are obliged to meet rights that belong to persons sentenced to the imprisonment.

Article 27

Limitation and deprivation of certain

rights and liberties

(1) During the imprisonment convicts are obliged to submit to limitation of certain rights and liberties the execution of which would be in conflict with the purpose of the imprisonment or that can not be applied with respect to the imprisonment.

(2) For reasons mentioned in Item 1 shall be limited rights and liberties of immunity of the person and its privacy, freedom of movement and residence, privacy of correspondence and privacy of another letters, recordings and messages, and the right free choice of occupation.

(3) During the imprisonment convicts have no right to be on strike, no right to associate in associations, fellowships or in another incorporate groups, no right to establish trade unions, no right to carry business and another commercial activities, no right of free choice of a doctor and health facility. During the imprisonment convicts can not constitute political parties or movements, to enforce law and can not perform elective and another public functions.

(4) On limitations, that shall applied to a person in the imprisonment or to persons under criminal proceedings, providing that reasons of custodial sanctions have been met, shall decide the Court in compliance with a special Act.

Part 3

Commitments of convicts

Article 28

Fundamental commitments of convicts

(1) During the imprisonment convict is obliged to abide given order and discipline, to discharge directions and orders of employees of the Prison Service, to work providing that he or she has been allotted by the work and that he or she has not been found temporarily incapable to work because of health reasons, to fill achievements resulting from the treatment, to handle considerably things that have been entrusted him or her, not to harm somebody else's property, to meet fundamentals of decent behaviour towards persons with who he or she use to be in contact, and to meet in another way provisions of the Internal regulation of the Prison. Furthermore, he or she is obliged to abide measures and directions according to special legal regulations to assure safety and health prevention at work and fire prevention.

(2) Convict is also obliged:

to submit to a personal searching for the sake of provision of internal regulation in the prison and preventing possession of a thing by means of which he or she could disrupt the purpose of the imprisonment,

to enable employees of the Prison Service check of personal belongings,

to submit to preventive medical ingoing, periodical, extraordinary and outgoing check-up to extent laid by a doctor or by special legal provision, including necessary diagnostic and laboratory examinations and vaccinations, and to measures laid down by authorities of hygienic service,

to endure acts relating to his or her identification and to submit to acts that are necessary for drawing up the complex report (Article 41 Item 2),

in case of disease, injury or he or she is wounded to report on it without delay to an employee of the Prison Service,

to notify an employee of the Prison Service about all circumstances that may seriously jeopardize his or her safety or safety of another person, or security of the prison,

to endure measures that are necessary to suppress production, possession or misusing of narcotic or psychedelic substances and drugs in the prison,

to meet principles of hygiene,

to put into bailment all things the possession of which, with respect to their price, number or kind of usage, is not permitted or is in conflict with the purpose of the imprisonment,

to refund costs of health care that was provided on behalf of him or her or for the sake of improvement of his or her health condition outside the framework of healthcare covered from public health insurance or from state budget outside the framework of international agreements by which the Czech Republic is bound to.

(3) Convicts are not allowed:

to establish contacts with persons who are in conflict with this Act or with directions released under authority of this Act,

to produce, possess and consume alcoholic beverages and another substances of dependence, to produce and possess objects that could be used to jeopardize safety of persons or property or to assist escape, or that, with regard to their number or character, could violate order or harm health,

to play games for money, things, services or for another acts, to participate in lotteries and similar games,

to tattoo himself or herself or another person or have himself or herself tattooed,

to pretend health disorder or self-mutilate intentionally,

to sell, exchange and give things, that he or she possesses in the prison, without approval of the Prison Service.

Article 29

Employment and education of convicts

(1) Convict who was assigned to work is obliged to work unless he is not eligible to work because of health reasons.

(2) As regards employment and education of convicts the prison shall provide:

assignment of convicts to a job that corresponds with their health conditions and with respect to their knowledge and skills,

to remunerate convicts for their work,

to create such conditions for convicts so that they may acquire and improve their working skills and enrich their general knowledge.

Article 30

Assignment of convicts to work

(1) Prisons creates conditions for employment of convicts either within the framework of their operation, their in-house production or entrepreneurial activities, or by means of contracts with another subjects.

(2) Contract between and another subject, through which convicts are assigned to work, determines detailed conditions under which convicts shall work, respectively also attitude during professional training necessary to carry out appointed work and kind of their professional skills-increase. During creating conditions of safety and health protection at work and observance of measures in the field of fire prevention and hygiene, the another subject has the same commitments that it would have according to special legal provisions towards its employees in regular employment.

(3) Another subject mentioned in items 1 and 2 shall provide prisons agreed monetary payments for work of convicts.

(4) Previous written consent is necessary for convict's employment at another subject, the founder or major holder of which is not the state. Convict may withdraw this consent by means of an announcement towards the Prison Service. If the announcements is not in written form, the employee of the Prison Service shall without delay make a record of the announcement that shall give to convict to sign. The withdrawal shall become effective on the very last day of the month that follows after the month in which the withdrawal was done. The withdrawal from the consent shall not be considered as refusal of work.

Article 31

Prohibition of some work

It is prohibited to train and assign convicts to work with explosives. If a convict is during his or her work in contact with narcotic or psychedelic substances or with drugs or with another substances that may bring about increased risk of health or physical damage, enhanced supervision must be provided. In case of sentenced women and juveniles prohibition of some work is laid down by special laws and regulations.

Article 32

Working status and conditions of convicts

(1) Working conditions, working time and conditions for work overtime of convicts follow special legal regulations relating to employees in employment. The Director of the prison may order convicts to work overtime to the extent that is laid down by special legal regulation.

(2) Working time does not involve cleaning and another similar activities that are necessary to assure daily operation of the prison and that is usually done by all convicts, and working therapy as far as it is a part of a rehabilitation program: this work must not be ordered prejudicial to time necessary for rest and convicts are obliged to accomplish this work without right to remuneration.

(3) In the form of comments and topics convicts are enabled to participate in solving problems concerning safety and health protection during work.

(4) Convicts work under supervision of employees of the Prison Service.

Article 33

Remuneration of convicts

(1) Remuneration according to finished work belongs to convicts. Amount of this remuneration and conditions for its provision are laid down by the Government.

(2) For purposes of tax deduction, social security and health insurance remuneration is considered as an income from special activity. Of this remuneration and after advanced tax and insurance payments also another deductions for the benefit of alimony towards children who the convict is obliged to care of, including contribution for costs of asylum or preventive education of children, and also to cover costs of the imprisonment. Extent and priorities of additional payroll deductions are laid down by the Ministry of Justice (hereinafter only as „the Ministry“) through the decree. Hereat the Ministry will especially take into account nourishment of convict’s children and legitimate requirements of persons who were disadvantaged by the offence.

(3) If deductions have been ordered by the Court proceeding shall be enforced in compliance with the Law of Civil Procedure and regulations released on its basis.

(4) The rest of convict’s remuneration after deductions mentioned in Item 2, respectively Item 3, shall be dissect into pocket money and a bailment. If convict will refuse to work without any serious reason, pocket money shall not belong him.

(5) By means of a decree the Ministry shall lay down method how to dissect the rest of remuneration into pocket money and a bailment in compliance with Item 4 and shall also lay down extent and conditions under which a convict may use the bailment to support his or her family, or to settle his or her liabilities. Bailment that has not been drawn shall be paid to convict at his or her release from the imprisonment, unless settled in another way.

Article 34

Education of convicts

(1) Eligible convicts are usually enabled to acquire education on the level of primary or even secondary school, or to attend another forms of education that will enable them to acquire or to increase their working skills.

(2) For the purpose of this Act convicts assigned to daily type of education are considered as convicts assigned to work.

Article 35

Commitment to cover costs of the imprisonment

(1) Convict is obliged to cover costs of the imprisonment. In case that it is not possible to use payroll deduction to cover these costs the prison may use financial resources that convict put into prison bailment.

(2) The director of the prison may permanently refrain from recover of costs of the imprisonment when convict’s income after his or her release from the imprisonment does not reach in long term minimum wage or when convict was expelled or extradited to foreign country. From recover of costs shall be refrained when convict died and no estate has been left the value of which would enable to satisfy recovered amount within the framework of settlement of inheritance.

Article 36

Commitment to cover additional costs

(1) Convict is also obliged to cover enhanced costs of guarding and costs of transport and escort to health centre that have been spent by the Prison Service providing that:

he or she intentionally caused or enabled to cause injury to someone or repeatedly violated medical regime,

misused medical facility by means of pretending health disorder, or

voluntarily decided not to undergo medical treatment that he or she previously agreed with or

(2) The decision to cover costs mentioned hereinbefore in Item 1 shall be made by the Director of the prison. The convict may lodge a complaint against the decision of the Director within three days about which the Director General of the Prison Service or by him or her appointed authorized employee will make the decision.

(3) Execution of the decision by means of which obligation to cover damages caused during the imprisonment, enhanced costs of guarding and costs of transport and escort to health centre was imposed on the convict shall be carried out during the imprisonment by means of deductions remuneration, bailment or through the order to pay, will be accomplished by the prison that administers that claim according to special legal regulations.

(4) In case of covering unpaid costs of pre-trial detention that preceded the imprisonment, it shall be acted according to provisions laid

down in Item 3.

Part 4

Liability for damage

Article 37

General provisions

Unless provided otherwise, liability for damages caused during the imprisonment and conditions of invocation follow the Civil Code.

Article 38

Liability of convict for damage caused during performance of working activities

(1) Convict is responsible for damage that he or she caused to the Prison Service or to another subject where he or she was assigned to work, the reason of which was in breaching working goals or in direct connection with them to the extent and under conditions laid down by special legal regulations relating to employees in employment.

(2) Another subject to whom damage was caused will discuss amount of demanded claim with the Prison Service.

Article 39

Liability for damage caused to convict during performance of working activities

(1) The Prison Service or another subject where convict was assigned to work are responsible for damage the reason of which was in breaching working goals or in direct connection with them according to special Act. Likewise, the Prison Service or another subject where convict was assigned to work are responsible for damage the reason of which was in job-related injury or in occupational disease and for damage that happened to things put aside and during averting damage.

(2) From the standpoint of liability for damage cleaning and similar work done for the purpose to provide regular regime of the prison and working therapy are not considered as performance of working goals.

CHAPTER III

THE TREATMENT

Article 40

General provisions

(1) During the imprisonment convict is obliged to submit the Internal regulation of the prison that, amongst others, specifies kind and content of activities that are either mandatory or optional for individual groups of convicts. Area of factual activities which a convict have to or can participate in are laid down in the program of treatment (rehabilitation program).

(2) To achieve the purpose of the imprisonment the prison shall constitute a the program of the treatment for each convict as a basic form of purposeful and complex formative effects on convict. The program shall not be worked out in case when a convict is to serve sentence or its rest no longer than 3 months.

Article 41

The program of the treatment

(1) The program of the treatment is handled upon the basis of complex report on a convict with respect to the length of the sentence, characteristics of convict's personality and reasons of punishable offences.

(2) The complex report is a collection of results of psychological, pedagogical, respectively medical reviews and other available documents concerning the convict; its contents is confidential.

(3) The program of the treatment involves factually formulated destination of formative effects towards convict, methods of treatment aimed to achieve goals and kind and frequency of assessments. Regular part of the program of the treatment is specification of employment of a convict, his or her participation in working therapy, education or in another alternate activity directing to creation of assumptions for his or her independent kind of living. If a convict is eligible for more versions of the program of the treatment he or she is enabled to make the choice.

(4) At least 3 months prior convict's release conditions for his or her independent life shall be created within the framework of the treatment.

(5) In the course of building the program of the treatment the prison co-operates with relevant bodies of social security.

Article 42

Authorisation of Courts and another bodies responsible for penal proceedings

In the course of enforcement of their competence that is laid down by the law and relates to concrete proceedings, judges, eventually appointed court employees and another bodies responsible for penal proceedings are authorized to visit convicts in the imprisonment, to talk to them without attendance of any third person and to see their personal file and another documents that relate to the imprisonment and the knowledge of which is essential for administration of running proceedings.

Article 43

Interest of churches, religious societies, public associations of interest, non-governmental organizations and another bodies and institutions in observance of the purpose of the sentence

(1) For the purpose of observance of purpose of the imprisonment, in compliance with special regulations and after an agreement with the Director General of the Prison Service, eventually with the Director of the prison, registered churches and religious societies, public associations of interest, non-governmental organizations and another bodies and institutions that convict keeps contact with and that eventually may contribute to meet purpose of the imprisonment (hereinafter only as „bodies and institutions"), may participate in observance of the purpose of the imprisonment.

(2) In the course of the imprisonment authorized representatives of bodies and institutions may maintain personal contact with a convict, take interest in his or her behaviour during the imprisonment and assist him or her in building favourable conditions for his or her independent kind of living. On request the prison shall them inform on the situation of convict's correction and behaviour, if the convict agrees with this.

(3) Representatives of bodies and institutions, who are authorized in compliance with Item 2), shall be instructed by this Internal regulation of the prison on commitment to respect the Internal regulation of the prison, including time scheduler of convict's life.

(4) If needed the prison shall provide appropriate space and conditions for activities of bodies and institutions in such way that accomplishing of programs of the treatment is not endangered.

(5) Provision of humanitarian services in prisons according to items 1) till 4) shall not be considered as visits according to Article 19.

Article 45

Rewards

(1) If by means of behaviour or exemplary act the convict shows responsible approach to observance of set obligations and co-operates in the course of accomplishing the purpose of the imprisonment, he or she can be rewarded.

Rewards are:

appreciation,

additional prolongation of visits during one calendar moth up to 5 hours,

permission to do shopping of foodstuffs and personal belongings that the convict can not do otherwise,

increase of pocket money by up to one third for the period up to three calendar months,

factual reward or financial remuneration up to 1 000 CZK,

extension of personal leisure time for sport, culture or another activities of interest for the time up to 1 month,

permission to leave the prison for a period up to 24 hours in connection with a visit or rehabilitation program,

interruption of the imprisonment.

Article 46

Disciplinary punishments

(1) Disciplinary trespass means culpable breach of commitment laid by the law or of obligation that has been laid down on its basis, of order or discipline in the course of the imprisonment.

(2) For the sake of disciplinary trespass disciplinary punishment can be imposed on the convict. The disciplinary punishment shall not be imposed when hearing of the case of disciplinary trespass with the convict is sufficient to achieve goal that is followed up.

Disciplinary punishments are:

warning,

reduction of pocket money by up to one third for the period up to three calendar months,

prohibition of one package in the course of a calendar year,

fine up to 1 000 CZK,

forfeiture of a thing,

placement into closed unit for a period up to 28 days excepting time dedicated to perform assigned tasks of the treatment,

all day placement into closed unit for a period up to 20 days,

placement into segregation unit for a period up to 20 days,

deprivation of benefits resulting from previous reward.

(4) Execution of disciplinary punishments mentioned in Item 3) points f) and g) may be also imposed as conditional with probation

period up to 6 months. The probation period shall start by force of law of the decision on disciplinary punishment. If convict does not commit another disciplinary trespass in the course of the probation period this disciplinary trespass shall be annulled. Otherwise the convict shall serve the disciplinary punishment; by this convict's responsibility for disciplinary trespass committed in the course probation period remains unaffected.

Article 47

Imposing of disciplinary punishments

(1) Disciplinary punishment may be imposed only when circumstances of disciplinary trespass are properly detected and guilt of the convict proved. Prior the disciplinary punishment is imposed the convict shall be enabled to comment on the matter.

(2) Imposed disciplinary punishment must correspond with the weight of committed disciplinary trespass and has to be in compliance with the interest to achieve the purpose of the imprisonment. Only one disciplinary punishment may be imposed for disciplinary trespass. The punishment of forfeiture of a thing may be imposed alongside another disciplinary punishment.

(3) The disciplinary punishment may not be imposed in case when a period of one year elapsed from the moment of commission of the disciplinary trespass.

Article 48

Forfeiture of a thing

(1) Disciplinary punishment of forfeiture of a thing may be imposed as regards of a thing:

that was used to commission of the disciplinary trespass,

that was intended for commission of the disciplinary trespass,

that convict obtained by means of commission of the disciplinary trespass or as a benefit of it, or

that convict acquired instead of a thing hereinbefore mentioned in point c).

(2) If the thing belongs to the offender disciplinary punishment of forfeiture of a thing may be imposed separately or together with another disciplinary punishment. The state becomes the owner of forfeited thing.

(3) The disciplinary punishment of forfeiture of a thing may not be imposed when with respect to higher value of the thing would be in ostensible proportion to the character of disciplinary trespass.

Article 49

Placement into closed unit and segregation

(1) Before all day placement of a convict into closed unit and placement into segregation previous judgement of a doctor is necessary which confirms that the convict is medically capable to undergo such disciplinary punishment.

(2) Prior beginning of disciplinary punishment of all day placement into closed unit or segregation and at least once a week during the execution of the disciplinary punishment the convict must be examined by a doctor who will consider whether the convict is medically capable to undergo such disciplinary punishment. With this convict's right to medical care during the disciplinary punishment and in another time remain unaffected.

(3) In the course of disciplinary punishment in the form of segregation convict does not work, does not participate in rehabilitation program, he or she is not allowed to smoke, read daily press, books or another publications with exception juridical literature, and to purchase foodstuffs and things of personal need with exception of hygienic belongings. He or she is not allowed to have rest in bed excepting time laid down by the Internal regulation. The same routine shall be applied in case of disciplinary punishment in the form of all day placement into closed unit with the difference that convict is obliged to perform cleaning and work necessary to maintain regular prison operation.

(4) Execution of repeatedly imposed disciplinary punishment in the form of all day placement into closed unit or into segregation can not begin earlier than 10 days after execution of some of these disciplinary punishments. However, if disciplinary punishment of all day placement into closed unit or into segregation is imposed during the execution of some of these disciplinary punishments it is possible to execute both such disciplinary punishments immediately one after another.

Article 50

Requisition

(1) If it has not been decided on forfeiture of a thing it can be decided on requisition of such thing,

if offender of disciplinary trespass can not be prosecuted or disciplinary punishment can not imposed on him or her,

if the thing does not belong him or her, or

if this is necessary for sake of safety of persons, property, order in the prison or another common interest.

(2) The decision on requisition must be announced in written form to offender of disciplinary trespass and to person to whom it concerns, if known. The state becomes the owner of forfeited thing.

(3) It can not be decided on the requisition in case when a period of one year elapsed from the moment of commission of the

disciplinary trespass.

Article 51

The disciplinary competence

(1) The Director General of the Prison Service and the Director of the prison have the disciplinary competence over convicts. Another employees of the Prison Service may also perform disciplinary competence as far as they have been authorized by the Director General of the Prison Service or with approval of the Director of the prison.

(2) Within the framework of disciplinary proceedings the Director General of the Prison Service decides only on complaint against disciplinary punishment.

Article 52

Complaint against the decision on imposition disciplinary punishment

(1) Within 3 days after communication on imposition of disciplinary punishment convict has the right to file a complaint against it. Only complaint against imposition of disciplinary punishment of forfeiture of a thing has suspensory effect.

(2) Offender of disciplinary trespass and person to whom the decision on forfeiture of a thing has the right to file a complaint against the decision on forfeiture of a thing, that has suspensory effect, within 3 days since this decision was announced.

(3) On complaint it shall be decided by the Director of the prison or by authorized employee of the Prison Service within 5 working days since it was filed. The employee who imposed the disciplinary punishment or forfeiture of a thing may not be authorized to decide on complaint. The Director General of the Prison Service shall decide on complaint that was filed against the Director of the Prison.

(4) Review of the decision on requisition or forfeiture of a thing by the Court can be sued under conditions laid down by special legal regulation to the same extent to which such review is possible during trespass proceedings.

Article 53

Remission of disciplinary punishment and abandonment of the rest disciplinary punishment

(1) If execution of the disciplinary punishment, against which a complaint can not be filed any more, is due to behaviour and bearing of the convict no more necessary, this disciplinary punishment can be remised.

(2) If continued execution of the disciplinary punishment is no more necessary because the convict shows effective effort for remedy, the rest of this disciplinary punishment can be remised.

(3) By remission of disciplinary punishment and abandonment of its rest the disciplinary punishment shall be considered ad executed.

Article 54

Annulment of disciplinary punishment

(1) If after the execution of the disciplinary punishment convict meets conditions to grant disciplinary reward, the disciplinary punishment can be annulled instead.

(2) After disciplinary punishment is annulled convict shall be regarded like he o she has never been punished by this disciplinary punishment.

Article 55

Disciplinary clearing of another antisocial behaviour

(1) By imposing disciplinary punishment also another bearings that show attributes of a trespass, as far as they were committed during the imprisonment, shall be cleared.

(2) By imposing disciplinary punishment criminal prosecution is not eliminated as far as the act is punishable crime.

Article 56

Interruption of the imprisonment

(1) In case of successful observance of the program of the treatment and achieving the purpose of the imprisonment the Director of the prison, as kind of reward, may interrupt the imprisonment of the convict for the period up to 20 days in the course of a calendar year. Duration of this interruption shall be included into the imprisonment.

(2) In case of pressing family reasons the Director of the prison may interrupt the imprisonment of the convict for the period up to 10 days in the course of a calendar year.

(3) If convict acutely needs medical care that can not be provided in the prison or in specialized health facility of the Prison Service the Director of the prison may interrupt the imprisonment of the convict for a period that is necessarily required. If the convict din not intentionally cause the injury himself or herself, time of the interruption of the imprisonment, that does not overreach 30 days in the course of a calendar year, shall be included into the imprisonment.

Article 57

Execution of protective medical treatment

- (1) Imposed protective medical treatment can also be executed in the course of the imprisonment.
- (2) If the length of imposed sentence or its rest is sufficient then protective medical treatment shall begin immediately after the admission to the imprisonment.
- (3) If institutional protective medical treatment, that was imposed by the Court, has not been possible to realize prior the admission to the imprisonment and it would be possible to realize it in the prison with respect to its capacity, then the prison shall take necessary steps so that such protective medical treatment may be initiated as soon as possible after the admission.
- (4) If it is necessary to continue in the execution of institutional protective medical treatment also after release from the imprisonment or when such protective medical treatment was not initiated during the imprisonment, the prison shall provide in time necessary information medical facility where protective medical treatment is to be realized. If initiation or continuation of protective medical treatment immediately after release from the imprisonment is ensured the Prison Service shall transport convict to appropriate health facility on the day of the end of the imprisonment.
- (5) As far as protective medical treatment has not been finished in the course of the imprisonment and when its continuation is not ensured in a health facility, the prison shall forward to the Court report on its course and results.

CHAPTER IV

DIFFERENCES IN THE IMPRISONMENT OF CERTAIN GROUPS OF CONVICTS

Part 1

General provisions

Article 58

- (1) As far as this Chapter does not involve special provisions, the other provisions of this Act shall be applied on hereinafter mentioned groups of convicts.
- (2) In the course of the imprisonment of convicts who are mentioned in this Chapter their psychic, physiological and age distinctions are taken into account.
- (3) For convicts mentioned in Articles 67,69, 71 and 72 special units are generally established in the prison.

Part 2

The imprisonment in prison for local imprisonment

Article 59

- (1) Under conditions laid down by this Act the imprisonment may also be served in the prison for local imprisonment.
- (2) The Minister after agreement with municipality, that is to share operation of the prison, establishes the prison for local imprisonment. Prisons for local imprisonment are established as prison for common imprisonment of convicts who are otherwise classified to prisons with minimum and medium supervision, exceptionally also to prisons with guarding.
- (3) The municipality provides operation of the prison for local imprisonment from the standpoint of funding and creates necessary construction and technical conditions for execution of effective guarding of the prison.
- (4) The state grants municipality subsidies depending on capacity of the prison for operation of the prison for local imprisonment. Method of calculation and amount of subsidies are set by the Government through regulations.
- (5) The Prison Service shall be responsible for guarding and observance of conditions of the imprisonment laid down by the law.
- (6) To prison for local imprisonment classifies the General Directorate of the Prison Service convicts the sentence or its rest of whom does not overreach 6 months. Convicts who have imposed by the Court institutional protective medical treatment can not be classified to this prison.
- (7) Based on capacity of the prison for local imprisonment person sentenced to the imprisonment is placed to such prison that is at place of his or her residence or close to this place.
- (8) During the imprisonment in the prison for local imprisonment convicts are obliged to work in favour of the municipality under the same conditions under which prisons employ convicts. If municipality is not temporary able to assure such work the prison for local imprisonment may employment of convicts assure even by contract with another subjects.
- (9) Convict who properly meets his or her obligations may receive interruption of the imprisonment within working days from the Director of the prison.
- (10) By this the provision of this Act on interruption of the imprisonment for health reasons remain unaffected.

Part 3

The imprisonment of juveniles

Article 60

Provisions laid down in this Part shall be applied only to a juvenile who is classified to prison for juveniles.

Article 61

(1) During the imprisonment of convict who has not yet reached the age of 18 the prison shall above all specialize in his or her education and shall provide his or her preparation for future occupation.

(2) A juvenile who is obliged to attend compulsory education shall be enabled by the prison to do this instead of to work.

(3) If the Director of the prison is of the opinion that in case of a juvenile who reached the age of 18 in the course of the imprisonment purpose of the imprisonment will be satisfied in the prison for the other convicts, he shall forward an application to the Court for transfer of such juvenile. He shall take into account level of education that has been achieved and to the length of the rest of the sentence.

(4) Even if the Court decided to retain juvenile in the prison for juvenile after he or she reached the age of 18, the Director of the Prison may submit proposal for his or her transfer according to Item 3) when convict systematically breaches or significantly breached set obligations, order or discipline.

(5) Support of working skills and independent kind of living are always followed during assignment of treatment program for juveniles.

(6) As regards form and contents of preparation of a juvenile for future occupation the prison shall always consult legitimate representative of the juvenile, as far as he or she is in contact with juvenile in the imprisonment, and competent request. To assignment of juvenile to work no opinion neither of legitimate representative of the juvenile nor of competent authority of social and legal protection of children is required; with this obligation of the prison closely co-operate with parents or with another legitimate representative of juveniles remains unaffected.

(7) Attendance in assigned form of education and in another assigned activities of programs of treatment shall be obligatory for the juvenile; in the course of education the juvenile shall not be assigned to work and his or her education is accomplished in the form of daily study.

(8) The juvenile has the right to receive visits for a period up to 5 hours during one calendar month.

(9) The prison shall enable authorized representative of competent authority of social and legal protection of children during performance of his or her authorization to visit a juvenile and to talk to him or her without attendance of the third person. These visits shall not be considered as regular visits according to Item 8.

Article 62

Packages

The juvenile has the right to receive package containing foodstuffs and personal belongings up to the weight of 5 kg four times a year.

Article 63

Rewards

Rewards of juveniles are:

appreciation,

additional prolongation of visits during one calendar moth up to 8 hours,

permission to do shopping of foodstuffs and personal belongings that juvenile can not do otherwise,

increase of pocket money by up to one third for the period up to three calendar months,

factual reward or financial remuneration up to 1 000 CZK,

additional permission to receive package,

extension of personal leisure to take part in sport, culture or another activities of interest for the period up to 1 month,

permission to leave the prison for the period up to 24 hours in connection with the visit or with the program of treatment,

extension of the period of interruption of the imprisonment by up to 10 days in the course of calendar year.

Article 64

Disciplinary punishments imposed on juveniles

(1) For disciplinary trespass some of following disciplinary punishments can be imposed on juveniles:

warning,

reduction of pocket money by up to one third for the period up to 2 calendar months,

prohibition of one package in the course of 3 calendar months,

forfeiture of a thing,

placement into closed unit for a period up to 14 days excepting time dedicated to perform assigned tasks of treatment programs for

juveniles,

all day placement into closed unit for a period up to 10 days,

placement into segregation unit for a period up to 10 days,

deprivation of benefits resulting from previous reward.

(2) Execution of disciplinary punishments mentioned in Item 1) points e) and f) may be also imposed as conditional with probation period up to 6 months.

Article 65

Interruption of the imprisonment of juveniles and provision of execution of protective education

(1) The Director of prison shall enable juvenile interruption of the imprisonment for reasons laid down in Article 56 Item 1 providing that it is reasonable to suppose that juvenile will stay in environment which will not negatively influence him or her. The interruption of the imprisonment will not be generally granted if juvenile had to be escorted to the imprisonment.

(2) If protective education was imposed on a juvenile and when its performance is assured the Prison Service shall deliver convict to competent educational facility on the day of the end of the imprisonment.

Part 4

The imprisonment of female convicts

Article 66

Disciplinary punishments imposed on female convicts

On pregnant women and on woman who is situated within period shorter than 6 months after the delivery of a child only some of following disciplinary punishments may be imposed:

warning,

forfeiture of a thing,

deprivation of benefits resulting from previous reward.

Article 67

The imprisonment of mothers of minors

(1) In cases of special consideration and if conditions in the prison and personality presumption of female convict enable such approach, upon the basis of her request sentenced female can be allowed to keep and take care of her child, generally up to the age of 3 years of the child, supposing that the child was not entrusted by the Court to educational care of another person. Prior the decision the Director of the prison shall require opinion of the doctor and clinical psychologist and of authority of social and legal protection of children to find whether such procedure will be to benefit of the child.

(2) The female convict has the right to file a complaint against the decision according to Item 1, that has suspensory effect, within 3 days since this decision was announced. The Director General of the Prison Service or authorized employee General of the Prison Service shall decide on complaint.

(3) If the request according to Item 1 is refused (3) the female convict may repeat it at earliest 3 months after the decision became effective.

(4) The prison shall enable competent authority of social and legal protection of children to observe regularly development of the child of which the female convict takes care in the prison.

Article 68

Interruption of the imprisonment of female convicts

In case of female convict who properly took care of her minor prior her admission to the imprisonment can be after references of competent authority of social and legal protection of children prolonged time of interruption of the imprisonment up by 10 days in calendar year for the purpose of the visit of the child that is at care of another person.

Part 5

The imprisonment of convicts permanently unable to work

Article 69

(1) As permanently unable to work is considered a convict:

who exceeded the age of 65 years unless he or she himself or herself has asked to be assigned to work,

who has been found permanently disabled, or

the health condition of which does not enable permanent working assignment.

(2) On convicts permanently unable to work may be imposed only disciplinary punishments that are applicable on juveniles.

Part 6

The imprisonment of mentally disordered convicts and convicts with behavioural disorders

Article 70

In case of convicts

who are mentally disordered and have behavioural disorders,

with personality and behavioural disorder that was caused by using psychotropic substances, or

with mental retardation

shall be taken regard to opinion of special medical references concerning these convicts, especially in the field of selection of the contents of the program of treatment, and to necessity of individual or group therapeutical influence.

Part 7

The life imprisonment

Article 71

(1) The life imprisonment is above focused on protection of community against another criminal activity of a convict through his or her isolation in the prison and on modification of his or her behaviour in such manner so that it would correspond with good way.

(2) The Internal Regulation as well as contents and form of treatment with lifers have also to respect character of this sentence and to dangerousness of convicts on who such punishment has been imposed.

(3) Visits, airing and disciplinary punishments are generally accomplished separately from other convicts.

(4) The imprisonment of a lifer can not be interrupted nor he or she can not be awarded by disciplinary reward in the form of temporary leave in connection with the visit or the program of the treatment.

(5) Lifer used to be generally lodged in single cells.

Part 8

The imprisonment of foreigners

Article 72

(1) In the course of placement of convicts who are not citizens of the Czech Republic nor are resident aliens (hereinafter only as „the foreigners“) into prison shall be according to circumstances acted such way so that the foreigners of the same nationality or speaking the same or similar language may communicate each other, they shall have access to books written in language they know, eventually, depending on the length of the sentence, proper conditions shall be created for them to learn Czech language.

(2) Immediately after accession to the imprisonment the foreigners shall be instructed on the right to address diplomatic mission or consular office of the state of which the convict is a citizen. Refugees and persons without any citizenship shall be instructed on the right to address diplomatic mission of the state that is authorized to protect their interests or international organizations the mission of them is to protect these interests.

(3) The foreigners shall be instructed on the right to accept consular visits. Such visit shall not be considered as regular visit according to Article 19.

(4) Immediately after accession to the imprisonment the foreigners shall be instructed on possibility to file an application to be transferred to the state of which they are citizens to serve the imprisonment there, if such proceeding is enabled by international agreement by which the Czech Republic is bound, as well as on legal consequences of such pleading.

(5) The prison shall instruct the foreigner on his or her rights and commitments in his or her mother language or in language he or she understands; on this instruction memorandum shall be done that the foreigner has to sign.

CHAPTER V

RELEASE FROM THE IMPRISONMENT

Article 73

The prison shall release convict from the imprisonment:

when term laid down in legitimate and enforceable decision of the Court expired and decision on additional imprisonment was not delivered to the Prison Service,

when received written order that the convict is to be set at liberty which had been issued by the Court upon its decision,

when state state's attorney ordered the release during performance of the supervision over the imprisonment, or

when the decision to release was done by the President of the Republic within the framework of granting pardon or by the Minister

during performance of his or her authorization in compliance with the Penal Code.

Article 74

The outgoing department

(1) In prisons with guarding and in prisons with enhanced guarding are established outgoing departments into which are generally placed appropriate time prior their release convicts who were sentenced to the imprisonment longer than 3 years and convicts who are necessary to be assisted during creation of positive conditions to lead independent kind of living.

(2) The programs of the treatment with convicts classified to outgoing department are focused on their preparation for independent kind of living.

Article 75

Co-operation with bodies of social security

During the imprisonment prisons create conditions eligible to fluent transition of convicts towards independent kind of living after their release from the imprisonment. Hereat they co-operate with competent bodies of social security, above all they provide in time necessary information and enable them to be in continuous contact with the convict.

CHAPTER VI

COMMON, TEMPORARY AND FINAL PROVISIONS

Part 1

Common provisions

Article 76

Common provisions on proceedings

(1) The Administrative Procedure Code does not apply to proceedings according to this Act.

(2) The decision that was issued according to this Act shall be communicated to concerned person; in case when the Act admits to file a complaint against such decision, the decision must be in written form and delivered to concerned person.

(3) The communication shall be done either through announcement in the presence of concerned person or by means of deliverance of such decision.

(4) Complaint against the decision has suspensory effect only if this is laid by this Act.

(5) Competent District Court, within the territory of which contested decision was issued, is authorized to make decisions on indictments against decisions of the Prison Service.

(6) If not laid down otherwise in this Act decisions issued within the framework of disciplinary proceedings are not subject to court verification.

Article 77

Execution of sequentially imposed sentences

From the standpoint of the imprisonment sequentially imposed sentences that have not been served yet are considered as the only one sentence.

Article 78

Supervision over the imprisonment

(1) Supervision over observance of legal regulations in the course of the Imprisonment shall be accomplished by authorized state's attorney of regional Public Prosecutor's Office within the territory of which the imprisonment is served.

(2) During performance of the supervision the state's attorney is authorized:

to visit anytime places where the imprisonment is executed,

to see documents according which convicts were deprived of liberty and to talk to them with them without attendance of another persons,

to verify whether orders and decisions of the Prison Service concerning the imprisonment are in compliance with the law and with another legal regulations,

to request from employees of the Prison Service in the prison necessary explanation, submission of records, documents, orders and decisions concerning the imprisonment,

to issue orders to observance of regulations that are valid for the imprisonment,

to order so that a person who is kept in the imprisonment illegally may be released immediately.

(3) Orders of state's attorney according to Item 2 is the Prison Service obliged to carry out immediately.

(4) By provisions on the supervision remains unaffected obligation of the Prison Service to carry out its own control activities within the framework of its range and authorization of the Minister, eventually of by him or her authorized bodies or persons, laid down by special Act.

Article 79

Reimbursement of health care in special cases

Health care that is provided to a convict who is not insured according to special Act shall be reimbursed by the Prison Service.

Part 2

Temporary, authorization and quashing provisions

Article 80

Time effect of the Act

Provisions of this Act shall be also applied on sentences of the imprisonment that had been imposed earlier than this Act became effective.

Article 81

Authorization provisions

The Ministry of Justice shall lay down through the decree The Regulations of the Imprisonment where shall be specified in details:

accession, emplacement, classification, transfer and release of convicts,

guarantee of rights of convicts and of their social status according to this Act,

implementation of the program of the treatment and employment of convicts,

providing order and security at places of the imprisonment,

disciplinary proceedings,

participation of non-governmental organizations in observance of the purpose of the imprisonment,

regime of the imprisonment of certain groups of convicts, and

execution of protective medical treatment in the course of the imprisonment.

Article 82

Quashing provisions

The Act No. 59/1965 Sb. on the imprisonment, as amended by the Act No. 171/1968 Sb, by the Act No. 100/1979 Sb., by the Act No. 179/1999 Sb., by the Act No. 294/1993 Sb., by the Decision of the Constitutional Court No. 8/1995 Sb. and by the Act No. 152/1995 Sb.

SECTION II

THE AMENDMENT OF THE ACT ON THE PUBLIC PROSECUTOR'S OFFICE

Article 83

The Act No. 283/1993 Sb. on the Public Prosecutor's Office as amended by the Act No. 261/1994 Sb. and by the Act 201/1997 Sb. shall be hereby amended as follows:

After the Article 4 new Article 4a is inserted the text of which reads as follows:

"Article 4a

The Public Prosecutor's Office executes to the extend and under conditions laid down by the special Act the supervision over observance of legal regulations at places where pre-trial detention, imprisonment, protective medical treatment or institutional education are executed and at another places where, according to legal authorization, limitation of personal liberty is executed."

After the Article 11 new Article 11a is inserted the text of which reads as follows:

"Article 11a

Authorization according to Article 10 and Article 11 Paragraph 3 towards the state's attorney who is authorized to execute supervision according to Article 4a may be accomplished only by authorized state's attorney of Higher Public Prosecutor's Office to which pertains also the right of surveillance according to Article 9 Paragraphs 1 and 2".

After the Article 19 new Article 19a is inserted the text of which reads as follows:

"Article 19a

According to Article 4a the highest state's attorney shall authorize state's attorneys assigned to particular Public Prosecutor's Office to execute authorizations mentioned in Article 11".

SECTION III

THE AMENDMENT OF THE ACT ON THE PRISON SERVICE AND JUDICIAL GUARD

Article 84

The Act No. 555/1992 Sb. on the Prison Service And Judicial Guard shall be hereby amended as follows:

In Article 2 Paragraph 1 Item a), including annotations below the line 1) and 2), the text reads as follows: „a) administers and guards institutions where pre-trial detention and imprisonment are executed, is responsible for guarding of institutions that are according to special regulation¹⁾administered by another subject than the Prison Service of the Czech republic, and is responsible for guarding of prisons for local imprisonment that are administered by municipalities according to special regulation.²⁾

¹⁾Article 13 of the Act No. 169/1999 Sb. on the imprisonment and on amendment of certain relating Acts.

²⁾Article 59 of the Act No. 169/1999 Sb."

Present annotations below the line No. 1) till 5) shall be numbered as annotations below the line No.3) till 7), including references to annotations below the line.

In Article 17 Paragraph 2 Item g) shall be cancelled, present Items h) till m) are numbered as g) till l).

In Article 17 Paragraph 5) is inserted the text of which reads as follows: „(5) If, with respect to previous behaviour of the convict does exist reasonable apprehension does exist that he or she may act in violent manner, coercive means may be used even without meeting conditions hereinbefore laid down in Article 2 Items b), c) and e). Member of prison staff is authorized to use such coercive means if this is necessary to satisfaction of the purpose of the operation.

SECTION IV

THE AMENDMENT OF THE ACT ON THE COMPETENCY OF BODIES OF THE CZECH REPUBLIC IN THE FIELD OF SOCIAL SECURITY

Article 85

The Act No. 114/1998 Sb. on the competency of bodies of the Czech Republic in the field of social security as amended by the Act No. 125/1990 Sb., by the Act No. 210/1990 Sb., by the Act No. 425/1990 Sb., by the Act No. 459/1990 Sb., by the Act No. 144/1991 Sb., by the Act No. 582/1991 Sb., by the Act No. 84/1993 Sb., by the Act No. 307/1993 Sb., by the Decision of the Constitutional Court No. 72/1995 Sb., by the Act No. 118/1995 Sb., by the Act No. 238/1995 Sb., by the Act No. 289/1997 Sb., by the Act No. 91/1998 Sb., and by the Act No. 155/1998 Sb. shall be hereby amended as follows:

In Article 19~~do~~in the end is replaced by~~comma~~and Items a) and o) are inserted the text which, including annotations below the line No. 59a) and 59b, reads as follows: „expressed by request of the prison

1) if it is to benefit of the child so that the mother may take care of it in the prison,^{59a)}

2) to prolongation of a period of the interruption of the imprisonment of sentenced woman if the reason is visiting the child,^{59b)}

o) regularly observes evolution of the child that the sentenced woman takes care about in the prison.^{59a)}

^{59a)}Article 67 of the Act No. 169/1999 Sb. on the imprisonment and on amendment of certain relating Acts.

^{59b)}Article 68 of the Act No. 169/1999 Sb."

In Article 56 in the end of Paragraph 1 following sentence shall be added: „Place of residency of the child shall be crucial for competency of the local authority in compliance with Article 19 Item o); if the prison is not within the range of the local authority where the child has the place of residency the competency of the local authority shall be administered on the basis of location of the prison and an the basis of letters rogatory from district authority according to the residency of the child."

SECTION V

Article 86

Time of taking effect

This Act shall enter into force on January 1, 2000.

Klaus, in his own writing

Havel, in his own writing

Zeman, in his own writing