

# France

## 1) Judgments and, where applicable, probation decisions entering into the scope of this Framework Decision (Article 2)

a) Member States are asked to describe the judgments and, where applicable, probation decisions, as defined in Article 2, which have to be recognised by a Member State.

In this regard, Member States are asked to make a separate table for each judgment and **each** probation decision entering into the scope of the Framework Decision, and indicate for each one the following information.

<b>Suspension with probation</b>	
<b>Name of the judgment or probation decision</b>	Since 24 March 2020 " <i>sursis avec mise à l'épreuve</i> " has been replaced by " <i>sursis probatoire</i> " Suspension with probation
<b>Classification of this judgment or probation decision</b>	Suspension with probation
<b>Legal basis of this judgment or probation decision</b>	Criminal Code, Articles <a href="#">132-40 to 132-53</a> Code of Criminal Procedure, Articles <a href="#">739 to 747</a> ; <a href="#">D546-1 à D546-8</a> .
<b>Definition of this judgment or probation decision</b>	" <i>Sursis probatoire</i> " is an exemption from execution of a custodial sentence under the condition that the sentenced person complies with certain obligations for a specified period of time.
<b>Legal conditions of this judgment or probation decision</b>	<ul style="list-style-type: none"> <li>- It can be imposed when the offence committed is an ordinary felony or crime for which a custodial sentence is incurred.</li> <li>- The sentence pronounced by the judge must not exceed 5 years (10 years for re-offending, but the part with probation must not exceed 5 years)</li> <li>- The probationary period is set by the court, at its sole discretion, It may not be less than 1 year or more than 3 years except in the case of a first repeat offence (5 years) or a second repeat offence (7 years).</li> </ul> <p>A suspension with probation can accompany a prison sentence for a maximum of 5 years. If the person re-offends, the prison sentence can be increased to 10 years at most; a mixed sentence is still possible, but the part accompanied by the suspension may not exceed 5 years.</p> <ul style="list-style-type: none"> <li>- The criminal court cannot impose a suspended sentence for a person who has already been sentenced to a suspended sentence twice for</li> </ul>

	<p>identical or similar offences and has re-offended. When this involves a felony or a crime of wilful violence, assault, sexual assault or a crime committed with the aggravating circumstance of violence and it is a repeat offence, the court may not pronounce a totally suspended sentence.</p> <p>- The consent of the sentenced person is not required.</p>
<p><b>Types of probation measures</b></p>	<p><b>General obligations:</b></p> <p>- <i>Obligation to report at specified times to a specific authority:</i> obligation to respond to the summons of the sentence enforcement judge (<i>juge d'application des peines, JAP</i>) or the designated probation service.</p> <p>- <i>Obligation to cooperate with a probation officer:</i> obligation to receive visits from a social worker and provide them with all the information or documents necessary to verify their means of existence and the fulfilment of their obligations.</p> <p>- <i>Obligation for the sentenced person to inform a specific authority of any change of domicile or workplace:</i> obligation to notify the probation officer of any change of employment and residence or any travel whose duration might exceed fifteen days and to report their return; obligation to obtain the authorisation of the <i>JAP</i> for any change of employment or residence where it is liable to obstruct the execution of the measure.</p> <p>- <i>Obligation containing limitations on leaving the territory of the executing State:</i> obligation to obtain prior authorisation from the <i>JAP</i> for any travel abroad.</p> <p><b>Obligations to which the person sentenced can be specifically subjected:</b></p> <p>- <i>Obligation not to enter certain localities, places or defined areas in the issuing or executing State:</i> obligation to abstain from appearing in any place, any category of place or any area specifically designated; prohibition on frequenting drinking establishments; in the event of an offence committed against their spouse, their children or the children of their spouse, prohibition on appearing at the domicile of the victim or in the immediate vicinity thereof.</p> <p>- <i>Instruction relating to behaviour, residence, education and training, leisure activities or containing limitations on or modalities of carrying out a professional activity:</i> obligation to carry out a professional activity or follow educational or professional training; obligation to establish their residence in a specific place; obligation to demonstrate that they are contributing to family expenses or paying maintenance; prohibition on driving certain vehicles; prohibition on engaging in the professional activity in the exercise or on the occasion of which the offence was committed; prohibition on engaging in betting; obligation to complete at their own expense a road safety awareness course if the offence was</p>

committed while driving a vehicle; prohibition on broadcasting any audiovisual work dealing in whole or part with the committed offence and obligation to abstain from any public appearance relating to this offence in the event of convictions for felonies or crimes relating to wilful attacks on life, or sexual assault; obligation to entrust their children to those who have been granted custody of them by a court; obligation to take a citizenship course; obligation to reside outside of the domicile or the residence of the couple, when the offence was committed against their spouse, their children or the children of their spouse.

- *Obligation to avoid contact with specific persons*: prohibition on frequenting certain sentenced persons, notably the authors or accomplices of the offence; prohibition on entering into contact with certain persons, notably the victims or certain categories of persons and particularly minors;

- *Obligation to avoid contact with specific objects which have been used or are likely to be used by the sentenced person with a view to committing a criminal offence*: prohibition on possessing or carrying a weapon;

- Obligation to prove the handing over of an item whose confiscation has been ordered;

- Obligation to compensate financially for the prejudice caused by the offence or *obligation to provide proof of compliance with such an obligation*: obligation to compensate, in whole or part according to their ability to pay, for the damage caused by the offence; obligation to demonstrate that they are paying the amounts owed to the Public Treasury as a result of the conviction;

- Obligation to undergo therapeutic treatment or treatment for addiction: obligation to undergo a medical examination, *treatment or care measures*, even if this involves hospitalisation;

- Treatment order, under the conditions provided for in Articles L3711-1 to L3711-5 of the Public Health Code, if the person has been found guilty of an offence for which socio-judicial supervision applies and an medical examination has concluded that they are able to undergo treatment;

- Obligation to perform community service under the conditions provided for in Article 131-8 of the Criminal Code.

- Obligation to complete one of the courses provided for in Article 131-5 of the Criminal Code;

- Obligation to prove regular payment of taxes;

	<p>- Obligation to provide proof of lawfully kept accounts certified by a statutory auditor.</p>
<p><b>Combination of sanctions or measures</b></p>	<p>This suspended sentence can be total or partial ; in the latter case it is combined with a custodial sentence within the limit of 5 years of suspension with probation.</p> <p>If the person re-offends, the prison sentence can be increased to 10 years at most; a mixed sentence is still possible, but the part accompanied by the suspension may not exceed 5 years. This suspended sentence can also be combined with a fine, compensation or additional penalties.</p>
<p><b>Authority responsible for making such a decision</b></p>	<p>The suspended sentence can be pronounced by a Court (criminal court, Court of Appeal or Court of Assizes as well as the Juvenile Court).</p>
<p><b>Authority responsible for supervision</b></p>	<p>The JAP is competent to carry out the follow-up of the suspended sentence with probation.</p> <p>They usually appoint the prison rehabilitation and probation service to carry out the execution of the probation measures and obligations.</p> <p>The competent <i>JAP</i> is that of the habitual residence of the sentenced person. If the sentenced person does not have a known habitual residence, the competent <i>JAP</i> is that of the place of conviction.</p> <p>When the probation was pronounced by a Juvenile Court, the juvenile judge exercises the functions vested in the <i>JAP</i> until the sentenced person has reached the age of 21. However, given the personality of the minor or the duration of the sentence pronounced, the juvenile judge can withdraw from the case in favour of the <i>JAP</i> when the minor has reached the age of 18.</p> <p>The JAP sets the execution modalities of the suspended sentence.</p> <p>At any time during the measure they may modify the obligations pronounced. They can also extend the duration (within the legal limits) or on the contrary decide to end it early by declaring the probation measure null and void. The judge rules by order or judgment.</p> <p>The <i>JAP</i> can use means of coercion against the sentenced person (issuance of summons, arrest warrant, etc.) and also has some investigative powers (bank requisitions...).</p>

<b>Authority responsible in case of infringement</b>	<p>The <i>JAP</i> is competent for the revocation of the measure when the sentenced person does not submit to the probation measures or obligations or when they have committed an offence which led to a conviction on the occasion of which revocation of the suspended sentence was not pronounced.</p> <p>The <i>JAP</i> can seize themselves of the case at their own initiative or at the request of the public prosecutor. They take a decision after holding an adversarial hearing in the presence of the public prosecutor, the sentenced person and, if applicable, their lawyer. They can revoke the measure in whole or part.</p> <p>The measure can be revoked after its expiration when the <i>JAP</i> was seized or seized themselves to this effect at the latest within a period of one month after this date.</p> <p>The <i>JAP</i> can rule in the absence of the sentenced person who is not detained, duly summonsed at their last declared address, who does not present themselves at the adversarial hearing, unless for some legitimate reason.</p> <p>The sentenced person can appeal against this decision within 10 days of the notification of the judgment. The appeal is brought before the chamber competent for the execution of the ruling of the Court of Appeal.</p> <p>The court, when it imposes a custodial sentence, can revoke the suspended sentence when a new offence (crime or lesser offence) is committed during the probationary period.</p> <p>This revocation can only take place if the <i>JAP</i> issued an opinion on the possible revocation of the suspended sentence. The revocation can be total or partial.</p>
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### **Deferment with probation**

<b>Name of the judgment or probation decision</b>	<i>Ajournement avec mise à l'épreuve</i> Deferment with probation
<b>Classification of this judgment or probation decision</b>	Suspended sentence
<b>Legal basis of this judgment or probation decision</b>	Criminal Code, Articles 132-63 <a href="#">to 132-65</a> Code of criminal Procedure, <a href="#">Article 747-3</a>
<b>Definition of this judgment or probation decision</b>	Deferment with probation allows the court, after a guilty verdict, to postpone the pronouncement of the sentence to a later date, the person declared guilty having to fulfil certain obligations during the period under the supervision of the <i>JAP</i>

<p><b>Legal conditions of this judgment or probation decision</b></p>	<ul style="list-style-type: none"> <li>- The court may postpone the sentencing if it appears that the person convicted is in the process of being reintegrated, that the damage caused is in the process of being compensated for, and that the disturbance caused by the offence will cease. In this case it sets its decision on the date when the sentence will be handed down.-The sentenced person must be present at the hearing. The law does not require the Court to obtain the person's consent but, in practice, it is unlikely that the judge will pronounce a deferment if the person clearly indicates at the hearing that they will not make any effort in this respect.</li>   <li>- The court must set the period at the conclusion of which the person declared guilty will have to appear again with a view to choosing the sentence (this period may not exceed one year).</li> </ul>
<p><b>Type of probation measures</b></p>	<p><b>General obligations:</b></p> <ul style="list-style-type: none"> <li>- <i>Obligation to report at specified times to a specific authority:</i> obligation to respond to the summons of the sentence enforcement judge (JAP) or the designated probation officer.</li>   <li>- <i>Obligation to cooperate with a probation officer:</i> to receive visits from the probation officer who was provide them with any information or documents as necessary to verify their means of existence and the fulfilment of their obligations.</li>   <li>- <i>Obligation for the sentenced person to inform a specific authority of any change of domicile or working place:</i> obligation to notify the probation officer of any change of employment and residence or any travel whose duration should exceed fifteen days and to report their return; obligation to obtain the authorisation of the JAP for any change of employment or residence where it is liable to obstruct the execution of the measure.</li>   <li>- <i>Obligation containing limitations on leaving the territory of the executing State:</i> obligation to obtain prior authorisation from the JAP for any travel abroad.</li> </ul> <p><b>Obligations to which the person sentenced can be specifically subjected:</b></p> <ul style="list-style-type: none"> <li>- <i>Obligation not to enter certain localities, places or defined areas in the issuing or executing State:</i> obligation to abstain from appearing in any specifically designated place; prohibition to frequent drinking establishments; when the offence was committed against their spouse, their children or the children of their spouse, prohibition on appearing at the domicile of the victim or in the immediate vicinity thereof.</li>   <li>- <i>Instruction relating to behaviour, residence, education and training, leisure activities or containing limitations on or modalities of carrying</i></li> </ul>

	<p><i>out a professional activity: obligation to carry out a professional activity or follow educational or professional training; obligation to establish their residence in a specific place; obligation to demonstrate that they are contributing to family expenses or regularly paying alimony; prohibition on driving certain vehicles; prohibition on engaging in the professional activity in the exercise or on the occasion of which the offence was committed; prohibition on engaging in betting; obligation to complete at their own expense a road safety awareness course if the offence was committed while driving a vehicle; prohibition on broadcasting any audiovisual work dealing in whole or part with the offence committed and obligation to abstain from any public appearance relating to this offence when conviction for crimes or offences is related to wilful attacks on life, sexual assault; obligation to entrust their children to those who have been granted custody of them by a legal decision; obligation to follow a citizenship course; obligation to reside outside of the domicile or the residence of the couple, when the offence was committed against their spouse, their children or the children of their spouse.</i></p> <p>- <i>Obligation to avoid contact with specific persons: prohibition on frequenting certain sentenced persons, notably the authors or accomplices of the offence; prohibition on entering into contact with certain persons, notably the victim of the offence.</i></p> <p>- <i>Obligation to avoid contact with specific objects which have been used or are likely to be used by the sentenced person with a view to committing a criminal offence: prohibition on possess or carrying a weapon.</i></p> <p>- <i>Obligation to compensate financially for the prejudice caused by the offence or obligation to provide proof of compliance with such an obligation: obligation to compensate, in whole or part according to their ability to pay, the damage caused by the offence; obligation to demonstrate that they are paying the amounts owed to the Public Treasury as a result of the conviction;</i></p> <p>- <i>Obligation to undergo therapeutic treatment or a treatment for addiction : obligation to undergo medical examination, treatment or care measures, even if this involves hospitalisation;</i></p>
<b>Combination of sanctions or measures</b>	A deferment with probation cannot be combined with any other sanction since the court, when it decides on this measure, has not yet decided on the sentence.
<b>Authority responsible for making such a decision</b>	Deferment with probation can be pronounced by the Court (criminal court, Court of Appeal as well as the Juvenile Court).
<b>Authority responsible for supervision</b>	The <i>JAP</i> is competent to set and supervise the modalities for the deferment with probation.

	<p>They usually appoint the prison rehabilitation and probation service to ensure compliance with the obligations.</p> <p>The competent <i>JAP</i> is that of the habitual residence of the person declared guilty.</p> <p>The <i>JAP</i> can modify or add specific obligations and use means of coercion (mandates, etc.) against the person.</p> <p>The <i>JAP</i> gives their opinion on the compliance to the obligations imposed on the person whose case is deferred during the probation period, accompanied by, if applicable, the report of the prison rehabilitation and probation service.</p> <p>If the person whose case is deferred has fulfilled their obligations, and with the consent of the public prosecutor, the <i>JAP can pronounce the exemption from the sentence at an adversarial hearing</i> at least thirty days before the hearing where it is decided to pronounce the sentence (which is therefore cancelled).</p>
<b>Authority responsible in case of infringement</b>	<p>The court that made the decision on deferment with probation decides, on the date set, on the sentence, taking any violation of obligations into consideration when choosing the penalty.</p> <p>The <i>JAP</i> can also, when the person whose case is deferred has failed to fulfil their obligations, end the measure and send the person before the competent court before the scheduled date. In this case, the <i>JAP</i> can have the person whose case is deferred temporarily placed in custody, the hearing before the court then having to be held within a period of 5 days.</p>
<b>Deferment with injunction</b>	
<b>Name of the judgment or probation decision</b>	<p><i>Deferment with injunction</i></p> <p>Deferment with injunction</p>
<b>Classification of this judgment or probation decision</b>	Suspended sentence
<b>Legal basis of this judgment or probation decision</b>	<p>Criminal Code, Articles 132-66 <a href="#">to 132-70</a></p> <p>Code of Criminal Procedure, <a href="#">Article 747-4</a></p>
<b>Definition of this judgment or probation decision</b>	Deferment with injunction allows the court, after a guilty verdict, to postpone the imposition of the sentence to a later date. During this period the convicted person must comply with the instructions issued by the court under the supervision of the sentence enforcement judge ( <i>JAP</i> ).
<b>Legal conditions of this judgment or probation decision</b>	- The law or the regulations must specifically provide for the possibility of using this phrase (e.g.: with regard to illicit contractual clauses, water policy, legal registration of audiovisual written works and software programs, etc.)

	<ul style="list-style-type: none"> <li>- The natural person or legal entity must be present at the hearing. The law does not require the Court to obtain the person's consent but, in practice, it is unlikely that the judge will pronounce a deferment if the person clearly indicates at the hearing that they will not make any effort in this respect.</li> <li>- Deferment with injunction may only be granted once.</li> <li>- The court has to impose a deadline for the execution of its injunction.</li> </ul>
<b>Type of probation measures</b>	<ul style="list-style-type: none"> <li>- Instruction relating to behaviour, residence, education and training, leisure activities, or containing limitations on or modalities of carrying out a professional activity</li> <li>- Obligation to compensate financially for the damage caused by the offence or an obligation to provide proof of compliance with such an obligation</li> </ul>
<b>Combination of sanctions or measures</b>	Deferment with injunction cannot be combined with any other sanction due to the fact that the trial court, when it pronounces on this measure, has not yet ruled on the sentence.
<b>Authority responsible for making such a decision</b>	The criminal court and the Court of Appeal
<b>Authority responsible for supervision</b>	The <i>JAP</i> of the residence of the sentenced person is competent to ensure, either directly or through qualified persons, that the instructions issued by the court are carried out.
<b>Authority responsible in case of infringement</b>	<p>At the reconvened hearing, when the instructions have been executed within the time limit fixed, the court can either exempt the offender from the sentence or impose the sanctions provided by the laws or regulations.</p> <p>When the instructions have been executed belatedly, the court calculates, where appropriate, the amount of the coercive fine and imposes the sanctions provided for by the law or regulations.</p> <p>Where the instructions were not complied with, the court calculates, where appropriate, the amount of the coercive fine, imposes the sanctions and may in addition order that the execution of these injunctions be continued at the expense of the sentenced person, subject to the cases and conditions provided for by the law or regulations.</p>
<b>Community service</b>	
<b>Name of the judgment or probation decision</b>	<i>Community service</i>
<b>Classification of this judgment or probation decision</b>	Alternative sanction

<b>Legal basis of this judgment or probation decision</b>	<p>Criminal Code, Articles 131-8, 131-17, 131-22, 131-23 and 131-24 and R 131-12 to <a href="#">R131-34</a>.</p> <p>Code of Criminal Procedure, <a href="#">Articles 733-1, 733-2 and 741</a>.</p>
<b>Definition of this judgment or probation decision</b>	<p>Community service is a sanction which consists of unremunerated work, performed for the benefit of a legal entity under public law, a legal entity of private law or an association authorised to carry out public service work.</p>
<b>Legal conditions of this judgment or probation decision</b>	<ul style="list-style-type: none"> <li>- The accused <b>present</b> at the hearing must be informed that they may refuse the community service order, as their agreement is required before the sentence can be pronounced and recorded in the record of the hearing.</li>   <li>If the accused is <b>not present at the hearing but is represented by a lawyer</b> and has given their agreement in writing, they may be given a community service order.</li>   <li>If the accused is <b>not present at the hearing</b> and not represented, and if they have not made their agreement known, they can only be sentenced to community service if the trial court applies the provisions of the second paragraph of <a href="#">Article 131-9 of the Criminal Code</a> (pronounce the maximum prison sentence or the amount of the fine incurred if the obligations and prohibitions resulting from the sentence pronounced are not respected). In this case the JAP must inform the convicted person of their right to refuse to perform work, as all forced labour is prohibited. As the convicted person is free to refuse, the JAP must then consider the possibilities for adjusting the sentence or imposing an alternative (<a href="#">Article 131-8 of the Criminal Code</a>).</li>   <li>- The duration of the community service order may not be less than 20 hours nor exceed 400 hours (120 hours for minors and for minor offence offences)</li>   <li>- It can be pronounced as an alternative sanction to imprisonment for offences punishable by imprisonment and, if a text so provides, as an additional penalty for 5th class minor offences and certain offences.</li>   <li>- The period of execution must be set by the court and must not exceed 18 months.</li> </ul>
<b>Type of probation measures</b>	<ul style="list-style-type: none"> <li>- Obligation to carry out community service: obligation to carry out community service for a period of 20 to 400 hours (120 hours for minors) for the benefit of a legal entity under public law, a legal entity under private law entrusted with a public service mission or an association authorised to carry out community service.</li>   <li>- Obligation to undergo therapeutic treatment or a treatment for addiction : obligation to undergo the medical examination prior to the execution of the sentence in order to determine whether they are suffering from any disease which could be dangerous for the other workers and to ensure that</li> </ul>

	<p>they are medically fit for the work to which they might be assigned, and to ensure, if the work which the <i>JAP</i> intends to assign to them must be exercised in a public or private establishment or organisation of medical prevention or treatment and exposes them to risks of infection, that they are immunised against these diseases.</p> <p>- Obligation to report at specified times to a specific authority: obligation to report, whenever it is required, to the <i>JAP</i> or the designated social worker whose supervision they are placed.</p> <p>- Obligation to cooperate with a probation officer: the <i>JAP</i> or the probation officer verifies the execution of the work at the organisation. If need be, they may visit the sentenced person at their workplace.</p>
<p><b>Combination of sanctions or measures</b></p>	<p>As a main penalty, community service can only be combined with additional penalties. It may not be applied cumulatively with imprisonment or fines.</p> <p>When community service is imposed as an additional penalty, it can be combined with imprisonment, fines or day-fines, the penalties entailing forfeiture or restriction of rights, citizenship training and compensation reparation.</p>
<p><b>Authority responsible for making such a decision</b></p>	<p>It can be pronounced by the Court (Police Court for certain 5th class minor/petty offences), the criminal court, the Court of Appeal, and the Juvenile Court).</p>
<p><b>Authority responsible for supervision</b></p>	<p>The convicted person is monitored by the sentence enforcement judge (<i>JAP</i>) assisted by the prison rehabilitation and probation service (<i>SPIP</i>) throughout the duration of the sentence. If they are a minor, they will be monitored by the juvenile judge and the territorial open environment education service (<i>STEMO</i>).</p> <p>Since Law no. 2021-401 of 8 April 2021 improving the effectiveness of local justice and the criminal justice response was passed, the director of the prison rehabilitation and probation service (<i>SPIP</i>) is now competent to <b>approve reception facilities, draw up a list of community service tasks liable to be offered in the Department</b> (Article <a href="#">131-36 of the Criminal Code</a>) and to <b>assign the convicted person to the job best suited to their situation</b>, unless the sentence enforcement judge (<i>JAP</i>) decides to exercise this competence (Article <a href="#">131-22 of the Criminal Code</a>).</p> <p>For minors, this competence is vested in the territorial director of the judicial juvenile protection service (<i>PJJ</i>).</p> <p>When the <i>JAP</i> or the juvenile judge decides to retain this competence, an order must be issued giving reasons (Article <a href="#">R.623-15</a> of the Penitentiary Code).</p> <p>When the community service was pronounced by a Juvenile Court, the juvenile judge exercises the functions vested in the <i>JAP</i> until the</p>

	<p>sentenced person has reached the age of 21. However, given the personality of the minor or the duration of the sentence pronounced, the juvenile judge can withdraw from the case in favour of the <i>JAP</i> when the minor has reached the age of 18.</p> <p>The community service must be performed in an organisation authorised to receive convicted persons. Since Law no. 2021-401 of 8 April 2021 improving the effectiveness of local justice and the criminal justice response was passed, the director of the prison rehabilitation and probation service (SPIP) is now competent to <b>approve reception facilities, draw up a list of community service tasks liable to be offered in the Department</b> (Article <a href="#">131-36 of the Criminal Code</a>) and to <b>assign the convicted person to the job best suited to their situation</b>, unless the sentence enforcement judge (JAP) decides to exercise this competence (Article <a href="#">131-22 of the Criminal Code</a>).</p> <p>For minors, this competence is vested in the territorial director of the judicial juvenile protection service (PJJ).</p> <p>When the JAP or the juvenile judge decides to retain this competence, an order must be issued giving reasons (Article <a href="#">R.623-15</a> of the Penitentiary Code).</p> <p>When the community service is completed, the organisation for which it was performed issues a completion certificate to the JAP or the SPIP.</p> <p>The JAP can order the suspension of the period of execution if the sentenced person encounters serious problems of a medical, familial, professional or social nature.</p>
<p><b>Authority responsible in case of infringement</b></p>	<p>The designated person within the organisation where the community service is executed immediately informs the <i>JAP</i> or the probation officer of any violation of the work obligation or of any incident caused by the sentenced person.</p> <p>Failure to execute the community service constitutes an independent offence punishable by 2 years of imprisonment and a fine of 30,000 euros.</p> <p>- <b>Case 1: the court set the custodial sentence or fine incurred in the event of non-execution of the community service:</b> In case of non-compliance with the community service, the JAP who seised themselves at their own initiative or was seised at the request of the public prosecutor office pronounces the total or partial execution of the custodial sentence or the fine set by the court. The <i>JAP</i> pronounces their decision after holding an adversarial hearing in the presence of the public prosecutor, the sentenced person and, if applicable, their lawyer.</p> <p>- <b>Case 2: the court did not set the custodial sentence or fine incurred in case of non-execution</b> of the community service order: The JAP sends to the public prosecutor a report in order that they can decide whether to</p>

	prosecute the person before the criminal court or the Juvenile Court for non-compliance with the community service. The offence is prosecuted by the public prosecutor office and if necessary the court pronounces a new conviction, which does not eliminate the initial conviction
<b>Citizenship training</b>	
<b>Name of the judgment or probation decision</b>	<i>Citizenship courses</i>
<b>Classification of this judgment or probation decision</b>	Alternative sanction
<b>Legal basis of this judgment or probation decision</b>	Criminal Code, Article 131-5-1
<b>Definition of this judgment or probation decision</b>	Citizenship training is a sanction which consists of ordering the sentenced person to complete a training course whose purpose is to remind the offender of the republican values of tolerance and respect for personal dignity upon which society is based and to make them aware of their criminal and civil liability as well as of the duties involved in living in society. However, it does not appear that this type of measure is destined to be transferred because of its specificity.
<b>Legal conditions of this judgment or probation decision</b>	<ul style="list-style-type: none"> <li>- The defendant must be present at the hearing and accept the citizenship training.</li> <li>- The court freely sets the length of the training; however, it may not exceed 1 month and 6 hours per day.</li> <li>- It can be pronounced for offences and 5th class minor offences when the law provides for it (example: theft, damage, extortion, etc.)</li> <li>- The training can be taken at the expense of the sentenced person.</li> </ul>
<b>Type of probation measures</b>	- Obligation to report at specified times to a specific authority, instruction concerning behaviour: obligation to complete the citizenship training under the conditions set by the court.
<b>Combination of sanctions or measures</b>	<p>It can be imposed as an alternative sanction to imprisonment for offences punishable by imprisonment or as an additional penalty, if a law provides it for 5th class minor/petty offences and certain other offences.</p> <p>As a main penalty, citizenship training can be combined with a fine, as well as with additional penalties. No combination with imprisonment is possible.</p> <p>When citizenship training is imposed as an additional penalty, it can be combined with imprisonment, fines or day-fines, penalties entailing forfeiture or restriction of rights, community service and penalty compensation.</p>

<b>Authority responsible for making such a decision</b>	It can be pronounced by the Court (Police Court for certain 5th class minor/petty offences, the criminal court, the Court of Appeal, and the Juvenile Court).
<b>Authority responsible for supervision</b>	<p>Citizenship training is organised in continuous or discontinuous collective sessions composed of several training modules adapted to the personality of the convicted persons and the nature of the offence committed.</p> <p>The training is delivered under the supervision of the representative of the public prosecutor for the place where the sentence is executed. It can be implemented under the supervision of the prison rehabilitation and probation service (<i>service pénitentiaire d'insertion et de probation</i>, SPIP).</p> <p>Prior to the execution of the training, the person or the service which receives the sentenced person explains to them the consequences of non-compliance with the obligations resulting from the training.</p> <p>A training completion certificate is delivered to the sentenced person, who sends it to the person or the service responsible for supervising implementation.</p>
<b>Authority responsible in case of infringement</b>	<p>Failure to execute citizenship training constitutes an independent offence punishable by 2 years of imprisonment and a fine of 30,000 euros.</p> <p>Case 1: the court set the custodial sentence or <b>fine incurred in the event of non-execution</b> of the citizenship training: this penalty can be totally or partially enforced by the JAP who seised themselves at their own initiative or was seised at the request of the public prosecutor. The JAP pronounces their decision after holding an adversarial hearing in the presence of the public prosecutor, the sentenced person and, if applicable, their lawyer.</p> <p>- Case 2: the court did <b>not set the custodial sentence or fine incurred in the event of non-execution of the citizenship training</b>: this new offence is prosecuted by the public prosecutor office and if need be the court pronounces a new conviction, which does not withdraw the existence of the initial conviction.</p>
<b>Penalties entailing forfeiture or restriction of rights</b>	
<b>Name of the judgment or probation decision</b>	<i>Penalties entailing forfeiture or restriction of rights</i>
<b>Classification of this judgment or probation decision</b>	Alternative sanction
<b>Legal basis of this judgment or probation decision</b>	Civil Code, Article 131-6

<b>Definition of this judgment or probation decision</b>	Penalties entailing forfeiture or restriction of rights are alternative sanctions which are intended to replace the main penalties of imprisonment or fines.
<b>Legal conditions of this judgment or probation decision</b>	<ul style="list-style-type: none"> <li>- Offence punishable by a custodial sentence.</li> <li>- Several penalties entailing forfeiture or restriction of rights can be imposed for the same offence.</li> </ul>
<b>Type of probation measures</b>	<ul style="list-style-type: none"> <li>- Obligation not to enter certain localities, places or defined areas in the issuing or executing State: prohibition for a period of three years to appear in certain places or certain categories of places defined by the court and in which the offence was committed.</li> <li>- Instruction relating to behaviour, residence, education and training, leisure activities or containing limitations on or modalities of carrying out a professional activity: suspension of the driving licence for a maximum period of five years; prohibition on driving certain vehicles for a maximum period of five years; withdrawal of the driving licence together with prohibition on applying for a new licence for a period not exceeding five years; withdrawal of a hunting licence, together with prohibition on applying for a new licence; such a prohibition may not be imposed for more than five years; prohibition on drawing cheques, except those allowing the drawer to withdraw the drawer's funds or certified cheques, and prohibition on using payment cards, for a maximum period of five years; prohibition, for a maximum period of five years, on carrying out any professional or social activity where the facilities afforded by such activity were knowingly used to prepare or commit the offence; prohibition, for a maximum period of five years, on carrying out a commercial or industrial profession, to direct, administer, manage or supervise under any title, directly or indirectly, for their own account or for the account of others, a commercial or industrial enterprise or a commercial company.</li> <li>- Obligation to avoid contact with specific persons: prohibition, for a maximum period of three years, on frequenting certain sentenced persons specifically designated by the court, notably the authors or accomplices of the offence; prohibition, for a maximum period of three years, on entering into contact with certain persons specifically designated by the court, notably the victim of the offence.</li> <li>- Obligation to avoid contact with specific objects which have been used or are likely to be used by the sentenced person with a view to committing a criminal offence: the confiscation of one or more vehicles belonging to the sentenced person; the immobilisation, for a maximum period of one year, of one or more vehicles belonging to the sentenced person; the prohibition on possessing or carrying, for a maximum period of five years, a weapon for which a permit is required; the confiscation of one or more weapons belonging to the sentenced person or which are freely available to them; the confiscation of something which was used in or was intended for the commission of the offence or of something which is the product of it.</li> </ul>

<b>Combination of sanctions or measures</b>	Penalties entailing forfeiture or restriction of rights can be combined with one another, as well as with additional penalties. No combination with imprisonment or fine is possible.
<b>Authority responsible for making such a decision</b>	They can be pronounced by the Court (criminal court and the Court of Appeal).
<b>Authority responsible for supervision</b>	Public prosecutor's office
<b>Authority responsible in case of infringement</b>	<p>Non-compliance with the penalties entailing forfeiture or restriction of rights constitutes an independent offence punishable by 2 years of imprisonment and a fine of 30,000 euros.</p> <p>- <b>Case 1: the court set the custodial sentence or fine incurred in the event of non-compliance: this penalty</b> can be totally or partially enforced by the <i>JAP</i> who seised themselves at their own initiative or was seised at the request of the public prosecutor. The <i>JAP</i> pronounces their decision after holding an adversarial hearing in the presence of the public prosecutor, the sentenced person and, if applicable, their lawyer.</p> <p>- <b>Case 2: the court did not set the custodial sentence or fine incurred in the event of non-compliance:</b> This new offence is prosecuted by the public prosecutor's office and if need be the court pronounces a new conviction, which does not eliminate the initial conviction.</p>
<b>Penalty compensation</b>	
<b>Name of the judgment or probation decision</b>	<i>Penalty compensation (sanction-réparation)</i>
<b>Classification of this judgment or probation decision</b>	Alternative sanction
<b>Legal basis of this judgment or probation decision</b>	Criminal Code, Article 131-8-1
<b>Definition of this judgment or probation decision</b>	Penalty compensation consists of the obligation for the sentenced person to compensate financially for the damage caused by the offence to the victim within the time period and according to the modalities established by the court.
<b>Legal conditions of this judgment or probation decision</b>	<p>- Offence punishable by a custodial sentence.</p> <p>- The court must establish the period and the modalities for compensation which can be executed in kind with the consent of the victim.</p> <p>- The court must establish the maximum period of imprisonment or the fine (maximum 6 months of imprisonment and fine of 15,000 euros) which may be executed in the event of non-compliance with the measure.</p>

<b>Type of probation measures</b>	- Obligation to compensate financially for the prejudice caused by the offence or obligation to provide proof of compliance with such an obligation: obligation to compensate the victim or to proceed with the restoration of property damaged on the occasion of the commission of the offence (restoration performed by the sentenced person themselves, or by a professional that they remunerates).
<b>Combination of sanctions or measures</b>	A penalty compensation order can be combined with imprisonment or a fine.
<b>Authority responsible for making such a decision</b>	They can be pronounced by a Court (criminal court and the Court of Appeal).
<b>Authority responsible for supervision</b>	The execution of the compensation is supervised by the public prosecutor or their representative.
<b>Authority responsible in case of infringement</b>	In case of non-compliance with the indemnity obligation, the <i>JAP</i> who seized themselves at their own initiative or was seized at the request of the public prosecutor's office pronounces the total or partial execution of the custodial sentence or the fine set by the court.  The <i>JAP</i> pronounces their decision after holding an adversarial hearing in the presence of the public prosecutor, the sentenced person and, if applicable, their lawyer.
<b>Banning order</b>	
<b>Name of the judgment or probation decision</b>	<i>Interdiction de séjour - banning order</i>
<b>Classification of this judgment or probation decision</b>	Alternative sanction
<b>Legal basis of this judgment or probation decision</b>	Articles 131-10, 131-11, 131-30 to <a href="#">131-32</a> of the Criminal Code <a href="#">Articles 762-1 to 762-5 of the Code of Criminal Procedure</a>
<b>Definition of this judgment or probation decision</b>	A banning order is an injunction banning a person from certain places for a certain period decided by the court.
<b>Legal conditions of this judgment or probation decision</b>	- It must be prescribed by law.  - The sentenced person must be less than 65 years of age at the time of the judgment (the banning order automatically ends ipso jure when the sentenced person reaches this age).  - The banning order cannot be imposed for a period longer than 5 years for misdemeanours and 10 years for a crime.  - The court must establish the list of prohibited places

	- The court can subject the sentenced person during the period of the measure to additional supervision measures
<b>Type of probation measures</b>	<p>Obligation not to enter certain localities, places or defined areas in the issuing or executing State: prohibition on appearing in certain places.</p> <p>- Obligation to report at specified times to a specific authority: obligation to report to the services or authority designated by the sentencing court</p> <p>- Obligation for the sentenced person to inform a specific authority of any change of domicile or workplace: obligation to inform the JAP of any travel beyond the limits designated by the sentencing court</p> <p>- Obligation to cooperate with a probation officer or with a representative of a social service having responsibilities in respect of sentenced persons: obligation to respond to the summons of any authority or any qualified person designated by the sentence</p>
<b>Combination of sanctions or measures</b>	<p>A banning order imposed as an additional penalty can be combined with imprisonment, fine, day-fines, community service, penalty compensation and penalties entailing forfeiture or restriction of rights.</p> <p>When it is imposed as a main penalty there is no possibility of combination with imprisonment or fine.</p>
<b>Authority responsible for making such a decision</b>	It can be pronounced by a Court (criminal court, Court of Appeal or Court of Assizes).
<b>Authority responsible for supervision</b>	<p>The <i>JAP</i> monitors compliance with the banning and follows up the assistance measures.</p> <p>The <i>JAP</i> can refer to the prisons rehabilitation and probation service (<i>SPIP</i>).</p> <p>The <i>JAP</i> can modify the list of prohibited places or provisionally suspend the measure after hearing the sentenced person and receiving the opinion of the public prosecutor.</p> <p>In an emergency, the public prosecutor can provisionally authorise the sentenced person to stay in a prohibited place for a maximum period of 8 days.</p>
<b>Authority responsible in case of infringement</b>	<p>Non-compliance with prohibition of stay constitutes an independent offence punishable by 2 years of imprisonment and a fine of 30,000 euros.</p> <p>Case 1: the court set the <b>custodial sentence or fine incurred in the event of non-compliance: this penalty</b> can be totally or partially enforced by the <i>JAP</i> who seised themselves at their own initiative or</p>

	<p>was seised at the request of the public prosecutor. The <i>JAP</i> pronounces their decision after holding an adversarial hearing in the presence of the public prosecutor, the sentenced person and, if applicable, their lawyer.</p> <p>- <b>Case 2:</b> the court did not set the <b>custodial sentence or fine incurred in the event of a breach of the banning order</b>: this new offence is prosecuted by the public prosecutor office and if necessary the court pronounces a new sentence, which does not withdraw the initial sentence</p>
<b>Socio-judicial supervision</b>	
Name of the judgment or probation decision	<i>Suivi socio-judiciaire - Socio-judicial supervision</i>
<b>Classification of this judgment or probation decision</b>	Alternative sanction
<b>Legal basis of this judgment or probation decision</b>	<a href="#">Articles 131-36-1 to 131-36-8 of the Criminal Code</a>
<b>Definition of this judgment or probation decision</b>	Socio-judicial supervision means the obligation for the sentenced person to submit, subject to monitoring by the <i>JAP</i> , to supervision and assistance measures intended to prevent re-offending, possibly after the main penalty of imprisonment.
<b>Legal conditions of this judgment or probation decision</b>	<p>- The offence must have been committed after 20 June 1998.</p> <p>- The sentence must have been pronounced for one of the following offences: wilful attacks on life, rape, sexual assault, sexual exhibitionism, torture or acts of barbarity, abduction, sequestration, corruption of minors, possession of child pornography images, sexual assault, damage endangering persons, wilful violence against a spouse or minors aged under 15 by an ascendant, arms trafficking, aggravated destruction by dangerous means, acts of terrorism</p> <p>- The court must set the period of supervision (maximum 10 years for a misdemeanours and 20 to 30 years for a crime) and the maximum period of imprisonment incurred by the sentenced person in the event of failure to comply with their obligations (maximum 2 to 7 years, depending on the offence).</p> <p>- The court must establish the obligations imposed on the <i>sentenced person</i>.</p>
<b>Type of probation measures</b>	<p>- The obligations are identical to those of the suspended sentence, with only two additional obligations.</p> <p>- Obligation to undergo therapeutic treatment or a treatment for addiction: treatment order</p>

	<p>- Obligation to submit to mobile electronic tagging: When the custodial sentence imposed is greater than or equal to 7 years, the sentenced person subject to a socio-judicial supervision measure can be subject to the obligation to submit to mobile electronic tagging.</p> <p>This measure is simultaneously an obligation not to enter certain localities, places or areas (Article 4(b)) and an instruction concerning behaviour (Article 4(d)).</p> <p>Indeed, the sentenced person is always obliged to wear an electronic device which tracks their location and checks their compliance with the prohibition on being in certain places. This measure can only be pronounced if a psychiatric evaluation conducted by two experts has established that the sentenced person remains potentially dangerous.</p>
<p><b>Combination of sanctions or measures</b></p>	<p>Socio-judicial supervision can be pronounced as a main penalty for lesser criminal matters (it then replaces a custodial sentence). In this case it can be combined with a fine, as well as with additional penalties.</p> <p>It can be imposed as an additional penalty for lesser or serious criminal matters (it then applies after imprisonment). In this case it can be combined with imprisonment, fine, community service day-fines, penalties entailing forfeiture or restriction of rights.</p> <p>However, it cannot be combined with a suspended sentence.</p>
<p><b>Authority responsible for making such a decision</b></p>	<p>It can be pronounced by a Court (criminal court, Juvenile Court, Court of Appeal or Court of Assizes).</p>
<p><b>Authority responsible for supervision</b></p>	<p>The <i>JAP</i> is competent to ensure the follow-up of the socio-judicial supervision. They usually appoint the prison rehabilitation and probation service to oversee the execution of the supervisory measures and obligations which are imposed.</p> <p>The competent <i>JAP</i> is the judge of the lawful residence of the sentenced person. Concerning a sentenced person without a known lawful residence, the <i>JAP</i> is that of the place of the jurisdiction where the sentence was originally pronounced</p> <p>When socio-judicial supervision was pronounced by a Juvenile Court, the juvenile judge exercises the functions vested in the <i>JAP</i> until the sentenced person reaches the age of 21. However, given the personality of the minor or the duration of the sentence pronounced, the juvenile judge can withdraw from the case in favour of the <i>JAP</i> when the minor has reached the age of 18.</p>

	<p>The JAP sets the modalities for the execution of the socio-judicial supervision.</p> <p>The JAP must summons the sentenced person with a view to notifying them of their obligations.</p> <p>They may modify the obligations imposed on the sentenced person at any time.</p> <p>They can use means of coercion against the sentenced person (summons, etc.) and have some powers of investigation (bank requisitions, etc.)</p>
<b>Authority responsible in case of infringement</b>	<p>In the event of non-compliance with the supervision, assistance measures or treatment injunction, the JAP can <i>at their own initiative</i> or at the request of the public prosecutor order, in a decision giving reasons, the execution of all or a part of the prison sentence pronounced by the court.</p> <p>This decision is taken after holding an adversarial hearing in the presence of the public prosecutor, the sentenced person and, if necessary, their lawyer.</p> <p>Completion of a prison sentence for non-compliance with the obligations of the socio-judicial supervision does not release the sentenced person from the socio-judicial supervision. If the sentenced person once again breaches their obligations, the JAP can again order the enforcement of the prison sentence within the limits initially set by the Court.</p>
<b>Conditional release</b>	
<b>Name of the judgment or probation decision</b>	<i>Libération conditionnelle - conditional release</i>
<b>Classification of this judgment or probation decision</b>	Conditional release
<b>Legal basis of this judgment or probation decision</b>	<a href="#">Articles 729 to 733 of the Code of Criminal Procedure</a>
<b>Definition of this judgment or probation decision</b>	Conditional release is a measure which allows a sentenced person to be released before the end of their sentence subject to certain conditions. It serves the rehabilitation of sentenced persons and the prevents re-offending.
<b>Legal conditions of this judgment or probation decision</b>	<p>Conditional release can only be granted after the end of the tariff (period set by law or the court during which no adjustment of the sentence or home leave is possible).</p> <p>Conditional release can be granted in several cases:</p>

- When the sentenced person has served half of their sentence (two thirds in the case of re-offending) and they have demonstrated serious efforts towards social rehabilitation and when they can prove either the exercise of a professional activity, training or temporary employment or regular attendance on an educational or professional training course, or their essential participation in family life, or a need to undergo medical treatment, or efforts to compensate their victims, or involvement in a serious integration or rehabilitation plan.

- When the sentenced person is aged over 70 years and their integration or rehabilitation is guaranteed (they are assisted after leaving prison in a manner appropriate for their situation...), unless there is a serious risk of their re-offending or if release is liable to cause a serious disturbance of public order.

- When the sentenced person has served half of their sentence (two thirds in the case of re-offending) and they are subject to an order banning them from France, an order to escort them to the border, an expulsion, an extradition or a European arrest warrant, conditional release can be granted if this measure is executed.

- When the sentenced person is serving a sentence less than or equal to four years or for which the duration of the sentence remaining to be served is less than or equal to four years and if the convicted person has parental responsibility over a child less than ten years old having their lawful residence with this parent (except in the case of re-offending or an offence committed against a minor)

When the person was sentenced for a crime or an offence for which socio-judicial supervision applies, psychiatric evaluation pronouncing on the risks of re-offending and the utility of a treatment injunction must be conducted before granting conditional release.

When the person was sentenced to life imprisonment, or a prison sentence of fifteen years or more for an offence for which socio-judicial supervision applies, or a prison sentence of ten or more years for an offence mentioned in Article [706-53-13](#), conditional release may only be granted:

1° By the sentence enforcement court, however long the period of detention remaining to be served;

2° After a multi-disciplinary risk assessment carried out in a specialised department in charge of observing prisoners and including a medical expert's assessment; if it concerns a crime mentioned in the same Article [706-53-13](#), that assessment is performed by two expert psychiatrists, or by one expert psychiatrist and one expert psychologist with a diploma, certificate or other qualification awarded on completing a theoretical and applied university training course in psychopathology. The expert assessment will give an opinion, in connection with a treatment order,

	<p>on whether the use of a treatment involving anti-libidinal drugs as mentioned in <a href="#">Article L. 3711-3 of the Public Health Code</a> is appropriate.</p> <p>When the conditional release is not accompanied mobile electric tagging, it may also only be granted after completion of a probationary period of semi-liberty, external placement or electronic tagging for a period of one to three years. This measure may not be implemented before the end of the period of parole provided for by <a href="#">Article 729</a> of this Code.</p> <p>There is no possibility of conditional release when the person sentenced for a crime or an offence for which socio-judicial supervision applies refuses during their imprisonment to follow the treatment which is proposed to them.</p> <p>The duration of the conditional release is at least the duration of the part of the sentence which has not been served at the time of the release; this duration can be extended by a maximum period of one year.</p> <p>Moreover, the JAP may decide that the granting of a conditional release is subject to a prior demonstration that some other kind of execution modality has been successful (partial release, external placement or electronic tagging).</p>
<p><b>Type of probation measures</b></p>	<p><b>Common obligations:</b></p> <ul style="list-style-type: none"> <li>- Obligation to report at specified times to a specific authority: obligation to respond to the summons of the JAP or the designated social worker.</li> <li>- Obligation to cooperate with a probation officer: receive their visits and provide them with such information or documents as are necessary to verify their means of existence and the fulfilment of their obligations.</li> <li>- Obligation for the sentenced person to inform a specific authority of any change of domicile or workplace: obligation to notify the social worker of their changes of employment; obligation to request the authorisation of the JAP before any change of residence or of any travel whose duration should exceed fifteen days and report their return; obligation to obtain the authorisation of the JAP for any change of residence and any change of employment liable to obstruct the execution of the probation.</li> <li>- Obligation including limitations on leaving the territory of the executing State: obligation to obtain prior authorisation from the JAP for any travel abroad.</li> <li>- <b>The obligations to which the sentenced person can be specifically subjected</b> are identical to those of the suspended sentence, with only two additional obligations:</li> </ul>

	<p>- Obligation to undergo therapeutic treatment or a treatment for addiction: treatment order</p> <p>- Obligation to submit to mobile electronic tagging:</p> <p>The 2018-2022 Programming and Justice Reform Law of 23 March 2019 has modified the conditions under which electronic tagging (PSEM) may be ordered when it accompanies conditional release.</p> <p>The new Article <a href="#">731-1</a> , paragraph 2 of the Code of Criminal procedure now provides that conditional release accompanied by electronic tagging may be granted to a person sentenced to a custodial sentence of <b>at least five years</b> (previously seven years) for an offence for which socio-judicial supervision applies.</p> <p>As conditional release is an alternative sanction by nature favourable to the convicted person, the new provisions will apply to existing situations.</p> <p>Electronic tagging is prohibited for minors.</p>
<p><b>Combination of sanctions measures</b></p>	<p>On the other hand, conditional release can be executed at the same time as socio-judicial supervision, a suspended sentence, a suspended sentence accompanied by a community service order, etc.</p>
<p><b>Authority responsible for making such decision</b></p>	<p>The conditional release is pronounced by the JAP or the juvenile judge when the duration of custodial sentence initially imposed is less than or equal to 10 years or when remaining the detention period is less than or equal to 3 years.</p> <p>When the custodial sentence initially imposed is of a duration greater than 10 years and the remaining detention period is greater than 3 years, the application for conditional release is granted by the sentence enforcement court composed of three sentence enforcement judges (or three juvenile judges if the prisoner is a minor).</p> <p>The <i>JAP gathers the information necessary to examine the applications</i> for conditional release, and for this purpose can carry out or have carried out all necessary examinations, investigations, expert evaluations, requisitions or other useful measures.</p> <p>The decision is pronounced after holding an adversarial hearing in the presence of the sentenced person, their lawyer if necessary, and the public prosecutor.</p> <p>The conditional release decision must specify the start and end date of the measure as well as the obligations imposed on the sentenced person.</p>
<p><b>Authority responsible for supervision</b></p>	<p>The JAP is competent to ensure the follow-up of the conditional release. They usually appoint the prison rehabilitation and probation service to</p>

	<p>oversee the execution of the supervisory measures and obligations which are imposed.</p> <p>The competent JAP is that of the lawful residence of the sentenced person.</p> <p>When the conditional release was pronounced by a juvenile court, the juvenile judge exercises the functions vested in upon the JAP until the sentenced person reaches the age of 21. However, given the personality of the minor or the duration of the sentence pronounced, the juvenile judge can withdraw from the case in favour of the JAP when the minor has reached the age of 18.</p> <p>The JAP sets the modalities for the execution of the conditional release.</p> <p>The JAP must summons the sentenced person with a view to notifying them of their obligations.</p> <p>They may modify the obligations imposed on the sentenced person at any time.</p> <p>They can use means of coercion against the sentenced person (summons, etc.) and have some powers of investigation (bank requisitions, etc.)</p>
<p><b>Authority responsible in case of infringement</b></p>	<p>In case of proven misconduct, non-compliance with the supervision or assistance measures or treatment order, or the commission of a new offence, the <i>JAP or the sentence enforcement court</i> (if the sentence imposed is greater than 10 years and the time remaining to be served is greater than 3 years) at their/its own initiative or at the request of the public prosecutor, can totally or partially revoke the conditional release granted.</p> <p>The measure can be revoked after its expiration when the JAP was seised or seised themselves of the matter at the latest within a period of one month after this date.</p> <p>The JAP can rule in the absence of the sentenced person who is detained, duly summonsed at the declared address, who does not present himself at the adversarial hearing, unless for some legitimate reason.</p> <p>This decision is taken after holding an adversarial hearing in the presence of the public prosecutor, the sentenced person and, if necessary, their lawyer.</p> <p>Revocation entails the execution of all or part of the sentence remaining to be served.</p>

## 2) Probation measures and alternative sanctions (Article 4)

In Article 4 of the Framework Decision types of probation measures and alternative sanctions are stated. Member States are asked to describe the probation measures and alternative sanctions attached to those judgements and probation decisions:

**A) In the table below please describe how the probation measures and alternative sanctions set out in Article 4.1 are reflected in your domestic law and give a description of each of them.**

**Preamble:**

**In French law, it is at the sole discretion of the judge to decide the probation measures that they wishes from among those provided for by law for each type of sentence (described in the response to question 1). This decision is not limited by the nature of the offences committed.**

**However, in some cases listed below, specific probation measures exist in order to take account of the nature of the offence. Only the latter will be explained in the following table.**

Probation measures/alternative sanctions	Explanation
<b>Obligation for the sentenced person to inform a specific authority of any change of residence or workplace</b>	Described in the response to question 1.
<b>Obligation not to enter certain localities, places or defined areas in the issuing or executing State</b>	<p><b><u>LAW no. 2020-936 of 30 July 2020 on the protection of the victims of intimate partner violence:</u></b> Possibility of issuing a no-contact or no-presence order as an additional penalty</p> <p><b>LAW no. 2019-1480 of 28 December 2019 against violence within the family:</b> Creation of the anti-approach electronic bracelet (BAR); loosening of the conditions for issuing victims with an emergency telephone</p> <p><b>2018-2022 Programming and Justice Reform Law of 23 March 2019</b> providing for an extension of the possibilities for electronic tagging of perpetrators of intimate partner violence and an extension of the prohibition on being present in certain places to the alternatives to prosecution, registration of the protection order in the wanted/missing persons register</p> <p><b>LAW no. 2014-873 of 4 August 2014 for true gender equality:</b> teleprotection device for persons in grave danger (emergency telephone) and abusive partner accountability</p>

	<p>courses to prevent and combat intimate partner and sexist violence</p> <p><a href="#">Law no. 2010-242 of 10 March 2010 seeking to reduce the risk of criminal recidivism and establishing various provisions of criminal procedure</a> rendering mandatory (unless decision contrary specifically motivated) the imposition of a prohibition on appearing near the domicile of the victim or of the civil party and, if applicable, their workplace for any conditional release granted to a prisoner sentenced for an offence for which socio-judicial supervision applies.</p> <p><a href="#">Law no. 2006-399 of 4 April 2006 reinforcing the prevention and repression of violence within couples or committed against minors</a> providing that, in the case of an offence committed either against their spouse, their civil partner, or against their children or those of their spouse or their civil partner, the court can impose an obligation to reside outside of the marital home or the residence of the couple and a prohibition on appearing in this domicile or this residence or near them.</p>
<p><b>Obligation containing limitations on leaving the territory of the executing State</b></p>	<p>Described in the response to question 1.</p>
<p><b>Instructions relating to behaviour, residence, education and training, leisure activities, or containing limitations on or modalities of carrying out a professional activity</b></p>	<p>Sentences that involve orders to attend courses most often consist of group sessions involving educational modules on a topic (road safety, dangers of drug use, etc.) determined by the court according to the type of offence and circumstances in which it was committed.</p> <p>With a view to individualising the sentence, the court chooses the course best suited to the circumstances of the offence and the personality of the offender, from the existing range of courses:</p> <ul style="list-style-type: none"> <li>1° Citizenship course</li> <li>2° Road safety awareness course</li> <li>3° Drug awareness course</li> <li>4° Abusive partner accountability course to prevent and combat intimate partner and sexist violence</li> <li>5° Awareness-raising course for those convicted of paying for sex acts</li> <li>6° Parental responsibility course</li> </ul>

	<p>7° Anti-sexism and gender equality awareness course</p> <p>The content of the courses is specified by the provisions of Article R.131-35 of the Criminal Code.</p>
<b>Obligation to report at specified times to a specific authority</b>	Described in the response to question 1.
<b>Obligation to avoid contact with specific persons</b>	<p><a href="#">LAW no. 2020-936 of 30 July 2020 on the protection of the victims of intimate partner violence</a>: Possibility of issuing a no-contact or no-presence order as an additional penalty</p> <p><b>Law no. 2019-1480 of 28 December 2019 against violence within the family</b>: Creation of the anti-approach electronic bracelet (BAR); loosening of the conditions for issuing victims with an emergency telephone</p> <p><b>2018-2022 Programming and Justice Reform Law of 23 March 2019</b> providing for an extension of the possibilities for electronic tagging of perpetrators of intimate partner violence and an extension of the prohibition on being present in certain places to the alternatives to prosecution, registration of the protection order in the wanted/missing persons register</p> <p><b>LAW no. 2014-873 of 4 August 2014 for true gender equality</b>: teleprotection device for persons in grave danger (emergency telephone) and abusive partner accountability courses to prevent and combat intimate partner and sexist violence</p> <p><a href="#">Law no. 2010-242 of 10 March 2010 seeking to reduce the risk of criminal recidivism and establishing various provisions of criminal procedure</a> rendering mandatory (unless there is a decision to contrary specifically motivated) the imposition of a prohibition on appearing near the domicile of the victim or of the civil party and, if applicable, their workplace for any conditional release granted to a prisoner sentenced for an offence for which socio-judicial supervision applies.</p>
<b>Obligation to avoid contact with specific objects, which have been used or are likely to be used by the sentenced person with a view to committing a criminal offence</b>	Described in the response to question 1.

Obligation to compensate financially for the prejudice caused by the offence and/or an obligation to provide proof of compliance with such an obligation	Described in the response to question 1.
<b>Obligation to carry out community service</b>	Described in the response to question 1.
<b>Obligation to cooperate with a probation officer or with a representative of a social service having responsibilities in respect of sentenced persons</b>	Described in the answer to question 1.
<b>Obligation to undergo therapeutic treatment or treatment for addiction</b>	<p>French law distinguishes between a "treatment obligation" (<i>obligation de traitement</i>) and a "treatment order" injunction (<i>injonction de traitement</i>).</p> <p>The treatment obligation means an obligation for the sentenced person to provide proof of their medical treatment to the sentence enforcement judge (<i>JAP</i> , <i>JAP</i>) or the designated rehabilitation and probation officer.</p> <p>The treatment order, which can only be imposed when socio-judicial supervision applies, is distinguished from the treatment obligation by the fact that the JAP designates a doctor who will be responsible for acting as a link between the judicial authority and the attending physician.</p> <p>In this case, the JAP designates a coordinating doctor who will be in charge of receiving the sentenced person and of inviting them to choose a attending physician. The coordinating doctor in contact with the attending physician will send to the JAP all of the information necessary for the supervision of the treatment order.</p> <p>The attending physician in charge of the medical follow-up of the sentenced person must inform the coordinating doctor of any interruption of the treatment or any difficulties in the execution of the measure. The attending physician is not, in this case, bound by the duty of professional confidentiality</p> <p>The consent of the sentenced person is not required either for the treatment obligation or the treatment injunction.</p>

**b) In your domestic law are there any probation measures and alternative sanctions that are not covered by Article 4.1?**

No

**c) Does your domestic law provide for specific treatment regarding any category of offences (e.g. sexual offences, domestic violence)?**

**The treatment instruction imposed within the framework of the conditional release or the socio-judicial supervision is particularly adapted for the follow-up of sex offenders.**

### **3) Electronic tagging**

**Does your national law provide for the possibility to use electronic tagging?**

**Yes**

**- If not, do you intend to adopt electronic tagging in the future?**

**- If yes:**

**Is electronic tagging part of the classification provided for in Article 2 of this Framework Decision (suspended sentence, conditional sentence, conditional release or alternative sanction)?**

French law provides for three types of electronic tagging:

- House arrest with electronic monitoring as a sentence in its own right (*DDSE peine*), an alternative to prison, therefore a non-custodial sentence

- House arrest with electronic monitoring as an alternative method of enforcing a normal prison sentence (*DDSE aménagement*) The convicted person is considered as being in detention (*placé sous écrou*).

- Mobile electronic tagging (PSEM) which can be an obligation of a conditional release measure or of the socio-judicial supervision (see response to the question 1 a).

**• Is electronic tagging considered as an execution modality of imprisonment, if other than conditional release?**

Electronic tagging (PSE) is exclusively considered as an execution modality of a custodial sentence, whilst mobile electronic tagging (PSEM) is an additional method of security.

**Is electronic monitoring considered a way of applying a probation measure or as a probation measure in itself?**

Mobile electronic tagging (PSEM) can be an obligation of socio-judicial supervision and of the conditional release, but it is not an autonomous probation measure.

**What are the technical means provided for in your Member State that enables the use of the electronic tagging (e.g. GPS).**

Electronic tagging involves an ankle bracelet which is a transmitter that is permanently attached to the ankle of the person under house arrest and which sends signals to a receiver placed at the place of house arrest decided by the judge. This uses GSM.

Mobile electronic tagging involves an ankle bracelet worn round the ankle which constantly emits a radio signal captured by a mobile unit during the person's movements. This uses GPS.

**• Is electronic monitoring dependant on particular conditions?**

Electronic monitoring/tagging can be imposed:

- as a sentence (*DDSE peine*)

Electronic monitoring can be ordered for offences punished by a prison sentence. It can be ordered for a period of fifteen days to six months inclusive, without being able to exceed the length of the prison sentence incurred, and it may be subject to provisional enforcement (Article 471 par. 4 of the Code of Criminal Procedure).

- as the conversion of a sentence (*DDSE aménagement*):

Where the prison sentence pronounced, or the part that is not suspended, is longer than 1 month and less than or equal to 6 months, it may be converted as provided for by Article 132-25 of the Criminal Code, except if this is impossible due to the personality or situation of the convicted person (Article 132-19 of the Criminal Code). In this case, the conversion must concern the entire prison sentence.

Where the prison sentence pronounced, or the part that is not suspended, is longer than 6 months and less than or equal to 1 year, it must also be converted if the personality and situation of the convicted person allow it, and unless it is materially impossible. In this case, the conversion may concern all or part of the prison sentence.

- as part of the probation conditions applicable to the conditional release of prisoners with a prison sentence with a tariff of more than fifteen years ([Article 720-5 of the Code of the Code of Criminal Procedure](#))

- as an execution modality at the end of a custodial sentence for the last 4 months of detention or the last two thirds of a sentence of less than 6 months when no conversion has been ordered. ([Article 723-28 of the Code of Criminal Procedure](#) but its application is subject to implementing decrees that have not yet been published).

Mobile electronic tagging can be imposed:

- as an obligation on conditional release, for persons sentenced to a custodial sentence of 7 years or more (5 years in the event of re-offending) for a crime or an offence for which socio-judicial supervision applies ([Art. D. 539 of the Code of Criminal Procedure](#))
- as part of an obligation of socio-judicial supervision, for persons sentenced to a custodial sentence of 7 years or more (5 years in the event of re-offending) for offences committed after the entry into force of the Law of 12 December 2005 ([Article 131-36-10 of the Criminal Code](#)).
- as part of an obligation of judicial supervision, for persons sentenced to a custodial sentence of 7 years or more (5 years in the event of re-offending) for a crime or an offence for which socio-judicial supervision applies (Articles [723-29](#) and [723-30 of the Code of Criminal Procedure](#))
- as part of an obligation of security control, for persons sentenced to a custodial sentence of 15 years or more for a crime for which a tariff may be applied ([Articles 723-38](#) and [763-8 of the Code of Criminal Procedure](#)).
- as a condition of leave in a hostel for persons ordered to be detained in a secure place ([Articles 706-53-21](#) and [R. 53-8-70 of the Code of Criminal Procedure](#)).

Mobile electronic tagging may be ordered for two years renewable once for minor offences (*infractions*) and twice for serious crimes, i.e. a period of four years for minor offences and six years for serious crimes, but only up to the limit of the duration of the penalty to which it is attached.

Mobile electronic tagging, apart from the cases where it is imposed as part of a sentence of house arrest, pre-supposes that a prior opinion will have been given by the multi-disciplinary committee for security measures and that an examination will have been conducted to assess whether or not the convicted person is dangerous or liable to commit another offence. This examination must be conducted by two experts, a psychiatrist and a psychologist.

However, the prior opinion of the multi-disciplinary committee for security measures is now optional and no longer mandatory, before imposing such a measure as part of judicial supervision, socio-judicial supervision or conditional release.

For electronic monitoring (DDSE) and mobile electronic tagging (PSEM), a technical feasibility study must be carried out before granting the measure.

#### **4) Formalities**

Member States are invited to sum up the documents that the national competent authorities need in order to take at national level a judgement and, where applicable, a probation decision (e.g. criminal record, social inquiries, medical expertise).

The necessary documents are:

- the judgment
  - the probation decision
  - the criminal record of the sentenced person
  - if applicable, the notification of the obligations
  - medical expertise reports
  - as far as possible, the police investigation and all of the personality elements present in the file
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