

Italy

(1) Judgments and, where appropriate, probation decisions falling within the scope of this Framework Decision (Article 2)

(a) **Member States** are invited to describe the judgments and, where appropriate, the probation decisions referred to in Article 2, which are to be recognised by a Member State.

In this respect, Member States are invited to draw up a separate table for each judgment and each probation decision, entering the scope of the Framework Decision and indicating the following information for **each**.

Suspended sentence	
Name of judgment or probation decision	Suspended sentence
Classification of this judgment or of the probation decision	Suspended sentence
Legal basis of the present judgment or of the probation decision	Articles 163 to 168 of the Criminal Code
Definition of this judgment or probation decision	- The execution of the sentence is suspended for five years provided that the sentenced person does not commit any other crimes- If at the end of this period, the sentenced person has not committed any crimes, the crime is extinguished and therefore the sentence is not executed.
Legal conditions for this judgment or for the probation decision	The legal conditions are:- imprisonment sentence not exceeding 2 years, or three years for a minor up to 18 years.- the judge assumes that the sentenced person will not commit further crimes - the sentenced person must not have a criminal record, must not be a habitual or professional delinquent- a personal security measure has not been provided for the dangerousness of the sentenced person.- the measure can be

	<p>granted only once (unless the penalty imposed does not exceed, if cumulated, the limit provided)- does not apply to judgments of the Justice of the Peace.</p> <p>The suspended sentence extends to ancillary penalties, except in the case of offences related to drug dependence, and it is not possible to apply preventive measures or restrict access to public or private workplaces.</p>
Type of probation measures	<p>- The judge, with discretion, in relation to the needs of individual cases, may impose obligations on the sentenced person who respects them in the times and in the manner indicated in the judgment.</p> <p>The obligations are: Restitution or compensation for damages- Elimination of the harmful consequences of the crime - Unpaid work for the community (if the convicted person does not raise any objection).</p>
Combination of sanctions or measures	N/A
Authority responsible for taking that decision	The court with jurisdiction (which issued the sentence of conviction).
Supervisory authority	The local authorities and local services that have received notification of the judgment.
Competent authority in case of violation	<p>If the sentenced person does not comply with the obligations, the judge who issued the measure (the judge who issued the sentence) revokes it.</p> <p>The suspended sentence is revoked <i>open juris</i> also when, during the established period, the sentenced person - commits another crime or violation of the same type for which a custodial sentence is imposed - is convicted of a previous crime, with a penalty that, if aggregated, exceeds the prescribed limit - The suspended sentence has been granted several times even if there are impediments.</p> <p>If the order has not been issued following the judgment, the revocation is carried out by the enforcement judge (674 Code of Criminal Procedure).</p>
Truce of the judgment	
Name of judgment or probation decision	<p>Truce of the sentence.</p> <p>Postponement of implementation</p>

Classification of this judgment or of the probation decision	Conditional sentence
Legal basis of the present judgment or of the probation decision	684 c.p. in the cases referred to in art. 146 and 147 c.p.
Definition of this judgment or probation decision	The execution of imprisonment and sanctions in lieu of short prison sentences (semi-detention and probation) is postponed and therefore the prisoner is immediately released – in cases where the judge (Supervisory Court) considers that detention would be in serious conflict with the protection of health and with the conscious participation of the sentenced in the execution of the sentence; This is due to the particular conditions in which it is at the time of execution.
Legal conditions for this judgment or for the probation decision	<p>Truce is mandatory if the convicted person is: a pregnant woman or a mother with a child under one year of age - Suffering from full-blown HIV or other serious or incurable diseases that are not compatible with detention.</p> <p>It applies optionally when:- the sentenced person has requested a pardon- the woman is the mother of a child up to three years (she has parental authority and has not left him)- the physical infirmity is serious- a mental illness occurred before or after the conviction (art. 148 penal code); In this case, the court orders admission to a psychiatric hospital or prison hospital.- The optional suspension does not apply or is lifted if there is a danger that the offender will commit crimes.</p> <p>When these conditions cease, the truce is revoked and then the execution of the sentence begins.</p>
Type of probation measures	In the event of mental illness occurring before or after the execution of the prison sentence (Article 148 of the Criminal Code), the judge, together with the suspension of the sentence, also orders the measure of admission to a psychiatric hospital or penitentiary hospital, implying however the obligation to undergo therapeutic treatment.
Combination of sanctions or measures	N/A
Authority responsible for taking that decision	The Supervisory Court (in the judicial panel) or, in urgent cases, the <i>Supervisory Court</i> (pursuant to articles 70 and 71 of the Italian Penitentiary Law of 1975) competent for the area in which the offender is resident or domiciled or, if the latter is detained at the time of the request for the measure, where the prison is located.

	There is a supervisory court in each district of the court of appeal and in each territorial district of a detached court of appeal. Each court is composed of all supervisory judges seconded to its district or to the territorial district of the branch offices of the Court of Appeal, and experts in psychology, social work, pedagogy, psychiatry and clinical criminology. The provisions of the Court are adopted by a panel composed of 4 persons (two judges, one of whom is president, and two experts). One of the two ordinary judges must be the supervisory judge with jurisdiction over the convicted person or internee concerned. In the event of a tie, the President's vote shall prevail.
Supervisory authority	The authorities and services on the territory that have received the communication of the judgment.
Competent authority in case of violation	The order may be revoked by the Supervisory Court
Conditional release	
Name of judgment or probation decision	Conditional release Conditional release
Classification of this judgment or of the probation decision	Conditional release
Legal basis of the present judgment or of the probation decision	Art. 176 and 177 c.p., art. Art. 682 Code of Criminal Procedure Art. 190 and 236 of Legislative Decree 271/81 (implementing provisions of the Code of Criminal Procedure)
Definition of this judgment or probation decision	The condemned person is released early because, with his behavior in prison, he has shown to mend and the aim is therefore to accelerate his reintegration into society.
Legal conditions for this judgment or for the probation decision	The legal conditions are: the convicted person has served at least 30 months, half of the sentence (4 years or 3/4 of the sentence if he is a repeat offender, at least 26 years if he has a life sentence) and the remaining part of the sentence is 5 years.- His behavior in prison indicates a sure mending of his ways.- He has fulfilled the civil obligations arising from the crime. Once the remaining part of the sentence or 5 years has expired, if he has not committed crimes of the same type, the sentence is extinguished and the personal security measures ordered by the judge are revoked.
Type of probation measures	The security measure of probation is always imposed (art. 230 c.p., n.2).

Combination of sanctions or measures	N/A
Authority responsible for taking that decision	The supervisory court (composed of salaried members and experts) of the place of residence of the sentenced person or, if he or she is in prison, of the place where the sentenced person applied for parole (see above).
Supervisory authority	<p>Bodies indicated by the judge and local offices for the execution of sentences in the Community of the territory of residence, responsible for supervising the provisions on probation pursuant to art. 190 D.Lgs. 271/89.</p> <p>Parole is executed on probation, so the released person is assigned to the local law enforcement authority office with jurisdiction over the territory where that person lives. The obligations and prohibitions are also communicated, for the purposes of supervision, to the probation service (U.E.P.E.), referred to in Article 190 of Legislative Decree 271/89.</p> <p>The U.E.P.E. (<i>Office of External Criminal Execution</i>) is mainly composed of social workers of Justice (Probation Officer) and, for some time, of psychologist. Each officer is assigned a certain number of cases to follow and carries out his duties of supervision and / or support for a successful social rehabilitation of the offender.</p>
Competent authority in case of violation	The supervisory court revokes parole if the convicted person commits new offences of the same type or violates the probation obligation.
Suspension of execution of a custodial sentence	
Name of judgment or probation decision	<p>Suspension of the execution of the prison sentence (ex art. 90 of the Decree of the President of the Republic 309/90) in the case of drug addicts</p> <p>Suspension of execution of a custodial sentence in the case of drug users</p>
Classification of this judgment or of the probation decision	Suspended sentence
Legal basis of the present judgment or of the probation decision	656 c.p. and art. 90 of the Decree of the President of the Republic 309/90.

<p>Definition of this judgment or probation decision</p>	<p>In order to avoid harmful contact with prison for people who undergo a therapeutic program or want to undergo a therapeutic program, the Italian legal system provides for a particular decision to suspend the execution of the sentence by the Public Prosecutor referred to in art. 656 of the Code of Criminal Procedure, before arrival in prison, to allow the person to request an alternative measure from the Supervisory Court.</p> <p>In fact, when the convicted person is a drug addict or has committed a crime because of his drug addiction, the Public Prosecutor before the execution of the sentence suspends it by informing the sentenced person or his lawyer that within 30 days he can ask the Supervisory Court (which decides within 45 days) one of the alternative measures to detention peremptorily provided for in these cases, namely:- Office of External Criminal Execution or Office of Probation (art. 47 penitentiary law)- assignment of the Office of External Criminal Execution or Office of Probation in special cases for drug addicts (pursuant to art. 47 – c penitentiary law – but now pursuant to art. 94 Decree of the President of the Republic 309/90).</p> <p>The suspension shall be lifted by the public prosecutor if the sentenced person does not request alternative measures from the Supervisory Court or the latter rejects or declares the request inadmissible.</p> <p>Suspension of the execution of the sentence pursuant to art. 90 Decree of the President of the Republic 309/90: it is granted by the Surveillance Court which can order the suspension of the execution of the sentence for 5 years in cases where it is ascertained, through a certification by a competent body, that the convicted person has successfully passed a therapeutic and socio-rehabilitative program at an accredited public or private facility. admissible if, in the period between the start of the programme and the decision on the suspension of the execution of the sentence, he committed an offence punishable by imprisonment.</p> <p>The execution of the sentence is suspended for 5 years if the sentenced person does not commit any other crime - If at the end of this period he has not committed a crime, the crime is extinguished and therefore the sentence is not executed.</p>
	<p>The legal conditions are: a drug addict or a person convicted of crimes committed in relation to drug addiction - a prison sentence, or residual part of the sentence, not exceeding 6 years or 4 years for serious crimes referred to in art. 4-b of the Penitentiary Law. - if the drug addict has been declared a repeat offender,</p>

	the measure can be granted for a residual sentence of up to 3 years and only once (art.94-b Decree of the President of the Republic 309/90).
Type of probation measures	The addict has successfully undergone a treatment program to detoxify from alcohol or drug use and a socio-rehabilitation program at an accredited public or private facility. Civil obligations arising from the crime remain.
Combination of sanctions or measures	N/A
Authority responsible for taking that decision	The public prosecutor at first instance and the supervisory court for the final decision. The Supervisory Court is composed of 4 salaried members, including the President and an expert in psychology or criminology.
Supervisory authority	- The public prosecutor or the supervisory court verifies that the program has started and that it has given good results, in order to grant the suspension measure. The bodies and social and health services present in the territory that deal with this matter for the execution of the therapeutic program.
Competent authority in case of violation	The Supervisory Court that granted the measure may revoke it in the event of a breach of the requirements.
Assignment of offenders to probation in special cases	
Name of judgment or probation decision	Assignment of offenders to probation in special cases Probationary assignment to the Social Service in special cases
Classification of this judgment or of the probation decision	Alternative sanction
Legal basis of the present judgment or of the probation decision	Article 656 of the Code of Criminal Procedure and Article 94 of the Decree of the President of the Republic nr. Regulation (EEC) No 309 of 9 October 1990
Definition of this judgment or probation decision	It is an alternative measure to detention intended exclusively for persons convicted of drug or alcohol or persons who have committed a crime in relation to their condition of drug dependence or alcohol and who are willing to follow a rehabilitation programme. The offender may request it at any time, including before the execution of the detention warrant. If the subject is already in prison, the probation judge may temporarily

	assign him to the EXTERNAL CRIMINAL ENFORCEMENT OFFICE, if he considers that the continuation of detention may be harmful and that there is no danger of escape.
Legal conditions for this judgment or for the probation decision	The legal conditions are:- a prison sentence not exceeding 6 years, also as a residual part of a longer sentence, or not exceeding 4 years in the case of more serious crimes, provided for in Article 4-b of the Italian Penitentiary Code (P.A.), or 3 years in case of recidivism;- a certified condition of drug addiction or alcohol-dependence;- certification, issued by a public health authority, that a rehabilitation program for the subject is already underway, or that there is an agreement with him/her for the program to be attended;- the judge considers that rehabilitation treatment can prevent the commission of further crimes;- can be granted no more than twice, and only once to repeat offenders.
Type of probation measures	<p>The Supervisory Court, on the basis of a discretionary assessment and the requirements of the case, may order obligations and prohibitions according to the individual needs of the offender, in order to facilitate his social reintegration and prevent him from committing further crimes.</p> <p>In particular, the measures indicated in Article 47, paragraph 5 of the Penitentiary Law for persons assigned to probation service concern: their relations with the social workers of the National Probation Service - their residence obligation; their freedom of movement; the prohibition to attend certain places;- their work.</p> <p>The sentenced person must comply with the obligations and prohibitions in the times and in the manner indicated by the judge in the report drawn up at the time of the Assignment.</p>
Combination of sanctions or measures	No
Authority responsible for taking that decision	<p>The Surveillance Court</p> <p>The Supervisory Magistrate regarding any changes to obligations and prohibitions (see above).</p>
Supervisory authority	<p>The public health service oversees the execution of the rehabilitation program.</p> <p>If the head of the rehabilitation facility in which this program takes place fails to report a crime committed by the offender assigned, the judicial authority informs the competent authorities for the revocation of the accreditation of the structure.</p>

	The Probation Service of the area where the offender lives is responsible for periodically reporting to the Supervisory Judge about the treatment program and compliance with obligations and prohibitions.
Competent authority in case of violation	<p>The Supervisory Court for the revocation of the measure.</p> <p>The Supervisory Judge for any modification of obligations and prohibitions.</p> <p>The Supervisory Court may revoke the order if the offender's conduct is contrary to the law, obligations and prohibitions or is incompatible with the continuation of the measure, or if he commits a crime; In this case, Article 47(11) of the Prison Act applies.</p>
Assignment of the offender to probation	
Name of judgment or probation decision	<p>Assignment of the offender to the Office of External Criminal Enforcement</p> <p>Probationary assignment to the Social Service</p>
Classification of this judgment or of the probation decision	Alternative sanction - alternative measure to detention
Legal basis of the present judgment or of the probation decision	Article 47 of the Italian Penitentiary Law
Definition of this judgment or probation decision	<p>This is an alternative measure to detention granted by the supervisory court after a final sentence has been handed down by a criminal court.</p> <p>Where the supervisory judge considers that such a measure is useful for the social reinstatement of the offender and for the prevention of relapse, it shall assign the offender to probation service in the community, for a period equal to the duration of the custodial sentence to be served:- this decision is taken on the basis of the positive outcome of the scientific observation of the offender, carried out by the prison team for at least 6 months:- it can also be granted without any scientific observation, when the judge considers that the subject's behavior demonstrates his good intentions and that, also through compliance with certain obligations and prohibitions, it is possible to avoid recidivism.- if the offender requesting the measure is</p>

	<p>already in prison, the Supervisory Judge may suspend the execution and release it, transmitting the relevant proceedings to the Supervisory Court, which decides within 45 days.</p> <p>The positive outcome of the measure extinguishes the penalty and any effect of it.</p>
<p>Legal conditions for this judgment or for the probation decision</p>	<p>The legal conditions are:- a sentence not exceeding 3 years, even as a residual part of a longer sentence;- its duration equal to the duration of the sentence to be served;- like all other alternative measures, it cannot be granted to those convicted of serious crimes provided for in Article 4-b of the Penitentiary Law (except for the occurrence of certain specific conditions, namely: the cooperation of the offender with the judicial authorities, or the finding that he has no connection with organized crime)- is granted at the request of the offender;- can also be granted to a foreigner who does not have a residence permit (judgment of the Constitutional Court 7 March 2007, n. 78);- can be granted only once to a repeat offender, pursuant to Article 58-d, paragraph 7-b of the Prison Law;- it is forbidden to grant it to an offender who has escaped while enjoying a prison allowance (Article 58-d of the Penitentiary Law).</p> <p>It is revoked when the offender's conduct is contrary to the law or is incompatible with the continuation of the measure (Article 47(11) of the Prison Act)</p>
<p>Type of probation measures</p>	<p>Many of the measures provided for in Article 4(1) of the Framework Decision, such as those referred to in points A, B, C, D, F, G, J, are applicable.</p> <p>In fact, the Supervisory Court, on the basis of its discretionary assessment and the requirements of the case, may order what the subject needs to facilitate his social reintegration and prevent him from committing further crimes.</p> <p>In particular, the measures indicated in Article 47, paragraph 5 of the Penitentiary Law for persons assigned to the probation service concern:- their relations with the social workers of the national probation service;- their residence;- their freedom of movement;- the prohibition to attend certain places, certain persons or to carry out certain activities that may lead to offense;- their work;- the prohibition to live in one or more municipalities;- the obligation to live in a particular municipal district;- do their best for the victim of their crime;- regularly fulfill their family obligations.</p>

	The sentenced person must comply with the obligations and prohibitions in the times and in the manner indicated by the judge in the report drawn up at the time of the Assignment.
Combination of sanctions or measures	No
Authority responsible for taking that decision	The Supervisory Court The Supervisory Judge regarding any changes to obligations and prohibitions (see above).
Supervisory authority	All provisions relating to alternative measures to detention are communicated without delay to the Provincial Authority for Public Security (pursuant to Article 58 of the Penitentiary Law). The local probation service with jurisdiction over the area where the offender lives carries out the check.
Competent authority in case of violation	The Supervisory Court for the revocation of the measure. The Supervisory Judge for any modification of obligations and prohibitions. The Supervisory Court may revoke the measure if the offender's behaviour is contrary to the law, obligations and prohibitions or is incompatible with the continuation of the measure, or if he commits a criminal offence (Article 47(11) of the Prison Act).

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

Article 4 of the Framework Decision sets out the types of probation measures and alternative sanctions. Member States are invited to describe probation measures and alternative sanctions linked to such judgments and probation decisions:

(a) In the table below, please describe how the probation measures and alternative sanctions referred to in Article 4.1 are reflected in national law and provide a description of each.

Preliminary remark

First of all, it is necessary to specify that in the Italian legal system the general principle of legality applies, for penalties and security measures. There are also police measures and preventive measures, ordered by the public security authority for reasons of public order, the citizen can challenge these measures before an administrative court for violation of the law, abuse of power and other reasons.

All measures involving deprivation or limitation of liberty must be provided for by law, must be applied as a result of the commission of an act (criminal law of the fact) and by order of a judge.

As regards the decision on conditional suspension of execution, conditional release and alternative measures to imprisonment, the Italian system provides for certain obligations and prohibitions to be imposed on convicted persons, while others are decided by the judge on a case-by-case basis on the basis of his discretionary assessment. The judge's assessment aims to identify the most appropriate measure for the prevention of recidivism and for the effective social reintegration of the offender.

Intentional violation of the obligations imposed by the judicial authority leads to an autonomous crime case (Article 338 of the Criminal Code) which can be punishable by a prison sentence of up to 3 years. Failure to comply with orders legitimately given by the Authority on grounds of justice, public security, public order or hygiene may result in either a prison sentence of up to three months or a fine (Article 650 of the Criminal Code). The penalty is followed, as a mandatory consequence, by the application of accessory penalties (articles 28 et seq. of the penal code). Such penalties shall not be imprisonment and shall not be statute-barred; They are impositions of law, which affect the judicial capacity of the subject, his position within society (*deminutio capitis*) preventing him, for example, from directly disposing of his assets, from accessing certain professions or public works, from exercising his parental authority or from having managerial positions in companies, depending on the legal good that has been violated by the unlawful conduct of the subject.

Additional penalties:- are determined in their minimum and maximum (or for the duration of the sentence);- are temporary (for sentences of more than 3 years);- are eternal (for sentences of more than 5 years, life imprisonment or for habitual offenders or professionals);- Never apply to children under the age of 14.

Ancillary penalties are compulsorily provided for in articles 28 et seq. of the penal code: disqualification from public office; disqualification from a profession or art;- legal interdiction;- prohibition of having commercial relations with the Public Administration;- termination of the employment relationship;- loss or suspension of parental authority;- publication of the criminal sentence of conviction.

N.B.: Some of these additional penalties are indicated in the following forms as a condition imposed by law, which limits subjects even during conditional release or when serving an alternative measure in the community.

Probation measures / alternative sanctions	Explanation
<p>Obligation on the sentenced person to inform a specific authority of any change of residence or place of work</p>	<p>Article 677 of the Code of Criminal Procedure establishes the territorial jurisdiction of the supervisory magistracy, depending on the place where the detainee is detained at the time of his request or, if he is not detained, according to his residence.</p> <p>Paragraph 2-b provides that the sentenced person who is not detained is required to declare his residence, to choose his domicile and to communicate his changes in the application for an alternative measure to detention or other disposition that falls within the jurisdiction of the Supervisory Judge competent for the place where the sentence was issued.</p> <p>It also applies to persons assigned to probation.</p>
<p>Obligation not to enter certain localities, places or defined areas of the issuing or executing State</p>	<p>Article 215 of the Penal Code indicates the types of personal security measures provided for convicted persons, both in prison and in the community. They are applied to a person convicted definitively when he is judged "socially dangerous", and are compulsorily provided for by the penal code since, as far as penalties are concerned, they fall within the principle of legality. In particular, the following measures not intended for prisoners are highlighted, concerning the prohibition to enter certain places indicated by the judge in order to avoid recidivism and the behaviors that led to the perpetration of the crime.</p> <p>1) Prohibition of residence in one or more municipalities or provinces (Article 233 of the Penal Code):- may be applied to the person convicted of certain crimes: against the State, against public</p>

	<p>order, for political reasons or for reasons connected with the social and moral conditions of a given place. Minimum duration: 1 year.</p> <p>2) Prohibition of frequenting taverns or public shops of alcoholic beverages (Article 234 of the Criminal Code)</p> <p>This measure must be compulsorily added to the penalty in the following cases: persons judged dangerous to society as they usually abuse alcohol; in case of convictions for crimes committed in a state of drunkenness. Minimum duration: 1 year.</p> <p>In the event of a violation, both measures are replaced by probation or the security of good conduct.</p>
<p>Obligation relating to restrictions on exit from the territory of the executing State</p>	<p>Prohibition of travel (Article 281 of the Code of Criminal Procedure)</p> <p>This is a coercive measure by which the judge prohibits the accused from leaving the country without permission.</p> <p>Like all coercive measures provided for in the Code of Criminal Procedure, it can only apply to persons accused of crimes punishable by a prison sentence of more than three years or life imprisonment.</p>
<p>Instructions relating to behaviour, residence, education and training, leisure activities or containing restrictions or arrangements for carrying out a professional activity</p>	<p>Among the obligations and prohibitions established for the person assigned to probation service, there may be the obligation to fulfill his family duties, or the prohibition to carry out activities that could lead him to delinquency.</p> <p>Among the additional punishments, we can highlight the following:</p> <p>1) disqualification from public office the convicted person loses the right to perform duties, work or services for the Public</p>

	<p>Amministrazione. Si applica a persone condannate per reati commessi con abuso di potere o violazione di doveri pubblici. Può essere temporanea o permanente.</p> <p>2) Disqualificazione dal lavoro o dalle arti La persona condannata perde il diritto di svolgere lavori o arti che richiedono un'autorizzazione o un permesso, il che implica il controllo diretto dell'amministrazione pubblica. Si applica quando la persona è condannata per un reato commesso con abuso della propria professione, attività commerciale, ecc. Non sono "istruzioni", ma vere e proprie sanzioni aggiuntive che derivano compulsivamente dalla condanna e che incidono sulla capacità giudiziaria della persona condannata.</p>
<p>Obligation to report at specific times to a specific authority</p>	<p>Probation (Articolo 228 del Codice Penale) È una misura di sicurezza applicata nella comunità che comporta la supervisione di un condannato attraverso l'obbligo per lui/lei di comparire davanti a un'autorità entro i tempi stabiliti dal giudice. Si applica, a discrezione del giudice, nei casi di rinvio e al termine di alcune misure di sicurezza applicate nelle istituzioni penali come i penali e le colonie penali.</p> <p>Si applica sempre in alcuni casi: per sentenze di più di 10 anni e per la condanna a vita, una volta che il condannato è stato rilasciato; per il condannato a cui è stata concessa la libertà condizionata; per il recidivo. Non può durare meno di un anno.</p> <p>Il controllo è affidato all'Autorità di Sicurezza Pubblica e deve facilitare, attraverso un'attività lavorativa, la reintegrazione sociale del condannato. Il servizio di probation svolge attività di supporto e interventi di assistenza (Articolo 55 della Legge Penale).</p> <p>Il giudice garante stabilisce gli obblighi e le proibizioni utili per evitare la possibilità di un nuovo reato, che il condannato deve rispettare; se il giudice viola gli obblighi, egli o lei può trasformare la probation in una misura di sicurezza detentiva o in cauzione.</p>
<p>Obligation to avoid contact with specific persons</p>	<p>1) "proibizione di associarsi con persone con un record criminale o sotto sorveglianza speciale", prevista nell'Articolo 5 della Legge n. 1423 del 27 dicembre 1956 (sulle misure preventive per i soggetti pericolosi per la società e la moralità pubblica); tuttavia, la</p>

	<p>Supervisory Court may also establish (pursuant to Article 47, paragraph 5 et seq. of the Penitentiary Law) for the offender assigned to the probation service the prohibition to carry out certain activities and to have contacts or relationships with certain people that may lead him to commit further crimes. The Supervisory Judge may modify these obligations and prohibitions.</p> <p>2) Loss of parental authority: it is an additional penalty that follows the mandatory conviction for certain crimes, such as sexual violence, sexual relations and minor corruption, gang rape; For these offences, additional additional penalties (provided for in Article 609-I of the Criminal Code) apply: disqualification from any guardianship or guardianship; loss of the right to maintenance and succession to the victim. Some coercive measures are provided for in the Code of Criminal Procedure for defendants, when the crimes of which they are accused are punishable by a prison sentence of more than three years or life imprisonment. Among these measures, there are some measures introduced by Law 154/2001 against domestic violence, namely:</p> <p>3) removal from the family home (Article 282-b of the Code of Criminal Procedure)</p> <p>4) Prohibition of approaching the places frequented by the victim (Article 282-c of the Code of Criminal Procedure): it is decided by the judge in order to avoid any contact with the victim, his family members or cohabitants</p>
<p>Obligation to avoid contact with specific objects that have been or may be used by the convicted person in order to commit a criminal offence</p>	<p>No</p>
<p>Obligation to compensate financially for harm caused by the crime and/or obligation to provide proof of compliance with this obligation</p>	<p>Compensation for damage is an obligation under Article 185 of the Criminal Code and derives from a general principle of liability established by the Civil Code (Article 2043), according to which any offence involving pecuniary and/or non-pecuniary damage obliges the perpetrator or the person civilly liable for restitution and compensation.</p>
<p>Obligation to perform community services</p>	<p>If the offender does not object to this, the court may order work for the community free of charge.</p>

	<p>It is provided for in the event of a suspended sentence.</p>
<p>Obligation to cooperate with a supervisory officer or a representative of a competent social service in respect of sentenced persons</p>	<p>It is provided for offenders who are assigned to probation service.</p> <p>The person assigned to probation must cooperate with the social worker who supervises him, thus demonstrating his willingness to rehabilitate.</p> <p>The Probation Service is structured in Local Offices called UEPE, Offices for External Criminal Enforcement, <i>Offices for the execution</i> of sentences in the Community. These offices collaborate with other public and private bodies and agencies of the local community, follow the offender in order to support him and to verify that he respects the obligations and prohibitions established by the Supervisory Court in the report, also transmitted to the Police.</p> <p>The EPU also supervises by contacting the offender's family and social environment, with the aim of helping him overcome the problems of his social reintegration.</p> <p>In addition, the probation service periodically reports to the supervisory judge on the progress of the measure and on compliance with the obligations and prohibitions by the offender.</p>
<p>Obligation to undergo therapeutic treatment or treatment for addiction</p>	<p>It should be emphasized that in the Italian legal system the measure provided for drug addicts and alcoholics is not exactly defined as an obligation, since therapeutic treatment cannot be imposed, both for the respect of an individual's freedom and for the effectiveness of the treatment itself.</p> <p>In fact, the therapeutic treatment program must be freely agreed between the addict and the health facility that will take care of him/her.</p> <p>However, if no such agreement exists, and therefore there is no detoxifying, therapeutic and rehabilitative programme, the alternative measure of assigning the</p>

	<p>offender to probation in special cases (see point E.1) cannot be granted and the offender must serve his sentence in prison.</p> <p>However, the Italian penitentiary system and the health service ensure that drug-addicted prisoners are assigned to adequate prisons, where they can follow a therapeutic and rehabilitative programme (Article 95 of the Decree of the President of the Republic of 9 October 1990, n. 309), and where their health can be adequately safeguarded.</p>
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b) Are there probation measures and alternative sanctions in your domestic law that are not covered by Article 4.1?

- If yes, define them and provide a description for each of them.

Other probation measures / alternative sanctions existing in national law	Explanation
Semi-freedom	(Article 48 of the Prison Law) The convicted person may spend part of the day outside prison to work or carry out any activity useful for his social reintegration. It can be granted after serving a certain period of imprisonment, depending on the seriousness of the crime committed. Admission to the "semi-freedom" regime will be decided in relation to the progress made during treatment, when the conditions for a gradual social reintegration of the prisoner are met.
Home detention	(Article 47-c of the Penitentiary Law) Certain categories of people may serve their sentence at home or in a public health care centre or in a care centre or housing centre.
Alternative measures for people with full-blown AIDS or severe immunodeficiency	<p>(Article 47 - Quarter of the Penitentiary Law).</p> <p>This measure allows you to serve your sentence through assignment to an infectious disease hospital or in care units that mainly provide care to people with AIDS, in accordance with regional plans.</p> <p>It can also be granted to offenders accused of very serious crimes.</p>

Special home detention SPECIAL	(Article 47- Quinques of the Penitentiary Law) Similar to home detention, but specially intended for mothers of children under the age of ten, with the special purpose of caring for those children.
EARLY RELEASE	(Article 54 of the Penitentiary Law) It consists of a reduction of the sentence of 45 days for every six months actually served. It is granted to those prisoners who have good conduct during the execution of the sentence in prison and who show effective participation in the rehabilitation process.
LICENCES	(six months) and persons in semi-freedom (up to 45 days per year) (Articles 52 and 53 of the Prison Law)
SUBSTITUTE HOME DETENTION	SUBSTITUTE PENALTY for short sentences (D.L. 150/22 ART. 71 AMENDING LETTER C OF ART. 56 OF LAW 689/81)
SEMI-FREEDOM REPLACEMENT	SUBSTITUTE PENALTY for short sentences (D.L. 150/22 ART. 71 AMENDING LETTER B OF ART. 55 OF LAW 689/81)
SUBSTITUTE PUBLIC UTILITY WORK	SUBSTITUTE PENALTY for short sentences (D.L. 150/22 ART. 71 AMENDING LETTER D OF ART. 56 OF LAW 689/81)
SUBSTITUTION FINE	SUBSTITUTE PENALTY for short sentences (D.L. 150/22 ART. 71 AMENDING LETTER D OF ART. 56 QUARTER OF LAW 689/81)

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

The Italian penitentiary law provides specific treatments for particular categories of crimes based on ART. 13 bis of Law 354/75

It is therefore possible, as a general rule, to activate treatment projects adapted to the needs of each individual convicted person, in order to contribute to overcoming those difficulties and shortcomings that could have led to offensive behavior, thus preventing recidivism.

The recent law on sexual crimes, domestic abuse and violence, stalking (Law 23/4/2009, nr. 389) introduced new coercive measures for the accused, such as: obligation to remove from the family home; prohibition to approach the places frequented by the victim.

There are currently any specific programmes for perpetrators to be carried out with support at centres for abusive men.

3) Electronic monitoring

Does national legislation provide for the possibility of using the electronic BRACELET?

YES, it is provided for in Article 275-bis of the Code of Criminal Procedure.

Does the electronic bracelet fall under the classification in Article 2 of Framework Decision 947/2008 (suspended sentence, parole or sanction in lieu of sentence)?

NO

Is the electronic bracelet considered a mode of execution of detention, if different from parole?

YES

Is the electronic bracelet considered a way to apply a conditional suspension measure or as a conditional suspension measure in itself?

It is considered a technical mode of measurement CONTROL.

What are the technical means provided in your Member State to allow the use of the electronic BRACELET e.g. GPS)?

Currently there is an electronic monitoring system in use in Italy, although the law provides for the possibility of using it.

Does the electronic bracelet depend on special conditions?

YES, it is also applicable to the accused on the basis of the preventive measure of house arrest, also in place of pre-trial detention, and only with the consent of the subject

4) Formalities

Member States are invited to summarise the documents that the competent national authorities need to adopt a judgment and, where appropriate, a probation decision at national level (e.g., criminal record, social investigations, medical expertise).

Member States are invited to summarise the documents that the competent national authorities need to adopt a judgment and, where appropriate, a probation decision at national level (e.g., criminal records, social investigations, medical expertise): - criminal records, - social survey and report by prison workers - medical certification on health conditions, dependence on drugs or alcohol, AIDS and other serious illnesses incompatible with imprisonment.