

Slovakia

1) Judgements 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 separated table for **each** judgement and **each** probation decision, entering into the scope of the Framework Decision and indicate for each one the following information.

CONDITIONAL SUSPENSION OF CUSTODIAL SENTENCE	
Name of the judgement or the probation decision	Conditional Suspension of Custodial Sentence Podmienečný odklad výkonu trestu odnatia slobody
Classification of this judgement or the probation decision	Suspended sentence
Legal basis of this judgement or the probation decision	Criminal Code - Act 300/2005 Coll. (Articles 49, 50)
Definition of this judgement or the probation decision	<p>The 'conditional suspension of custodial sentence' means that the execution of the term of imprisonment by the offender is conditionally suspended for a probationary period of one to five years. The probationary period starts to run on the day after the day when the judgment becomes final.</p> <p>If the offender complies with the specified standards of conduct, and fulfils the imposed restrictions and obligations, the court shall issue a decision declaring that he has proved himself. In the opposite case, the court may rule, while the probationary period is still in progress, that the remainder of the sentence is to be served. At the end of a successful probationary period, the execution of the sentence can no longer be enforced.</p>
Legal Conditions of this judgement or the	<p>The court may impose a conditional suspension of custodial sentence if the sentence does not exceed two years and if,</p> <p>a) considering the personal situation of the offender, in particular his previous life and work circumstances and the circumstances of the case, the court reasonably believes that it is possible to protect the society, and</p>

<p>probation decision</p>	<p>guarantee the rehabilitation of the offender even if the sentence is not executed, or</p> <p>b) the court accepts the guarantee of the offender's rehabilitation, and believes that no imprisonment sentence needs to be served in view of the educational influence of the person who has offered such guarantee.</p> <p>The court shall not impose a suspended imprisonment sentence when sentencing the offender for an intentional criminal offence committed within the probationary period of a suspended imprisonment sentence, or within the probationary period of conditional release from serving an imprisonment sentence.</p>
<p>Type of probation measures</p>	<p>The court may, as appropriate, impose restrictions and obligations on a offender with the aim of encouraging him to comply with the specified standards of conduct. As a rule, the court shall also order him to compensate for the damages caused by the criminal offence.</p> <p>The restrictions consist, in particular, in prohibitions to :</p> <p>a) visit sporting or other mass events, b) use alcoholic beverages and other habit forming substances, c) meet the persons who have negative influence on the offender, or who were his accomplices or participants in the crime, d) enter certain places or premises whereat he committed the criminal offence e) gamble play slot machines and betting.</p> <p>The obligations consist, in particular, in injunctions</p> <p>a) not to go within a distance of less than five meters of the injured party, and not to stay in the vicinity of his dwelling, b) to move out from the apartment or house wherein he unlawfully dwells, or which has been occupied by him unlawfully, c) to compensate for the caused damage within the probationary period d) to pay off the debt or delayed alimony within the probationary period, e) to make apology to the injured party personally or publicly, f) to acquire a certain level of professional qualification, or to take part in a requalification.</p>
<p>Combination of sanctions or measures</p>	<p>/</p>
<p>Authority responsible for taking such a decision</p>	<p>The court in which district the crime has been committed.</p>
<p>Authority responsible for supervising</p>	<p>The court which imposed a conditional suspension of custodial sentence. This is the court in which district the crime has been committed.</p>
<p>Authority responsible in case of infringement</p>	<p>The court which imposed a conditional suspension of custodial sentence.</p> <p>If the offender complies with the specified standards of conduct, and fulfils the imposed restrictions and obligations, the court shall issue a decision declaring that he has proved himself. In the opposite case, the court may rule, while the probationary period is still in progress, that the remainder of the sentence is to be served. The court may, in exceptional cases, leave the</p>

suspended imprisonment sentence effective although the convicted person through his action within probationary period justify to decision on the sentence to be served, and it may simultaneously :

- a) determine the supervision of the convict,
- b) where appropriate, extend the probationary period for not more than two years while it may not exceed the upper limit of probationary period referred to under paragraph 1, or
- c) determine adequate limitations or reasonable obligations that have not been imposed yet in order to make him lead a regular life.

CONDITIONAL SUSPENSION OF CUSTODIAL SENTENCE WITH PROBATIONARY SUPERVISION	
Name of the judgement or the probation decision	Conditional Suspension of Custodial Sentence with Probationary Supervision Podmienečný odklad výkonu trestu odňatia slobody s probačným dohľadom
Classification of this judgement or the probation decision	Suspended sentence
Legal basis of this judgement or the probation decision	Criminal Code - Act 300/2005 Coll. (Articles 51, 52)
Definition of this judgement or the probation decision	<p>The conditional suspension of custodial sentence with probationary supervision' means that the execution of the term of imprisonment by the offender is conditionally suspended for a probationary period of one to five years. At the same time, the court shall issue a decision on the restrictions and obligations attached to the probationary supervision.</p> <p>The probationary period starts to run on the day after the day when the judgment becomes final.</p> <p>If the convict, within the probationary period, leads a regular life, complies with the specified conditions of probationary supervision, respects the imposed restrictions, and meets the imposed obligations, the court shall issue a decision declaring that he has proved himself.</p> <p>In the opposite case, the court may rule, while the probationary period is still in progress, that the remainder of the sentence has to be served. At the end of a successful probationary period, the execution of the sentence can no longer be enforced.</p>
Legal Conditions of this judgement or the	<p>The court may impose a conditional suspension of custodial sentence with probationary supervision if the imprisonment sentence does not exceed three years and if,</p> <ul style="list-style-type: none"> a) considering the personal situation of the offender, in particular his previous life and work circumstances and the circumstances of the case,

<p>probation decision</p>	<p>the court reasonably believes that it is possible to protect the society, and guarantee the rehabilitation of the offender even if the sentence is not executed, or</p> <p>b) the court accepts the guarantee of the offender's rehabilitation, and believes that no imprisonment sentence needs to be served in view of the educational influence of the person who has offered such guarantee.</p> <p>The court shall not impose a suspended imprisonment sentence when sentencing the offender for an intentional criminal offence committed within the probationary period of a suspended imprisonment sentence, or within the probationary period of conditional release from serving an imprisonment sentence.</p>
<p>Type of probation measures</p>	<p>The court shall issue a decision on the restrictions and obligations attached to the probationary supervision.</p> <p>The restrictions consist, in particular, in prohibitions to :</p> <p>a) visit sporting or other mass events, b) use alcoholic beverages and other habit forming substances, c) meet the persons who have negative influence on the offender, or who were his accomplices or participants in the crime, d) enter certain places or premises whereat he committed the criminal offence e) gamble, play slot machines and betting.</p> <p>These restrictions are supervised by a probation officer of the court which imposed a conditional suspension of custodial sentence with probationary supervision. During the probation period the probation officer examines how sentenced person fill restrictions and obligations. For this purpose probation officer makes written requests to authorities of state administration, to authorities of municipality in which area sentenced person lives or to employer of sentenced person. Before the final judicial decision the court also requires from the Police Corps the information about crime offences or administrative offences committed during the probation period by the sentenced person.</p> <p>The obligations consist, in particular, in injunctions :</p> <p>a) not to go within a distance of less than five meters of the injured party, and not to stay in the vicinity of his dwelling, b) to move out from the apartment or house wherein he unlawfully dwells, or which has been occupied by him unlawfully, c) to compensate for the caused damage within the probationary period d) to pay off the debt or delayed alimony within the probationary period, e) to make apology to the injured party personally or publicly, f) to acquire a certain level of professional qualification, or to take part in a requalification.</p>
<p>Combination of sanctions or measures</p>	<p>/</p>
<p>Authority responsible for taking such a decision</p>	<p>The court in which district the crime has been committed.</p>
<p>Authority responsible</p>	<p>The supervision is conducted by a probation or mediation officer of the court which imposed a conditional suspension of custodial sentence with</p>

for supervising	probationary supervision. This is the court in which district the crime has been committed.
Authority responsible in case of infringement	<p>The court which imposed a conditional suspension of custodial sentence.</p> <p>If the convict, within the probationary period, leads a regular life, complies with the specified conditions of probationary supervision, respects the imposed restrictions, and meets the imposed obligations, the court shall issue a decision declaring that he has proved himself. In the opposite case, the court may rule, while the probationary period is still in progress, that the remainder of the sentence be served. The court</p> <p>may, in exceptional cases, leave the probationary supervision effective although the convicted person through his action within probationary period gives rise to decision on the sentence to be served, and it may simultaneously :</p> <p>a) where appropriate, extend the probationary supervision period up to two years, while it may not exceed the upper limit of five years, or</p> <p>b) determine adequate limitations or reasonable obligations that have not been imposed yet.</p>

CONDITIONAL RELEASE OF CUSTODIAL SENTENCE	
Name of the judgement or the probation decision	Conditional Release of Custodial Sentence Podmienecné prepustenie z výkonu trestu odnatia slobody
Classification of this judgement or the probation decision	Conditional release
Legal basis of this judgement or the probation decision	Criminal Code - Act 300/2005 Coll. (Articles 66-68)
Definition of this judgement or the probation decision	<p>The 'conditional release of custodial sentence' means that the court conditionally released the convicted person who, through the fulfilment of his obligations and good conduct when serving his term of imprisonment, has demonstrated that he has been reformed, and can be expected to comply with the specified standards of conduct. in the future.</p> <p>If the conditionally released person complies with the specified standards of conduct, and fulfils the imposed restrictions and obligations within the parole period, the court shall issue a decision declaring that he has proved himself; in the opposite case, the court shall rule, while the parole period is still in progress, that the remainder of the sentence has to be served.</p>

<p>Legal Conditions of this judgement or the probation decision</p>	<p>The court may conditionally released the convicted person who, through the fulfilment of his obligations and good conduct when serving his term of imprisonment, has demonstrated that he has been reformed, and can be expected to comply with the specified standards of conduct. in the future, and</p> <p>a) who was sentenced for a minor offence, and has served one half of an unconditional imprisonment sentence, or his sentence was reduced upon the decision of the President of the Slovak Republic,</p> <p>b) who was sentenced for a felony, and has served two thirds of an unconditional imprisonment sentence, or his sentence was reduced upon the decision of the President of the Slovak Republic.</p> <p>The court shall set a parole period from one to seven years; the parole period starts to run from the moment the sentenced person has been conditionally released. The court may simultaneously issue a decision on a probationary supervision of the conduct of the convict for the period of three years, and it shall impose appropriate restrictions or obligations on the conditionally released person.</p> <p>The person sentenced for a particularly serious felony may be conditionally released after he has served three quarters of the sentence imposed on him. The person sentenced to life imprisonment sentence may be conditionally released after he has served at least 25 years of such sentence.</p> <p>The person repeatedly sentenced to life imprisonment sentence may not be conditionally released.</p>
<p>Type of probation measures</p>	<p>The court may issue a decision on a probationary supervision of the conduct of the convict for the period of three years, and it shall impose appropriate restrictions or obligations on the conditionally released person.</p> <p>The restrictions consist, in particular, in prohibitions to :</p> <p>a) visit sporting or other mass events,</p> <p>b) use alcoholic beverages and other habitforming substances,</p> <p>c) meet the persons who have negative influence on the offender, or who were his accomplices or participants in the crime,</p> <p>d) enter certain places or premises whereat he committed the criminal offence</p> <p>e) gamble, play slot machines and betting.</p> <p>The obligations consist, in particular, in injunctions :</p> <p>a) not to go within a distance of less than five meters of the injured party, and not to stay in the vicinity of his dwelling,</p> <p>b) to move out from the apartment or house wherein he unlawfully dwells, or which has been occupied by him unlawfully,</p> <p>c) to compensate for the caused damage within the probationary period</p> <p>d) to pay off the debt or delayed alimony within the probationary period,</p> <p>e) to make apology to the injured party personally or publicly,</p> <p>f) to acquire a certain level of professional qualification, or to take part in a requalification</p>
<p>Combination of sanctions or measures</p>	<p>/</p>
<p>Authority responsible for taking such a decision</p>	<p>The court in which district is situated the prison, where convicted person is enforcing his sentence.</p>
<p>Authority</p>	<p>The court which conditionally released the convicted person.</p>

responsible for supervising	This is the court in which district is situated the prison, where convicted person enforced his sentence.
Authority responsible in case of infringement	<p>The court which conditionally released the convicted person.</p> <p>If the conditionally released person complies with the specified standards of conduct, and fulfils the imposed restrictions and obligations within the parole period, the court shall issue a decision declaring that he has proved himself; in the opposite case, the court shall rule, while the parole period is still in progress, that the remainder of the sentence has to be served.</p> <p>If the court has ruled that the conditionally released person has proved himself; the sentence shall be deemed as having been served as to the date of his conditional release.</p> <p>The conditionally released person shall be deemed to have executed his sentence as to the date of his conditional release also if the court fails to render, without having been impeded to do so by the sentenced person, the decision that the remainder of the sentence has to be served within one year after the termination of the parole period. The court may decide so within the period of two years if the criminal prosecution for a wilful criminal offence is conducted against the accused within parole period.</p> <p>Repeated conditional release from serving the same sentence shall not be possible.</p>

HOME ARREST	
Name of the judgement or the probation decision	Home Arrest Trest domáceho väzenia
Classification of this judgement or the probation decision	Alternative sanction
Legal basis of this judgement or the probation decision	Criminal Code - Act 300/2005 Coll. (Article 53)
Definition of this judgement or the probation decision	<p>The court may impose home arrest for a period of up to one year on the offender of a minor offence.</p> <p>During the execution of home arrest, the convict shall be obliged, for the period of time determined by the court, to stay in his dwelling and premises adjacent thereto, lead a regular life and, if ordered by the court, submit himself to supervision by means of electronic monitoring devices.</p>

Legal Conditions of this judgement or the probation decision	During the execution of home arrest, the convict may leave his dwelling only upon the previous consent given by a probation and mediation officer or an authority responsible for overseeing the convict via technical devices, and only on the grounds of urgency and for the period no longer than necessary. This period of time shall be included in the calculation of the overall sentence.
Type of probation measures	N/A.
Combination of sanctions or measures	/
Authority responsible for taking such a decision	The court in which district the crime has been committed.
Authority responsible for supervising	The supervision is conducted by a probation or mediation officer of the court which imposed the alternative sanction. This is the court in which district the crime has been committed.
Authority responsible in case of infringement	The court which imposed the alternative sanction. During the execution of home arrest, the convict shall be obliged, for the time period determined by the court, to stay in his dwelling and premises adjacent thereto, lead a regular life and, if ordered by the court, submit himself to supervision by means of electronic monitoring devices. If the convict does not comply with these conditions, the court shall convert home arrest into an unconditional imprisonment sentence in such a way that two days of unserved part of home arrest shall be equivalent to one day of an unconditional imprisonment sentence, the court shall also decide about how the sentence is to be executed.

COMMUNITY SERVICE WORK	
Name of the judgement or the probation decision	Community Service Work Trest povinnej práce
Classification of this judgement or the probation decision	Alternative sanction

Legal basis of this judgement or the probation decision	Criminal Code - Act 300/2005 Coll. (Articles 54, 55)
Definition of this judgement or the probation decision	The court may impose on the offender, upon his consent, a community service work sentence for a period not less than 40 hours and not exceeding 300 hours, if it issues a decision for a minor offence punishable by a term of imprisonment up to five years.
Legal Conditions of this judgement or the probation decision	<p>The convict shall be obliged to perform community service work within one year after the date on which the related court decision becomes final. The court may, as appropriate, impose the restrictions and obligations with the aim of encouraging him to lead regular life; as a rule, the court shall also order him to compensate, to the best of his abilities, for the damage inflicted by the criminal offence. When calculating the period of participation in a community service work, it shall not be taken into account any period of time, during which the convict :</p> <ul style="list-style-type: none"> a) could not perform community service work due to a temporary illness, or because he was not assigned any work during this period, b) attended compulsory military service or other service instead of compulsory military service, c) stayed abroad, d) was remanded in custody, or was serving a term of imprisonment in connection with other offence. <p>The court shall not impose community service work if the offender is on long term sick leave or has been disabled.</p> <p>The offender shall have an obligation to perform community service in person and during his free time without receiving remuneration.</p> <p>The court may waive the execution of community service work, if the convict, during the serving of this punishment, has gone on long term sick leave or permanent disability without any fault from its part.</p>
Type of probation measures	N/A.
Combination of sanctions or measures	/
Authority responsible for taking such a decision	The court in which district the crime has been committed.
Authority responsible for supervising	<p>The court which imposed the alternative sanction.</p> <p>This is the court in which district the crime has been committed.</p>

Authority responsible in case of infringement	<p>The court which imposed the alternative sanction.</p> <p>If the convict fails to lead regular life or perform, of his own fault, the community service in the required scope, or if he does not respect the restrictions and does not fulfil the obligations imposed on him service work, the court shall convert the community service work sentence or the remainder thereof into an unconditional imprisonment sentence execution in such a way that every two-hour segment of unserved part of community service work shall be equivalent to one day of an unconditional imprisonment sentence, the court shall also decide about how the sentence is to be executed.</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 probation measures and alternative sanctions set out in Article 4.1 are reflected in your domestic law and please give a description of each of them.

Probation measures / alternative sanctions	Explanation
Obligation for the sentenced person to inform a specific authority of any change of residence or working place	No probation measure or alternative sanction.
Obligation not to enter certain localities, places or defined areas in the issuing or executing State	Restrictions consist in bans on visiting sporting or other mass events, or entering certain places or premises.
Obligation containing limitations on leaving the territory of the executing State	No probation measure or alternative sanction.
Instructions relating to behaviour, residence, education and training, leisure activities, or containing limitations on or modalities of carrying out a professional activity	Restrictions consist in bans on using alcoholic beverages and other habitforming substances, or gambling, playing slot machines and betting. Obligations consist in injunction to acquire a certain level of vocational qualification, or to take part in a requalification course within the probationary period or to get employed or actively seek employment in a provable way within the probationary period.
Obligation to report at specified times to a specific authority	No probation measure or alternative sanction.
Obligation to avoid contact with specific persons	The restriction consists in ban on meeting the persons who have negative influence on the offender, or who were his accomplices or participants in the crime. The obligation consists in injunction not to go within

	a distance of less than five meters of the injured party, and not to stay in the vicinity of his dwelling.
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	No probation measure or alternative sanction.
Obligation to compensate financially for the prejudice caused by the offence and/or an obligation to provide proof of compliance with such an obligation	Obligations consist in injunction to compensate for the caused damage within the probationary period and to pay off the debt or delayed alimony within the probationary period.
Obligation to carry out community service	Alternative sanction of Community Service Work (see table No. 5 of first part).
Obligation to cooperate with a probation officer or with a representative of a social service having responsibilities in respect of sentenced persons	The obligation consist in injunction to undergo a social skills training program or other educational programme in cooperation with a probation or mediation officer or other professional.
Obligation to undergo therapeutic treatment or treatment for addiction	Obligations consist in injunction to undergo the treatment of addiction to habit-forming substances, or to undergo psychotherapy, or make use of psychological counselling services within the probationary period. This obligation does not depend on the prior consent of the sentenced person. This obligation and also other obligations and restrictions are alternative solutions to the imprisonment sentence. Maintenance of this obligations/restrictions are for the sentenced person more convenient and less strict than imprisonment sentence.

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

No

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

No, Slovak legal order does not provide for any a specific treatment regarding any category of offences.

However Slovak Criminal Code contains a specific legal provisions concernng juvenile offenders (age 14-18 y.o.) and two probation decisions - Conditional Suspension of Custodial Sentence, Conditional Suspension of Custodial Sentence with Probationary Supervision.

Criminal Code (Act 300/2005 Coll.) - Article 119:

(1) If the court suspends the imprisonment sentence of a young offender for a probationary period, or if it suspends his imprisonment sentence for a probationary period with probationary supervision, it shall

simultaneously set a probationary period from one to three years.

(2) The court may, considering the circumstances of the case and the personality of a young offender, leave the suspended imprisonment sentence or suspended imprisonment sentence with probationary supervision effective although the young offender through his action justify to execute on the sentence to be served, and

a) determine a probationary supervision of the conduct of a young offender, unless it has been imposed earlier,

b) when appropriate, extend the probationary to a maximal of two years, while the upper limit of the probationary period must not exceed five years, or,

c) impose an additional re-educational measure referred to under Section 106 par. 2 in order to make him lead a regular life.

Criminal Code (Act 300/2005 Coll.) - Article 106 para. 2:

(2) Re-educational measures are:

a) re-educational obligations and restrictions,

b) reprimand with caution.

3) Electronic monitoring

Does your national law provide for the possibility to use Electronic Monitoring?

Slovak legal order does not provide for the possibility to use Electronic Monitoring.

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) :

- criminal record,

- social inquiries,

- medical expertise (in some cases),

- information concerning the previous life of offender (in some cases),

- guarantee of the offender's rehabilitation (in some cases),

- proposal of prosecutor or director of penitentiary (in case of conditional release of custodial sentence).