

Execution of Sentences Act No. 15/2016

No. 15 of 23 March 2016

CHAPTER I

Purpose, definitions and scope of application.

Article 1

Objectives.

The purpose of this Act is to ensure that the execution of sentences is carried out in a safe and efficient manner and that the special and general deterrent effects of punishment are active.

Furthermore, the purpose of this Act is to reduce the likelihood of repeated crimes and to promote the successful adjustment of the convicted person to society.

Article 2

Definitions.

In this Act and the regulations and rules based thereon, the definition of terms is as follows:

1. *Service of sentence:* Detention in prison or outside prison for the serving of a non-conditional prison sentence or surrogate punishment for fines.
2. *Service period:* The time during which a prisoner serves a sentence.
3. *Violations of discipline:* Violations of this Act and the regulations rules issued hereunder stating prisoners' obligations.
4. *Disciplinary sanctions:* Measures against prisoners' violations of discipline.
5. *Child welfare authorities:* The Ministry responsible for child welfare issues at each time and its subsidiary institutions.
6. *Correction:* That which aims at enabling a prisoner to increase his skills and quality of life and helps to prevent further criminal activity and return to prison.
7. *Prison:* An institution in which persons serving sentences or are detained or remanded in custody. Prisons are divided into open prisons and closed prisons, respectively, with different levels of security.
8. *Prison year:* 360 days.
9. *Prison month:* 30 days.
10. *Prison sentence:* One of two types of penal measure.
11. *Prisoner:* A person serving a prison sentence or the surrogate punishment in lieu of fines or is remanded in custody.
12. *Fine:* One of two types of penal measure.
13. *Enforcement of a sentence:* The execution of a penal measure.
14. *Health services:* Any type of health care, medical activities, nursing, general and special hospital services, medical transport services, support equipment services and service provided by healthcare professionals for the purpose of promoting good health and prevention, diagnosis or treatment of diseases and rehabilitation of patients.
15. *Pardon:* Reduction of sentence in part or in full.
16. *Electronic surveillance:* Serving a sentence by a convicted person outside a prison in while carrying equipment enabling the surveillance of the prisoner's whereabouts.
17. *Sentence period:* The length in time of a prison sentence or surrogate sentence.
18. *Conditional release:* A conditional reduction of a part of a sentence.

19. *Conditional period*: The length of the conditional release.
20. *Legal costs*: The costs which are considered unavoidable expenses in criminal proceedings according to the Act on Criminal Procedure no. 88/2008, and a sentenced individual or legal entity is sentenced to pay.
21. *Community service*: Serving an unconditional prison sentence or surrogate sentence with obligatory unpaid work for the benefit of society, which the convicted person serves outside of the prison.
22. *Surrogate punishment*: Punishment which will be executed if the convicted person does not pay a financial penalty.

Article 3

Scope of application.

This Act applies to the execution of sentences, supervision of conditional sentences, pardon and deferment of charges, collection of legal costs and confiscation. Furthermore, the Act applies to custody on remand as applicable and the administration of the prison system.

CHAPTER II Administration.

Article 4

Overall charge of the prison system.

The Minister is in overall charge of the prison system.

Article 5

The role of the Prison and Probation Administration.

The Prison and Probation Administration supervises the execution of sentences and other functions in accordance with the provisions of this Act and the regulations issued hereunder. The Prison and Probation Administration may, according to an agreement, refer tasks to others, for example to supervise those who are serving their sentence through community services and are subject to electronic surveillance.

The Prison and Probation Administration is responsible for the management of prisons.

Article 6

The Director of the Prison and Probation Administration.

The Minister shall appoint the Director of the Prison and Probation Administration for a term of five years at a time. The director shall be a qualified lawyer. The director shall hire other staff of the institution.

Article 7

Prison directors.

The Minister shall appoint prison directors for terms of five years at a time. The prison director shall have a university education appropriate to the work.

More than one institution may be under the control of the same director.

Article 8

Prison warders and staff of prisons.

The Director of the Prison and Probation Administration shall appoint prison warders for terms of five years at a time. Before being appointed, a prison warder shall have completed a course in prison warder studies. Studies which have been approved by the Prison and

Probation Administration may be considered equivalent upon receiving the comments of the Prison Warders' Association in Iceland thereon. The prison director shall hire other prison staff.

A prison warden may be engaged temporarily as an interim employee on condition that he has attended a preparatory course in prison studies and passed a background check.

Prison warders may neither go on strike or participate in calling a strike.

The Treasury shall compensate prison warders for injuries and damage to their belongings which they may suffer in connection with their work.

Prison warders shall wear a uniform when on duty as well as identification documents further set out in a regulation by the Minister. The director of the Prison and Probation Administration and directors of prisons shall have a uniform available.

Article 9

Prison warden studies.

The Prison and Probation Administration shall ensure that prison warders receive the appropriate education and training in prison warden studies as necessary.

The Prison and Probation Administration may make an agreement with an educational institution to take care of the education of prison warders, but shall, however, supervise and oversee the studies.

The Minister shall introduce further rules on the studies of prison warders in a Regulation.

Article 10.

Background checks.

Before a person is appointed, installed temporarily or hired for work at the Prison and Probation Administration or in state prisons, he shall, upon his approval, undergo an investigation which involves obtaining information from records and information systems indicated in the second paragraph as a part of an evaluation as to whether this party shall be given access to state prison and access to information on the implementation of prison work and about prisoners. Information shall be obtained five years back in time. The approval of the applicant shall be recorded on a form as decided by the Prison and Probation Administration. The background check shall be repeated at regular intervals and no less than every five years. However, the background check and criminal record investigation shall never go any further than necessary at each time.

The approval of that person, according to the first paragraph, permits the Prison and Probation Administration, with the assistance of the Commissioner of the Icelandic State Police, as appropriate, to obtain information about the person in question from:

- a. police records, including the case registry of the police,
- b. the penal register to the authorities
- c. the information system of Interpol or other foreign authorities and
- d. The information system of the national register.

A comprehensive evaluation shall be conducted of whether it is safe to give the person in question access to state prisons and information according to the first paragraph. The information from the police register of cases may be used directly to reject the appointment, temporary instalment or hiring of the person in question if it is the evaluation of the Prison and Probation Administration that the information gives reason to throw doubt on the ability or credibility of that person to work for the Prison and Probation Administration or in state prisons.

If it is the evaluation of the Prison and Probation Administration that the information from

records or information systems according to the second paragraph makes it unsafe to give the person access to the state prisons or information according to the first paragraph, the person shall have an opportunity to comment before the decision is made. The decision of the Prison and Probation Administration shall be supported by arguments.

The Prison and Probation Administration, in cooperation with the Commissioner of the Icelandic State Police, shall carry out the background check according to the first paragraph.

If a working prison warden does not pass a background check, he shall be relieved of his duties. The same applies to other employees. Upon obtaining the proposals of the Commissioner of the Icelandic State Police, the Minister shall introduce rules in a Regulation on the background checks of prison warders and the security level of background checks.

Article 11.

Authorisation to use force.

Prison staff may use force in carrying out their duties if this is considered necessary in order to:

1. Prevent an escape.
2. Defend themselves against an imminent attack, overpower violent resistance, prevent a prisoner from harming himself or others and to prevent acts of vandalism.
3. To follow orders that need to be carried out immediately and a prisoner refuses or neglects to comply with instructions regarding them.

Force may involve physical holding or the use of the appropriate defensive equipment. However, the use of force shall never exceed what is necessary at each time.

Following the use of force, a doctor shall be summoned if there is a suspicion that it has resulted in injury, in cases involving disease or if the prisoner himself requests medical assistance.

If a person under the age of 18 is confined in a home of the child protection authorities, then the employees may use force in carrying out their duties according to the conditions of the first paragraph, provided they have received the appropriate training in the use of force. The use of force may only be used in an emergency and only when other measures are not possible.

Article 12

Confidentiality.

Staff of the Prison and Probation Administration, prison warders and other persons who work in the prisons shall be under an obligation not to divulge matters of which they become aware in the course of their work or in connection with their work and which should be kept secret in accordance with lawful public or private interests. This non-disclosure obligation shall apply to information concerning the private circumstances of prisoners and persons connected with them which should normally be secret, information concerning prison security and other information that should be kept secret according to law, working rules or the nature of the case. The non-disclosure obligation shall remain in force even after the employee stops work.

Article 13

Pardons committee.

The Minister of Justice shall appoint a three-member committee, the pardons committee, with three alternates, for three years at a time. The chairman and deputy chairman shall meet

the conditions for being appointed district court judges. One member of the committee must be a medical doctor.

The committee shall advise the Minister by supplying a well-argued report on whether the decision by the Prison and Probation Administration regarding the refusal of community service or refusal of parole shall be confirmed, abolished or altered. The report of the committee shall be binding for the Minister.

The committee shall provide the Minister with recommendations supported with arguments about the handling of applications for pardon.

The pardons committee may obtain information from the registry of the cases of the police.

The pardons committee may obtain information from healthcare professionals or healthcare institutions in order to confirm the available certificates as well as obtain further data on the health conditions of the applicant for pardon or the appellant if the application for pardon or charge is based on health-related reasons. However, the committee may also request that the applicant for pardon or the appellant himself obtains such information about his own health conditions.

The proceedings in the committee shall be in writing but the committee may summon the applicant for pardon to appear before it. The same does not apply to an appellant.

Anyone who, due to his work or family relations, knows of the applicant for pardon, may apply for pardon on behalf of the applicant. The same does not apply to an appellant, who is subject to the general rules of the Act on Public Administration regarding accession.

CHAPTER III

Execution of non-conditional prison sentences, etc.

Article 14

General.

The Prison and Probation Administration receives sentences for execution from the Director of Public Prosecutions. Also, the Administration receives judgments for registration where the convicted person is considered unfit for trial.

Article 15

Notification on service of sentences and the calculation of sentence time.

Non-conditional prison sentences shall be executed as soon as the judgments are received by the Prison and Probation Administration.

If the sentenced person is not already in prison, the Prison and Probation Administration shall inform him by letter, in a verifiable manner and with at least three weeks' notice, about when and where he is to present himself to serve the sentence. If the sentenced person does not present himself at the appointed time to serve the sentence, the Prison and Probation Administration shall entrust the police with arresting him and conveying him to prison. If the sentenced person intentionally fails to present himself to serve the sentence, this may have an effect on the service of the sentence.

If the sentenced person is remanded in custody he shall then and there begin serving the sentence unless it is in the interest of the criminal investigation that another arrangement is preferred. If the sentenced person is serving another prison sentence, then any latter prison sentences shall be served in direct continuation thereof.

A sentenced person may be made to start serving his sentence without a prior notification, or before the service of the sentence is due to begin according to the notification, if he commits a criminal offence again or if it is considered that there is a risk that he will try to escape punishment, or if this is in the public interest.

If the convicted person asks to begin serving his sentence before the scheduled time, this request shall be granted if possible.

The proportions of one third, one half and two thirds of the sentence period shall be based on the total length of punishment. If the service of the remainder of the sentence is due to violations against its conditional terms, then the one half and two thirds of the sentence time shall be calculated based on the remainder of the sentence still to be served.

Article 16

Deferment of service of sentences; pardons.

If a sentenced person requests the deferment of the service of his sentence, the Prison and Probation Administration may grant a short deferment if there are special reasons in favour of this. Such deferment may not amount to a total of more than three months. In assessing whether the service of a sentence is to be deferred, consideration shall be given to the seriousness of the sentenced person's violation, his criminal record, his personal circumstances, the length of time that has elapsed since the offence was committed and other factors that may be of significance. A request for deferment shall be turned down if it is first made after the service of the sentence is supposed to begin according to the notification.

If a sentenced person requests a pardon, the service of the sentence shall be deferred, in case it has not already begun, until the request is dealt with, providing that the request is made not later than two weeks before service of the sentence is due to begin. A request for a pardon shall not defer the service of sentence if the sentenced person is already serving another prison sentence. A request for a pardon shall not defer the service of sentence if the sentenced person is already serving another prison sentence.

Service of a sentence shall not be deferred in response to a repeated request for a pardon unless the new request contains important information which it was not possible to present previously and there are special reasons for deferring service of sentence.

Deferment under this Article shall be subject to the condition that the sentenced person does not commit a criminal offence again. Further conditions may be set for the granting of a deferment.

If the sentenced person violates the conditions for a deferment, the Prison and Probation Administration may decide that he is to begin serving his sentence without notice. The same applies if the sentenced person gives false information in a request for a deferment.

Article 17

Detention in prison.

Detention in prison is applied to those who have been sentenced to terms of imprisonment, those who serve prison terms as a surrogate punishment in lieu of fines and those who are remanded in custody.

Remand prisoners may be detained among those serving sentences if isolation is not considered necessary.

In special cases, prisoners serving sentences may be detained for short periods in police cells.

If circumstances permit, remand prisoners may be detained for short periods in police cells; however, this may not be for more than four days unless special reasons apply.

Article 18

Types of prisons.

Prisons are divided into open prisons and closed prisons, respectively. A prison may be divided into departments. The Minister may make further regulations about the arrangement of prisons in a regulation for example about the division of the prison into departments.

Article 19

Breaks in the service of sentences.

Periods of service of sentences shall be continuous. However, breaks in the service of sentences may be allowed in exceptional circumstances. The break shall be on condition that the person does not commit violations during that interval. Further conditions may be set for breaks in the serving of sentences.

Article 20

Escapes.

If a prisoner escapes while serving a sentence, the time from when he escapes until he is returned to prison is not counted as part of his time of service.

Article 21

Decision on place of detention.

The Prison and Probation Administration shall decide in which prison the prisoner is to serve his sentence. This decision shall take into account the prisoner's age, sex, criminal record and the severity of the sentence, and also the considerations applying to detention in each individual prison.

The Prison and Probation Administration may have prisoners transferred between prisons, or from an institution to a prison. In such transfers, note shall be taken as the situation permits of the place of residence of a prisoner and his family. The prisoner shall be informed in advance of such transfers, with at least 24 hours' notice, and shall be told the reason for the transfer, unless it is considered necessary for security reasons, or in view of the prisoner's health or in order to prevent violence, or when the prisoner has committed a gross breach of discipline, or when there are grounds to suspect that the prisoner has addictive, narcotic or illegal drugs in his possession.

If a prisoner is transferred from receiving prison or police station then the time constraints in part the second paragraph may be departed from.

Prisoners may inform their immediate relatives and lawyers when they are transferred between prisons.

Prison directors may, for security reasons or in view of special circumstances, take the decision to transfer prisoners between departments and cells. There is no obligation to give prisoners an opportunity to express their position on such transfers before taking such a decision, but the interests of the prisoner shall be safeguarded in connection with the transfers.

Prisoners under 18 years of age shall be placed under the supervision of child protection authorities according to Article 44.

Article 22.

Confinement in a health-care or treatment institution.

Upon receiving specialist advice, the Prison and Probation Administration may allow a prisoner to be confined, temporarily or for the duration of his term of imprisonment, in a health-care or treatment institution. The Prison and Probation Administration may set special conditions for the confinement of prisoners in these places.

A prisoner who is committed to a health care- or treatment institution shall be considered as serving his sentence while he is there.

Article 23.

Beginning of terms of imprisonment.

At the beginning of serving a sentence a prisoner shall prove his identity by submitting personal identification documents or in another identifiable manner. Also, portrait photographs shall be taken of the prisoner and his name shall be recorded along with this

identification number and the start and end dates of his sentence.

The prisoner shall be examined by a doctor and if necessary during his service of a sentence. Information about the prisoner's health and medical history, and details of the prisoner's personal circumstances and the persons whom the prisoner wishes to have contacted, if necessary, in connection with his interests, shall be recorded.

Healthcare professionals are obliged to inform the prison authorities about illnesses which could affect the safety and health of others.

When they begin serving their sentences, prisoners shall receive, and have explained to them in a language they understand, a summary of the rules applying to the service of their sentence, prisoners' rights and obligations, work and study opportunities available to prisoners, the rules of the prison, the types of conduct that will result in disciplinary measures and the handling of such cases, information about where prisoners are able to lodge appeals against decisions regarding the execution of their sentences and information on the grounds for submitting complaints to the Parliamentary Ombudsman, and also the prisoners' right to contact their lawyers. The prisoner shall receive a record of serving a sentence indicating the main dates regarding his placement in serving a sentence. Prisoners shall also be informed about the completion of their imprisonment and the rules on probation.

When they begin serving their sentences, prisoners shall be permitted to inform their closest relatives and lawyers about their imprisonment as soon as possible.

Article 24

Sentencing schedule.

The Prison and Probation Administration, in cooperation with the prisoner, shall draw up a sentencing schedule if this is considered necessary according to experts of the Prison and Probation Administration. The schedule shall be drawn up as soon as possible after the serving of a sentence begins and it shall be reviewed as appropriate during the sentencing period.

Article 25

Work in prison.

Prisoners shall be obliged, as circumstances permit, to work or pursue other approved activities in prison.

The prison director shall decide what work prisoners are assigned. When deciding on the work to be assigned to each prisoner, consideration shall be given as far as possible to their personal circumstances and their wishes.

Upon consultation with the Prison and Probation Administration, the director of a prison may decide that the work of a prisoner takes place outside of the prison under the surveillance of prison wardens or other parties determined by the director.

Prisoners may have themselves provided with work other than that referred to in the first and third paragraphs of this Article after receiving the approval of the prison director. The prison director may authorise a prisoner to discharge his work obligations in his cell if circumstances permit and there are no other reasons against this.

Prisoners shall work every weekday except Saturdays. Work shall normally be done between 8 am and 5 pm, in such a way that the working day on average is not more than eight hours. Work connected with the running of the prison may be done outside daytime working hours.

Article 26

Studies and vocational training.

Prisoners shall have an opportunity to pursue studies or vocational training. Upon consultation with the Prison and Probation Administration, the director of a prison may decide

that the work of a prisoner takes place outside of the prison under the surveillance of prison wardens or other parties determined by the director.

Regular studies shall take the place of obligatory work. Each hour of study shall be regarded as the equivalent of an hour of work.

If a prisoner does not pursue his studies in a normal way, the school principal may, in consultation with the prison director, decide to expel him from the study programme. The prison shall supply and pay for text books used in studies, and they shall be the property of the prison.

Prisoner's studies in prisons are the responsibility of educational authorities.

Article 27

Remuneration and per diem allowances.

Prisoners shall receive remuneration for doing work or pursuing studies. If it is not possible to provide a prisoner with work, or if, according to a medical certificate, he is unable to discharge his obligation to work, he shall receive a *per diem* allowance for the days on which he would otherwise have worked. The Minister shall determine the amount of the *per diem* allowance, aimed at having it cover the prisoner's basic personal hygiene requirements.

If a prisoner has the opportunity to work or study, or has provided himself with work, shall not receive *per diem* allowances. The same shall apply to prisoners who are dismissed from work or who, without a valid reason, refuse to work.

A prisoner receiving payments from the Social Insurance Administration loses his right to a *per diem* allowance from the Prison and Probation Administration.

Article 28

Payment of compensation.

Daily allowances and remuneration of prisoners may be collected to cover the payment of compensation or other expenses for which prisoners are responsible while they are serving their sentences, including debts that they have incurred while in prison. At no time, however, may more than one fourth part of a prisoner's remuneration, or a quarter of his *per diem* allowance, be taken for such payments.

Article 29

Health services of prisoners

Prisoners shall enjoy health services comparable to those generally available, as prescribed in legislation and regulations concerning prisoners. The ministry responsible for health services, subject to consultation with the Prison and Probation Administration, shall supervise and be responsible for health services to prisoners while in prison.

Article 30

Infants in prisons.

If a prisoner has an infant child when she begins serving her sentence, or if she gives birth to a child during her term of imprisonment, she may be permitted, in consultation with a child welfare committee, to have the child with her in prison in the first months of its life and in normal circumstances until it is 18 months old if it is in the best interests of the child.

Special measures shall be undertaken to ensure the welfare of children who are staying in prison.

Article 31

Execution of sentences outside prison.

The Prison and Probation Administration may permit a prisoner to complete the service of his sentence outside prison, providing that he engages in work or a programme of study which

is approved by the Prison and Probation Administration and which constitutes part of his readjustment to the community, that he lives in a special institution or home with which the institution has made an agreement, and is under supervision there. In exceptional circumstances, the Prison and Probation Administration may impose the condition for the execution of a sentence outside the prison that the prisoner carry special equipment in order to maintain surveillance of his movements.

The prisoner shall agree in writing to the conditions set regarding the placement. The prisoner himself shall pay the fees collected by such an institution or home from the inmates.

The Prison and Probation Administration shall set further rules on the premises and conditions for such placement.

Article 32

Electronic surveillance.

When the sentence passed on a convicted person is 12 months or longer of unconditional imprisonment, the Prison and Probation Administration may permit a prisoner to serve his sentence outside the prison, provided he carries special equipment in order to maintain surveillance of his movements.

When the sentence passed on a convicted person is 12 months of unconditional imprisonment, the serving of the sentence with electronic surveillance may be for 60 days. The serving of a sentence with electronic surveillance increases by 5 days for each sentence month and can accrue to a maximum of 360 days.

Article 33

Conditions for electronic surveillance.

The conditions for considering electronic surveillance a possibility are as follows:

1. That the prisoner is considered suitable for electronic surveillance.
2. That the prisoner has a permanent place of residence approved by the Prison and Probation Administration.
3. That the spouse of the prisoner, custodian, closest relative or host agrees that he remains under electronic surveillance at their common place of residence.
4. That the prisoner engages in work or a programme of study which is approved by the Prison and Probation Administration and which constitutes part of his readjustment to the community.
5. That the prisoner has made use of the measures according to the first paragraph of Article 31 in a satisfactory manner or has been evaluated as suitable to make use of the measures in the first paragraph of Article 31 but has not been able to, for reasons beyond his control. A prisoner who has not been able to make use of this measure shall have been free of any violations of discipline during the time in which he otherwise would have availed himself of it.
6. That the prisoner has not violated his electronic surveillance in the last three years.
7. That the prisoner does not have any case under treatment by the police, the prosecution authorities or the courts for a criminal offence provided that the case is being conducted normally and is not subject to delay caused by the prisoner.

Article 34

Conditions in electronic surveillance.

Electronic surveillance shall be subject to the following conditions:

1. That a prisoner is unconditionally at his place of residence from 11 pm until 7 am Monday to Friday and from 9 pm to 7 am Saturday and Sunday. Also a prisoner shall be at his place of residence if does not attend work study training treatment or other projects which the prison and probation administration has approved workday due to illness or for other reasons except with prior consultation with the prison and probation administration.
2. That the person does not consume alcohol or addictive or narcotic drugs.
3. That the prisoner is not under suspicion for a criminal offence.

In addition, it may be decided that electronic surveillance will be subject to the following conditions:

1. That the person complies with instructions given by the supervisory authority regarding contact with other persons and leisure-time activities.
2. That the prison is subject to special treatment decided by the prison and probation administration.

The prisoner may be required to undergo a breath analysis or a blood and urine test. Refusal by the prisoner to undergo such a test shall constitute a violation of the conditions for electronic surveillance.

Before the beginning of the execution of a prison sentence in the form of electronic surveillance, the rules applying to electronic surveillance shall be explained in detail to the sentenced person and his confirmation shall be obtained that he is prepared to comply with them.

Article 35

Breach of conditions for placement outside prison.

When a prisoner does not pursue the work or studies that were the condition for his placement outside prison, or if he runs away from the institution or home, breaks its rules or violates the conditions set for his placement, the Prison and Probation Administration may decide that he is to be returned to prison to serve his sentence. The same shall apply if the institution or home considers that the grounds for the continuing presence of the prisoner there are not applicable any longer.

If a prisoner no longer fulfils the conditions of Article 33 or breaches the conditions according to Article 34 then the prison and probation administration decides whether the conditions for electronic surveillance shall be changed and whether the permission for serving a sentence with electronic surveillance shall be revoked and the sentence served inside the prison.

Article 36

End of service of prison sentences.

Prisoners serving non-conditional prison sentences shall be released at 8 am on the morning of the day on which their prison term ends. Prisoners may be released at other times

in cases when they are to be expelled from the country or when a prisoner has escaped from a custodial sentence.

Prior to the close of serving a sentence the prison and probation administration shall notify the social service institution in the municipality where the prisoner has his domicile about his release, if necessary. The Minister shall determine in Regulation the timeframe for the notifications of the prison and probation administration.

Article 37

Community service.

When a person has been sentenced to up to 12 months' non-conditional imprisonment, the sentence may be executed in the form of unpaid community service lasting a minimum of 40 hours and a maximum of 480 hours, if this is not contrary to public interest. The Prison and Probation Administration may decide that part of this unpaid community service shall take the form of counselling or an approved course of study concomitant with the community service, in which case this shall never amount to more than one fifth of the community service.

When part of a prison sentence is suspended, the entire sentence according to the judgement may not exceed 12 months for it to be possible to execute the sentence in the form of community service.

In the case of imprisonment according to more than one judgement, the combined period of imprisonment may not exceed 12 months for it to be possible to execute the sentence in the form of community service.

Article 38

Conditions for community service.

The conditions for community service being a possibility are as follows:

1. That the sentenced person must have applied for it in writing to the Prison and Probation Administration not later than one week before he was originally due to begin serving his prison sentence.
2. That the person sentenced may not have a case pending examination by the police, the prosecution authorities or the courts in which he is accused of a criminal offence.
3. That the sentenced person is considered fit for community service.
4. That the sentenced person is not serving a prison sentence or in custody on remand.

Before an assessment is made of whether the sentenced person is fit for community service, including whether it is likely that he will be able to perform the services involved, an examination shall be made of his personal circumstances. If the sentenced person fails to attend an interview for this purpose, his application to do community service shall normally be turned down.

When a prison sentence is executed in the form of community service, 40 hours of community service shall be the equivalent of one month's imprisonment. If custody on remand is set off against a prison sentence, this shall be taken into account when calculating the number of hours.

Article 39

Decisions on community service.

The Prison and Probation Administration shall decide whether a prison sentence is to be executed in the form of community service and what type of community service the person

sentenced is to perform in each individual case. The same applies to the length of time for which community service is to be performed; however, this period may never be shorter than two months.

Applications shall be turned down immediately if the applicant does not meet the conditions of items 1, 2 and 4 of the first paragraph of Article 28. Those conditions may be waived if there are special reasons in favour of this.

When an application is accepted for substantive treatment, the execution of the prison sentence shall be postponed until a decision on it has been taken, providing that the sentenced person does not commit a criminal offence during this time.

The execution of a non-conditional sentence with community service begins when he sentenced person agrees to the terms of the community service.

Article 40

Conditions applying to community service.

Community service shall be subject to the following conditions:

1. That the sentenced person does not commit a criminal offence during the period when community service is performed.
2. That the sentenced person consents to be under supervision and monitoring by the Prison and Probation Administration, or another party that it appoints, while community service is performed.

In addition, it may be decided that community service will be subject to the following conditions:

1. That the sentenced person obeys instructions given by the supervisory party regarding place of residence, education/training, work, contact with other persons and the pursuit of leisure activities.
2. That the sentenced person does not consume alcohol or addictive or narcotic drugs.

The sentenced person may be required to undergo a breath analysis or a blood and urine test if there is reason to suspect that he has violated the condition of the second item of the second paragraph. A refusal on the part of the prisoner to undergo such a test shall constitute a violation of the conditions for electronic surveillance.

Before the beginning of the execution of a prison sentence in the form of community service, the rules applying to community service shall be explained in detail to the sentenced person and his confirmation that he is prepared to comply with them shall be obtained. The same applies to responses to violations of these rules.

Article 41

Violation of conditions for community service.

If the sentenced person no longer fulfils conditions for community service according to Article 38 or violates the conditions according to Article 40, the Prison and Probation Administration shall decide whether the conditions are to be changed, whether the period during which community service is to be performed is to be lengthened or whether the sentence is to be served in prison.

If the sentenced person violates the conditions for community service or his violation is not of a serious nature he shall receive a warning.

When it is decided under the first paragraph of this Article that a prison sentence is to be served in prison, the community service already performed shall be taken into account when calculating the time remaining to be served.

When the remainder of a prison sentence is served in prison after part of it has been executed in the form of community service, release on probation under Article 80 may be granted on the basis of the remainder; thus, the proportions of one half and two thirds shall be based on the remainder of the sentence which is still to be served.

CHAPTER IV

Prisoners' rights and obligations.

Article 42

Detention in cells.

Each prisoner shall have a cell to himself unless special circumstances or the accommodation available prevents this. The cell shall be locked at night as provided for in further detail in the rules of the prison. The Prison and Probation Administration may decide that cells are to be unlocked in particular prisons or prison departments, or in other cases when particular circumstances favour such an arrangement. The director of a person can have a cell locked at other times than in the first paragraph for security reasons.

Prisoners in closed prisons are not permitted to enter the prison cells of other prisoners. The director may, upon consultation with the Prison and Probation Administration, waive this rule if the common areas are not satisfactory or other substantive reasons recommend this.

Article 43

The company of men and women.

Men and women may participate together in daily tasks that the sexes shall be separated at night. A prisoner is not permitted to enter the cell of a prisoner of the opposite sex.

Article 44

Confinement of prisoners under the age of 18.

Prisoners under 18 years of age shall serve a sentence under the supervision of child protection authorities. The confinement of prisoners under the age of 18 in prison is not permitted unless a specialist evaluation is available showing that it is in this best interests due to special circumstances and in accordance with the United Nations Convention on the Rights of the Child. Such confinement shall be subject to this act as appropriate.

A prisoner who is of mandatory school age should be given the opportunity to attend compulsory education, according to Article 26.

The Minister shall make provisions in a Regulation on the implementation of serving a sentence according to this provision.

Article 45

Visits.

A prisoner serving a sentence in a close prison may receive visits from family and friends if the conditions in the prison permit and this is considered useful as a part of the completion of his sentence. A prisoner may receive visits from family no less than every week but visits from friends shall be no more than twice a month except in exceptional circumstances.

A prisoner serving a sentence in an open prison may receive visits from family and friends no less than every week if the conditions in the prison permit and this is considered useful as a part of the completion of his sentence.

The Prison and Probation Administration shall formulate further rules about visitations such as exceptions for more visits by friends.

Article 46

Restrictions on visits.

The prison director may decide that visits by specific persons are to take place under the supervision by a member of the staff or in other parts of the prison, or with a prohibition on physical contact between visitor and prisoner, or to prohibit certain persons to visit prisoners if it is considered necessary in order to maintain good order and security in the prison or to prevent a criminal offence being committed, or if there is reason to believe that the visit will be misused in any other way. Reasons for a decision to this effect shall be stated in writing.

A visit may be interrupted if it is considered necessary in order to maintain good order and security in the prison or to prevent a criminal offence from being committed.

Visits to a prisoner by a lawyer shall always be without supervision unless the lawyer requests another arrangement.

Article 47

Visitors.

The prison authorities shall check the background and criminal record of the of a visitor before the director approves the visit. During this check information may be obtained from the police records five years back into time and also from the penal register to the authorities. A comprehensive evaluation shall be made as to whether it is safe to permit the visit but the check of the background and criminal record should never go further than necessary at each time.

Those who visit prisoners may be searched. Searches may involve either a search of outer clothing, or a body search if the visitor agrees to this. If the visitor does not agree, then the visit may be held under different circumstances or permission for it may be refused see first paragraph of Article 46.

Items brought to the prisoner may be examined. Objects or substances that the prisoner is not permitted to have in the prison shall be left in the keeping of the prison authorities during the visit.

Anyone who comes to visit a prisoner shall be informed about the regulations that pertain to visits.

Article 48

Visits of children.

Prison directors shall arrange facilities so that children may be included in visits and will be treated with due consideration. Where it is required that a visit be held outside the prison in the interest of a child, this shall be done in accordance with the opinion of the child welfare authorities or other specialists.

The visits of children under the age of 18 will be accompanied by a custodian or other relative provided that the custodian has agreed to this in writing.

A visit shall be interrupted when children are present if it is considered that it is against their interests.

Article 49

Telephone calls.

Prisoners shall have the right to make telephone calls to persons outside the prison during the hours stated in the prison rules. The number of calls made by each prisoner and their length may be restricted if this is necessary to enable other prisoners to avail themselves of this right. Telephone calls to prisoners in other prisons are prohibited except when the prison

director grants his approval.

The prison director may decide to tap or record telephone calls of a prisoner if it is considered necessary for general supervision and maintenance of good order and security in the prison, to prevent criminal actions or to protect persons who suffered as a result of the offence committed by the prisoner and those who have testified against him.

The prisoner shall be notified beforehand about a decision to tap or record a telephone call and its reasons indicated and put on written record. The condition may be imposed that the conversation take place in a language which the prison warder understands, or else that an interpreter translate the conversation. The recordings shall be deleted when they are no longer needed.

Telephone calls may not be taped between a prisoner and his lawyer, pastor or other comparable representative of a religious community or philosophical organisation to which the prisoner belongs, government institutions or the Parliamentary Ombudsman.

At the request of the person registered as the user of a particular telephone number, the prison director may decide that no telephone calls may be made from the prison to that number.

Prisoners themselves shall pay the cost of their telephone calls, except for those they make to their lawyers, the Ministry, the Parliamentary Ombudsman, the Prison and Probation Administration and the embassy or consul of a foreign prisoner's country.

Article 50

Correspondence.

Prisoners may send and receive letters. The prison director may decide to open and read letters to and from a prisoner in his presence in order to maintain good order and security in the prison, to prevent criminal actions or to protect persons who suffered as a result of the offence committed by the prisoner and those who have testified against him. For the same purposes, the prison director may decide to restrict a prisoner's correspondence with specific persons or to suspend the sending of letters to and from a prisoner. The condition may be set that the correspondence take place in a language which a prison warder understands, or alternatively that an authorised translator be entrusted with translating the letters.

Correspondence may not be examined between a prisoner and his lawyer, public institutions, priest or other comparable representative of a religious community or philosophical organisation to which the prisoner belongs or the Parliamentary Ombudsman.

A decision to read a letter or to seize it shall be announced to the prisoner, and the reasons for it shall be stated and recorded in writing.

When the prison provides stationery or envelopes, these shall not bear a stamp or other marking from which it is possible to deduce that the sender is detained in prison.

Prisoners themselves shall pay the cost of the letters they send, except for those they send to their lawyers, the Prison and Probation Administration, government institutions or the Parliamentary Ombudsman.

Article 51

Access to the media.

Prisoners shall normally have the opportunity of keeping up with public affairs by reading newspapers, listening to the radio and watching television.

The Prison and Probation Administration shall decide whether to permit media interviews with prisoners. These shall be permitted if this is not at variance with the public interest or the interests of the victims of criminal offences. The Prison and Probation Administration shall impose rules on further implementing procedures of media interviews with prisoners.

Article 52

Time out of doors and leisure activities.

Prisoners shall be entitled to spend time out of doors and to pursue leisure activities, physical culture and sports in their free time, as facilities permit. These activities shall be for at least one and a half hours each day, unless this is incompatible with good order and security in the prison.

Article 53

Library.

The prisoner is entitled to access to a library.

Article 54.

Foreign prisoners.

Foreign prisoners shall be entitled to contact their national embassies or consuls.

If a prisoner is stateless, or is a refugee, the prison shall help him to contact representatives of national or international organisations which defend the interests of such persons.

Foreign prisoners shall be entitled to the services of an interpreter, when necessary, when their rights and obligations during their time in prison are explained to them. They shall also have the right to contact their lawyers with the assistance of an interpreter when considered necessary.

A foreign prisoner shall be notified that he can apply for serving his sentence in his home country provided an agreement exists about this with the home country of the prisoner in question.

Article 55

Practice of religion or philosophy

Prisoners shall have the opportunity of contacting a priest or comparable representative of a registered religious community or philosophical organisation. Prisoners shall be enabled to practice their religion or philosophy and their food habits and prayer sessions shall be taken into account in the work and studies of the prisoners as far as possible.

Article 56

Equipment in prison cells.

The equipment which the director of a prison may allow a prisoner to keep in his prison cell according to the rules of the prison shall be the property of the prison. The equipment shall be rented out for small fee. If equipment which a prisoner is permitted to keep in his prison cell is not available in the prison, then the prisoner may be allowed to have its own equipment and then no fee is requested.

In accordance with the rules of the prison, the prison director may permit prisoners to have electrical devices in their cells. In consultation with the Prison and Probation Administration, the director of an open prison may permit a prisoner to have a computer with a net connection and a mobile phone in his cell at further designated times. In consultation with the Prison and Probation Administration, the director of an open prison may permit a prisoner to have a computer with a net connection in the common area of the prison. The Prison and Probation Administration shall impose special rules on the arrangement and use of electrical devices, telephones and computers with an internet connection.

Prisoners may not have alcohol or addictive or narcotic drugs in their possession. However, a prisoner may keep medications in his cell in exceptional circumstances, if is considered necessary to his health on doctor's orders and with the approval of the director.

A prisoner may not keep cash among his belongings or in his cell except with special permission from the director. Prisoners shall be able to have their funds stored for them by the

prison.

A person remanded in custody may use the telephone or other communication equipment, however, this use is not permitted in his cell. The investigator may prohibit or limit this use. A person remanded in custody may use other communication equipment outside his cell in connection with study or work. The director of a prison can limit or prohibit a person remanded in custody to make use of other communication equipment if it is considered that this may upset good order and security in the prison. If a person remanded in custody is confined among other serving prisoners, provisions of the first and second paragraph about the use and other communication equipment shall apply.

Article 57

Obligation to obey the instructions of staff.

A prisoner is obliged to obey the instructions given by the staff of the prison. A prisoner may not hinder prison wardens or other staff in carrying out their duties.

Article 58

Prisoners' spokespersons.

Prisoners may elect spokespersons to work on matters of concern to prisoners and to represent them.

CHAPTER V

Leave from prison.

Article 59

Regular day and family leave.

Upon the approval of the Prison and Probation Administration, a director of a prison may grant prisoners regular day leave to spend time outside the prison in order to be with their families or friends if this is considered to be beneficial as an element in the service of their sentences or in order to prepare them for when they complete their sentences. Such leave shall be a maximum of 14 hours, and shall normally be granted between 7 am and 11 pm the same day. The period may be extended if the prisoner demonstrably has to travel a long way to his home.

Leave under this Article may first be considered when the prisoner has served, in a continuous stretch, one third of his sentence, but not less than one year, however. When a prisoner has served four continuous years in prison, he may be granted leave of this type even though he has not yet completed one third of his sentence.

If a prisoner has been given day leave over a continuous period of two years and he has complied with its conditions, he may be granted up to 48 hours' family leave if this is considered helpful as a part of the serving of his sentence or to prepare a prisoner for the completion of his service. Such leave shall normally be from 12 noon to 12 noon.

In an application for leave, the prisoner shall state how he intends to spend the time or who he intends to visit. Before leave is granted, confirmation may be sought from the person named to establish that the visit may take place.

A total of 12 day leaves from prison may be granted per year and a leave may be granted if 30 days have passed since the previous leave. A total of four family leaves may be granted each year and then 90 days must pass between such leaves. A prisoner may take a day leave between two family leaves.

When the service of a sentence takes place outside prison under Article 31, then the condition may be set that the prisoner is not to be granted day leave under this Article.

Article 60

Decisions on day and family leave.

When decisions on day leave are taken, the offence and criminal and prison record of the prisoner involved shall be taken into consideration. Consideration shall also be given to his conduct while in prison and whether he has availed himself of the remedial treatment available in the prison.

If the prisoner was sentenced, in his most recent prison sentence or earlier, for homicide, an offence involving violence or a sexual offence, a serious drug offence, arson or another offence causing danger to the public, or an economic offence committed by means of violence or the threat of violence, then particular caution shall be exercised when assessing whether the prisoner is to be granted leave to spend time outside the prison. The same shall apply if a case in which the prisoner concerned is suspected, or accused, of having committed an offence of this type is being examined by the police, the courts or the prosecution authorities, and also if the prisoner is considered to be an habitual offender or if there is a danger that he would abuse his leave or attempt to flee the country.

If a prisoner makes an escape from prison or custody while serving a sentence or being held on remand, at least two years shall elapse before he can qualify for leave of this type. If the prisoner has committed a criminal offence during a previous day leave, or abused such leave in any other way, then he shall not be granted leave again until at least eight months have elapsed since the occurrence of such an incident. In cases where it is found out that a prisoner has consumed alcohol or addictive or narcotic drugs, or has committed a breach of discipline, inside or outside the prison, he shall normally not qualify for leave to spend time outside the prison until six months have elapsed since such an incident.

Article 61

Short-term leave.

Prison directors may, after receiving the approval of the Prison and Probation Administration, grant prisoners short-term leave to spend time outside the prison for the following purposes:

1. To visit a close relative or other close family member who is seriously ill, having received permission from the person concerned or his next of kin.
2. To attend the funeral or funeral preparation ceremony of a close relative or another close family member. To attend both the funeral preparation ceremony and the funeral of a spouse, descendant, parent, siblings, grandparents or great-grandparents.
3. To attend the birth, baptism or confirmation of his child.
4. To attend to particularly urgent personal interests.

Prisoners may only be granted leave under items 1-4 of the first paragraph of this Article if satisfactory evidence is produced demonstrating the existence of the circumstances described in those items. Such leave shall be granted for maximum periods of eight hours. This period may be lengthened when special circumstances apply, and also where long travelling distances are involved. However, short-term leave shall never last longer than strictly necessary. If the approval of the interested parties for the arrival of the prisoner is not available the leave shall be refused.

The terms “close relative or other close family member” in items 1 and 2 of the first paragraph of this Article refer to the prisoner’s spouse or cohabiting partner, direct

descendants (children, grandchildren, etc.), step-children, foster-children, parents, parents-in-law, siblings, nephews and nieces, grandparents and uncles and aunts.

Prison directors shall, in consultation with the Prison and Probation Administration, decide on the form that security precautions regarding the prisoner are to take during the leave period.

Article 62

Studies, work or vocational training outside prison.

The Prison and Probation Administration may grant prisoners who are serving sentences leave to spend time outside prison in order to pursue studies, traineeship or vocational training for up to 12 months at the end of their service if this is considered beneficial as an element in the service of their sentences or in order to prepare them for when they complete their sentences. Prison directors shall, in consultation with the Prison and Probation Administration, decide on the form that security precautions regarding the prisoner are to take during the leave period. Such leave shall not be granted until the prisoner has served a total of five continuous years in prison.

Before leave to spend time outside the prison under the first paragraph is granted, a verified timetable and written confirmation from the school or the party providing vocational training shall be available stating that the prisoner may begin and pursue the studies, traineeship or vocational education during the period when it is intended that the leave will apply. It shall also be established that these parties are aware that the person concerned is a prisoner serving a sentence, and the rules and conditions applying to the leave shall be explained to them.

Article 63

Work outside prison.

The Prison and Probation Administration may grant prisoners who are serving sentences leave to spend time outside prison in order to work for up to 12 months at the end of their service if this is considered beneficial as an element in the service of their sentences or in order to prepare them for when they complete their sentences. Prison directors shall, in consultation with the Prison and Probation Administration, decide on the form that security precautions regarding the prisoner are to take during the leave period. Such leave shall not be granted until the prisoner has served a total of five continuous years in prison.

Before leave to spend time outside the prison under the first paragraph is granted, a verified timetable and written confirmation from the employer shall be available stating that the prisoner may begin work during the period when it is intended that the leave will apply. It shall also be established that the employer is aware that the person concerned is a prisoner serving a sentence, and the rules and conditions applying to the leave shall be explained to them.

Article 64

Decision on study, traineeship, vocational training and work outside the prison.

When evaluating whether permission shall be granted for a prisoner to engage in study, traineeship, vocational training or work outside the prison, his crime and criminal and service record shall be taken into account. Consideration shall also be given to his conduct while in prison and whether he has availed himself of the remedial treatment available in the prison. In other respects, the conditions for awarding day leave according to this Act shall be kept in mind.

Article 65

Conditions applying during leave.

The following conditions apply to leave to spend time outside prison:

1. The prisoner may not consume, or have in his possession, alcohol, addictive or narcotic drugs or other drugs which are not intended for him.
2. The prisoner may not leave Iceland during the leave period.
3. The prisoner may not do anything or go anywhere during the leave period that is not compatible with the purpose for which leave was granted.

In addition to the conditions in the first paragraph, the following conditions may be set regarding leave to spend time outside the prison:

1. That the prisoner is to give a breath sample on returning to the prison, or blood and urine samples before and after the leave period.
2. That the prisoner is to submit to a body search on returning to the prison.
3. That the prisoner may not visit certain locations or contact certain persons during the leave period, if this restriction is desirable from the point of view of consideration towards the victim of the prisoner's offence or the victim's immediate family, or the nature or seriousness of the offence.
4. That the prisoner report to the police or the prison administration authorities.
5. That nominated personnel shall collect the prisoner and drive him back to the prison.
6. That the person carries equipment to enable the Prison and Probation Administration or another party selected by them to monitor his movements in accordance with the instructions given to him by the Prison and Probation Administration.

In addition, the following conditions may be set regarding leave to spend time outside the prison:

The time when the prisoner is permitted to leave the prison and the time by which he must return to the prison shall be stated. If an accident, illness or other comparable circumstances make it impossible for the prisoner to return from leave by the specified time, he shall notify the prison as soon as possible.

Before permission is granted, the prisoner's consent shall be sought whether he accepts the conditions of the leave.

Article 66

Applications for leave.

Prisoners who wish to receive leave to spend time outside prison shall apply in writing to the prison director.

When a prisoner is granted leave to spend time outside the prison, he shall be given a certificate stating the conditions for the leave.

Prisoners may not be granted leave to spend time outside prison unless they sign a written declaration stating that they are prepared to abide by the rules and conditions applying to the leave.

Article 67

Costs.

Prisoners themselves shall bear the cost of a leave to spend time outside prison. However, they shall not bear the cost of having prison warders accompany them.

A prisoner engaged in work outside the prison according to Article 63 shall not receive a *per diem* allowance for the days he works outside the prison.

Article 68

Revocation of leave; breach of conditions.

Leave to spend time outside prison may be revoked in view of the prisoner's conduct or other circumstances which are revealed after it is decided to grant leave and before it takes effect, and which would have prevented the granting of leave if they had been known earlier. The same applies if there is reason to believe that the prisoner intends to abuse his leave.

If the prisoner violates the conditions set for leave to spend time outside prison, or breaks the rules applying to the leave, then the party granting the leave may cancel it. Such violations of the conditions for leave or the rules applying to it may result in disciplinary measures as provided for in Chapter VI.

CHAPTER VI

Searches, body searches and physical examinations.

Article 69

Searches of prison cells.

Prison directors may decide to search prison cells if there is a suspicion that items or substances are to be found there which:

- a. it is punishable to have in his possession,
- b. are the products of criminal activity,
- c. have been smuggled into the prison, or
- d. prisoners are forbidden to have in their possession or in their cells under the rules of the prison.

Prisoners' cells may also be searched in the course of general inspections, and may be examined even though the conditions of the first paragraph of this Article are not met.

The prisoner shall normally be present during a search of his cell. However, exemptions from this condition may be made as determined by the director of the prison. Reports shall be made on searches and any items or substances that are found and which prisoners are not permitted to have in their cells.

The prisoner shall be informed of the reason for the search of his cell before the search is carried out, unless there are special reasons not to do this. The decision to search a prisoner's cell shall be recorded in writing, with the reasons stated.

Article 70

Searches of prisoners.

Prisoners and their clothes may be searched on arrival in prison, following visits and in the course of general inspections in order to prevent their being in possession of items or substances referred to in the first paragraph of Article 69.

Body searches of prisoners shall be carried out by prison employees of the same sex as the prisoner.

Article 71

Physical examinations.

The prison director may decide to have a physical examination made of a prisoner if there is a suspicion that he has concealed within his body items or substances mentioned in the first paragraph of Article 69. Blood or urine samples may also be taken from prisoners if there is a suspicion that they have consumed alcohol or addictive or narcotic drugs, either on their arrival in prison or in the course of general inspections.

A physician or nurse shall carry out physical examinations and the taking of blood samples.

When a physical examination is carried out, a report shall be written stating the reasons and the way it was carried out.

The decision to perform a body search of a prisoner shall be recorded in writing, with the reasons stated.

Article 72

Complaints against administrative measures.

The lodging of a complaint against administrative measures shall not result in the deferment of measures under this Chapter.

CHAPTER VII

Breaches of discipline, disciplinary measures, etc.

Article 73

Breaches of discipline.

Prison directors may apply disciplinary measures to prisoners in response to violations of this Act and the rules issued hereunder stating prisoners' obligations, providing that it is stated that violation will result in the imposition of disciplinary measures.

Article 74

Disciplinary measures.

Disciplinary measures that may be taken are as follows:

1. Written reprimands.
2. Deprivation of half of payment for work or pursuing studies for a certain period of time.
3. Deprivation of additional equipment for which special permission is required and a reduction of visits, telephone calls and correspondence.
4. Transfer from an open prison door closed prison.
5. Limitations on outside activities and sport facilities over a certain time.
6. Solitary confinement for up to 15 days.

Solitary confinement may only be imposed as a disciplinary measure for the following offences or attempts at committing them:

1. Escaping.
2. Smuggling items into the prison, the possession or consumption of alcohol, illegal drugs or addictive drugs and the possession of weapons or other dangerous items.
3. Violence or threatening to use violence against other prisoners or prison staff.
4. Gross acts of vandalism.
5. Other gross offences, or repeated minor offences.

If the breach is minor and the prisoner has not previously committed a breach of discipline, he may only be given a written reprimand.

More than one type of disciplinary measure may be applied at the same time.

Before a decision is taken on the application of disciplinary measures, the facts of the case shall be investigated and the prisoner shall be given an opportunity of acquainting himself with the materials and evidence available and expressing his position on them.

Decisions on disciplinary measures shall be based on reasons, and shall be recorded in writing and announced to the prisoner in the presence of a witness.

Article 75

Separation of prisoners.

Prisoners may be held separately from other prisoners when this is necessary:

1. For security reasons,
2. Due to an imminent threat to their life or health,
3. Due to a danger that the prisoner will cause serious damage to prison property,
4. To prevent an escape,
5. To prevent the prisoner from encouraging others to break the rules of the prison,
6. To prevent the prisoner from taking steps to have himself or other prisoners supplied with alcohol, other intoxicants or drugs,
7. To prevent the prisoner from intimidating other prisoners.

Prisoners shall not be held separately for longer than is necessary, and at no time for more than 24 hours.

Decisions on temporary separation of prisoners shall be recorded in writing, with the reasons stated. No appeal may be lodged against such decisions.

Article 76

Detention in a security cell.

A prisoner may be detained in a security cell if this is necessary in order to prevent violence, contain violent resistance on his part or prevent him from injuring himself or others.

When a prisoner is detained in a security cell, a belt and foot and arm straps may be used.

The prison director shall take decisions on detaining prisoners in security cells. At no time

may detention in security cells and other measures taken in connection with such detention last longer than is compatible with the aim of such detention or other measures.

A decision to detain a prisoner in a security cell shall be recorded in writing, with the reasons stated. Also, where circumstances permit, the decision shall be announced to the prisoner in the presence of a witness.

Article 77

Medical examinations.

When solitary confinement under Article 74 or separate confinement under Article 75 is applied, or when a prisoner is placed in a security cell under Article 76, a physician shall be summoned to examine the prisoner. If possible, prisoners held in solitary confinement or in security cells shall be examined by a physician every day.

Article 78

Appeal procedure.

Appeals against decisions on disciplinary measures under Article 74 and detention in security cells under Article 76 may be lodged with the Ministry of Justice; the prisoner shall be informed of this at the same time as the decision is announced to him. When an appeal is lodged against a decision, the materials in the case shall be sent to the Ministry.

The Ministry shall take a decision within four working days of the receipt of the appeal; otherwise the decision in question shall become invalid. The start date of the deferment shall be the first working day after the day on which the appeal is received by the Ministry. However, the decision period of the Ministry is not valid if an appeal against a disciplinary measure is received by the Ministry after the validity period of the disciplinary measure is over or if the disciplinary measure is in the form of a reprimand. However, the Ministry shall always attempt to give a ruling as soon as possible.

Article 79

Seizure and confiscation.

Prison directors may take a decision to seize and, as appropriate, confiscate, items or substances which may not be brought into, kept in or made in the prison. The same shall apply to items or money which it is attempted to smuggle to prisoners. However, the property of unsuspecting third parties may not be confiscated. Prison directors may take a decision on the confiscation of items or money found inside the prison if the identity of the owner is not known.

CHAPTER VIII

Conditional release.

Article 80

Terms of conditional release

When a prisoner has served one third of his sentence, the Prison and Probation Authority may decide that he is to be given a conditional release. Prisoners who are not serving sentences for serious offences, or offences that are major in other respects, such as manslaughter, crimes of violence or sexual offences, deprivation of liberty, arson or other violations against public safety as well as robbery, may be granted conditional release when half of their sentence is complete.

A prisoner may be granted conditional release when half his sentence is complete even though he is serving a sentence for a serious offence, or an offence that is major in other respects, if very special personal reasons favour such a course of action and the prisoner's

manner and conduct during his imprisonment have been excellent. The same shall apply if the Directorate of Immigration has decided that the prisoner is to be expelled from the country after completing his sentence. If the prisoner has served a prison sentence on two or more occasions, he may not be granted conditional release under this paragraph unless there are special reasons in favour of this. A prisoner may be granted conditional release when one third of his sentence time has passed if he was 21 years of age or younger when he committed the crime for which he is serving a sentence and he has been on good behaviour and received suitable treatment when serving his sentence and has addressed his drug problem if it has been present.

A prisoner who has a case under treatment by the police, the prosecution authorities or the courts for a criminal offence shall not be granted conditional release provided that the case is being conducted normally and is not subject to delay caused by the prisoner.

A prisoner who is regarded as an habitual offender, or who has repeatedly been granted conditional release and has violated the conditions for it, shall not be granted conditional release again unless there are special reasons in favour of doing so. The same shall apply if conditional release is considered inadvisable in terms of the prisoner's personal circumstances or with regard to the public interest, e.g. when the prisoner has exhibited grossly reprehensible conduct during the service of his sentence or is considered dangerous to others, in the opinion of experts. If a prisoner is refused conditional release under this paragraph, then he shall be informed of the conditions he would have to meet for it to be possible to review the decision.

A condition for conditional release is that the prisoner declare that he is prepared to abide by the conditions set for a conditional release. When a prisoner is granted conditional release, he is to be given a certificate stating the conditions for the release and the consequences of violating them.

If part of the prison sentence is non-conditional and part of it is conditional, conditional release may not be granted. The same applies if the prisoner is serving a prison sentence *in lieu* of paying a fine.

If a sentenced person has not begun serving his sentence, he may be granted a conditional release from that sentence if he has previously served a prison sentence of at least the same length and the sentence applies exclusively to offences committed prior to the completed period of service and he has not been sentenced for offences committed after the completed period of sentence. The same shall apply if the sentenced person has already begun serving his sentence.

Article 81

Conditions during conditional release.

Conditional release shall last for up to three years. If more than three years of a prison sentence remain to be served, conditional release may be set at anything up to five years.

A term for conditional release shall be that the person concerned does not commit a new offence during the conditional release period. Furthermore, it may be decided that the following terms shall apply, either to the entire conditional release period or to a part of it:

1. That the person will be under supervision and monitoring by the Prison and Probation Administration, or another party appointed by it.
2. That the party does not consume alcohol or addictive or narcotic drugs.
3. That the person complies with instructions given by the supervisory authority regarding place of residence, training or educational programmes, employment, contact with other persons and leisure-time activities.

4. That the person undergoes special treatment, either in or outside an institution. However, placement in such an institution may not last longer than the sentence period.
5. That the person carries equipment that enables the Prison and Probation Administration or another party selected by them to monitor his movements in accordance with the instructions given to him by the Prison and Probation Administration.

The Prison and Probation Administration shall take decisions on the arrangements provided for in the first and second paragraphs of this Article, and may waive conditions, partially or in their entirety, in the light of changed circumstances.

If a person is subject to the condition of item 2 of the second paragraph he may be required to submit to tests of breath, blood or urine samples. A refusal on the part of the person to undergo such a test shall constitute a violation of the conditions for electronic surveillance.

Article 82

Violation of conditions.

If a person who has been granted conditional release commits a new offence and a police investigation directed against him as a suspect is launched before the end of the conditional period, then the court dealing with the case shall impose punishment for that offence, also including the part of the sentence remaining to be served in accordance with Article 60 of the Criminal Code, so that remainder of the term of imprisonment imposed by the older judgement shall be observed in the same way as a suspended sentence.

At the demand of the prosecution, however, the court may rule that a person who has been granted conditional release is to serve the remainder of his sentence if he grossly violates the general conditions for conditional release during the probation period, providing there is a strong suspicion that he has committed a new offence which is subject to six years' imprisonment, or that his offence violates the first paragraph of Article 218 of the Criminal Code. When dealing with such a demand, the judge shall appoint a defence counsel for the person if he so requests and handle the matter in accordance with Chapter XV of the Act on Criminal Procedure, as appropriate. An appeal may be lodged with the Supreme Court against a ruling by a judge under the first sentence of this paragraph; such appeals shall be treated in accordance with the rules of Chapter XXX of the Act on Criminal Procedure, as appropriate. The lodging of an appeal shall not defer the implementation of the ruling. Following the issue of an indictment, the judge shall disqualify himself from the case if he has previously delivered a ruling concerning the person indicted in the case in accordance with the first sentence of this paragraph.

If the person violates the terms of conditional release in some other manner, the Prison and Probation Administration may decide to change the terms and lengthen the conditional and/or supervision period to the maximum provided for in law, or that the person is to serve the remainder of his sentence.

If a decision is not taken to the effect that a person is to serve the balance of his sentence in accordance with the first three paragraphs of this Article, then he shall be regarded as having completed the service of his sentence at the time when he was granted release on probation.

If it is decided that the person is to serve the remaining balance of his prison sentence in accordance with the second and third paragraphs, he may be granted conditional release again, even though the terms of the first and second paragraphs of Article 81 are not met. In this case, the provisions of Article 81 shall apply regarding the conditional release period, but in that case, the time of conditional release that the person has previously been granted shall be

deduced.

If a person who has served part of prison sentence is granted a conditional pardon, then he may be required to observe the provisions of the first four paragraphs of Article 81. Violations of the terms of conditional pardon shall be subject to the first paragraph.

CHAPTER IX

Suspended sentences, pardon etc.

Article 83

Supervision.

When it is instructed that supervision is to be maintained of persons whose prosecution proceedings have been deferred, who have been given suspended sentences or who have been pardoned, the Prison and Probation Administration shall exercise supervision or entrust it to another party.

When the condition has been imposed that a person be confined in a treatment centre according to the provisions of the Criminal Code, the Prison and Probation Administration may lift this condition, partially or entirely; this may be done, for example, in response to the recommendation of the director of the centre.

Article 84

Giving information.

The Prison and Probation Administration shall explain to the person under supervision what this entails. The person under supervision shall give the Prison and Probation Administration information regarding his personal circumstances, and shall be obliged to comply with the instructions and requirements laid down by the Prison and Probation Administration.

Article 85

Special conditions.

Where a person has been subjected to the condition that he may not consume alcohol or addictive or narcotic drugs, the Prison and Probation Administration may demand that he undergo a breath or blood and urine test if there are grounds for suspecting that he has violated this condition.

Article 86

Violation of conditions.

If the Prison and Probation Administration considers that a person under supervision has violated the conditions he was required to observe under the terms of a judgement or the deferment of prosecution, it shall inform the police and the prosecution authorities. Supervision by the Prison and Probation Administration to ensure observation by a sentenced person of special conditions under the terms of a judgement or the deferment of prosecution shall end when the police investigation of his alleged violation of the conditions begins. If the police drop the investigation, then supervision by the Prison and Probation Administration under this Article shall recommence.

CHAPTER X

Execution of fines, collection of legal costs and confiscation.

Article 87

Collection of fines.

Commissioners of police shall collect fines determined by the courts or executive authorities, unless other arrangements are stated in the announcement of the fine. Nevertheless, the Minister may decide that the collection of fines and legal costs is to be handled by one commissioner of police or another party on a nationwide basis.

Permission may be granted to pay fines and legal costs in instalments. However, deferment of payment by more than one year from the time that a fine becomes due for collection may not be granted. Longer periods may be granted if special circumstances apply.

If a fine has neither been paid by the due date, nor an agreement made about its payment, the fine shall be collected without delay, according to Chapter XI.

Except by special provision in law, payment of a fine from an accused person's estate at death, or the collection of a fine from anyone other than the accused person is not permitted. However, a collateral which has been given for a claim of a fine may be collected with the seizure of property, even though the collateralised property in question has undergone change of ownership in the meantime.

An accused person who has been fined may not demand the reimbursement of the fine, or compensation to cover the payment of the fine, from other parties.

Article 88

Surrogate punishment.

If the collection agent considers that measures to collect a fine are pointless, or have been exhausted, he shall decide on the imposition of a surrogate punishment. After consultation with the Prison and Probation Administration, a notice shall be sent to the person on whom the fine was imposed, informing him of the surrogate punishment that was conditional at the notification of the charge according to Article 156 of Act no. 88/2008 on Criminal Procedure and with at least four weeks' notice. If the fined person does not present himself at the appointed time to serve the sentence, the Prison and Probation Administration shall entrust the police with arresting him and conveying him to prison.

If a fine has been paid in part, the collection agent shall determine a corresponding shortening of the period to be served in prison but still in such a way that the prison period shall not be shorter than two days, and a fine corresponding to a fraction of a day in prison shall be replaced by serving a whole day in prison.

If the person on whom the fine was imposed is serving a surrogate sentence according to more than one judgment, penalty provision, a signed fine summons or a police commissioner's fine, the completion thereof shall then commence at the beginning of the service time.

Article 89

Imposition of surrogate punishment in the form of community service.

If it proves impossible to collect a fine of ISK 100,000 or more and a commissioner of police decides that the person involved is to serve a surrogate punishment, then, if this is not opposed to the public interest, the surrogate punishment may be imposed in the form of unpaid community service of at least 40 hours but 480 hours as a maximum.

The provisions of the third paragraph of Article 38 shall apply concerning the duration of surrogate punishment imposed in the form of community service.

If an applicant has received five or more fines for comparable offences, he shall not normally be allowed to do community service.

The execution of surrogate punishment with community service begins when he sentenced person agrees to the terms of the community service.

Article 90

Applications for community service.

The provisions of Chapter II on community service shall apply when surrogate punishment under this Chapter is imposed in the form of community service, with the exception that instead of the requirement that applications to do community service be sent to the Prison and Probation Administration, the person on whom the fine is imposed shall send such an application in writing to the commissioner of police not later than seven days after receiving the announcement regarding the way in which it is intended that he serve the surrogate punishment

When a commissioner of police receives an application for the service of surrogate punishment in the form of community service, he shall forward it to the Prison and Probation Administration, together with the documents in the case, and his comments, for a decision.

Article 91

Collection of legal costs.

Collection of legal costs is subject to the first to third paragraphs of Article 87.

Waiving of legal costs is subject to the second paragraph of Article 221 of the Act no Criminal Procedure no.88/2008.

Article 92

Confiscation of property.

Commissioners of police shall carry out the confiscation of property.

When confiscated property is in the keeping of the police, the commissioner of police shall dispose of it if it can be expected that it will be worth more than the cost involved in selling it. The provision of law on forced sale may be applied to gain some value from confiscated items at the request of the commissioner of police. Otherwise, confiscated property is to be destroyed.

CHAPTER XI

Collection measures.

Article 93

Collection, enforcement etc.

An unpaid fine or legal cost may be collected as well as the remainder of such claims with enforcement by law according to the Act on Enforcement.

As well as gaining access to the registries of property, ships and motor vehicles due to an examination of assets, the collecting agent may investigate assets which are kept in banks, savings banks and other financial institutions, including deposits. Professional confidentiality does not limit access to information according to this provision and a financial undertaking is obliged to inform a collecting agent free of charge about the asset position of its customers at the institution on the basis of a request thereon.

Article 94

Evasion of assets

If a convicted person has disposed of his financial assets in the last six months prior to the offence date or from the offence date until the investigation commences, or engaged in business transactions which deviate considerably from what is held to be common practice

and this financial position may be considered worse due to this, the collection agent may enforce access to valuables which would be in the possession of the convicted person if these actions had not been carried out.

If it is clear that a convicted person retains sufficient assets to cover the payment of his obligations the permission according to the first paragraph shall not be resorted to against him or his contracting parties.

CHAPTER XII **Procedure and appeals.**

Article 95

Appeal channels and access to materials.

An appeal against decisions according to this Act may be lodged with the Ministry, unless otherwise specified.

Prisoners shall not have the right of access to case materials containing information about other prisoners or matters concerning the security of the prison in question.

Materials and information may be withheld from the prisoner if this is considered necessary for the security of the prison, the victim of the offence, witnesses or others connected with the prisoner's case, other prisoners, the investigation of a criminal case or other special reasons.

CHAPTER XIII **Miscellaneous provisions.**

Article 96

Remand prisoners.

The provisions of Chapters VI and VII shall also apply to remand prisoners.

As appropriate, the provisions of Chapters III, IV and V may also apply to remand prisoners, providing that other arrangements are not provided for under the restrictions to which remand prisoners are subject under the Code of Criminal Procedure. However, remand prisoners are not obliged to work in prison.

Article 97

Processing of personal data.

The processing of personal data concerning prisoners at the Prison and Probation Administration and in the prisons, including data that may be regarded as sensitive, shall be permitted to the extent that such processing is considered necessary for the operations of the institution concerned. The handling of personal data under this Article shall be subject to the Act on the Protection of Privacy as regards the Processing of Personal Data. The Prison and Probation Administration may also keep records on judgments where the sentenced person is considered unfit for trial.

Article 98

Regulation permissions

The Minister of Justice shall issue regulations on the more detailed implementation of this Act, including rules on the Prison and Probation Administration and its role, e.g. as regards the processing of personal data at the administration and in the prisons. Provisions may be

made in the regulations on the work and studies of prisoners, the payment and amount of wages paid for work and studying, leave to spend time outside prison and interviews in the media with prisoners and prisoners' spokespersons, the prison warders' school, background checks and their security level.

In addition, the Minister may make further provisions in regulations on other matters concerning the implementation of the provisions on prisoners' rights and obligations, facilities for isolation and its application, disciplinary measures, the seizure and confiscation of items and the granting of release on probation, including how the conditions for release on probation are to be applied.

The Prison and Probation Administration shall issue prison rules and rules on serving sentences outside prisons.

The rules governing the security of prisons and prison warders may not be made public.

Article 99

Penalty provisions.

Any person who smuggles, or attempts to smuggle addictive and narcotic substances, prescription drugs, alcohol, weapons or dangerous substances, computer equipment, telephone equipment, other communication and multimedia equipment, tools or other substances which are prohibited to have in prison shall be subject to fines or up to six months' imprisonment. Gross or repeated violations shall be subject to up to two years' imprisonment. Gross violations include violations in connection with organised criminal activities or if they would have seriously endangered the safety of the staff or prison.

Attempts at violations or complicity therein according to the first paragraph are subject to punishment according to Chapter III of the General Criminal Code.

Article 100

Entry into force.

This Act becomes enters into force forthwith. At the same time, the Prison and Imprisonment Act, 49/2005, with later amendments becomes ineffective.

Article 101

Amendments in other laws.

The following amendment to the Act on Criminal Procedure no. 88/2008 shall become effective when this Act enters into force. The second paragraph of Article 151 of the Act shall read as follows:

The execution of a fine determined by the police according to the first paragraph of Article 148 and s decision according to the first paragraph of Article 149 shall be in accordance with the Act on the Execution of Sentences.

Ad interim provisions.

I.

The provision in item 2 of the first paragraph of Article 7 on the university education of prison directors becomes effective when a new director is appointed to the position of a director of a prison.

II.

The Minister shall form a work group to review the arrangement of electronic surveillance in the execution of sentences. The work group shall analyse what effects it may have on the performance of the execution of sentences according to the laws in force that a prisoner gets

the opportunity to be under electronic surveillance instead of serving his sentence in prison, if he is sentenced to prison for a short period, with regard to the deterrent effect of punishment, reform and lower return rate. The work group shall submit a report on the subject along with a draft proposal of a bill of law no later than 1 June 2016.

III.

The Minister shall form a work group to review the measures of the authorities for the collection of fines and legal costs with the aim of increasing the collection ratio. The work group shall submit a report on the subject along with a draft proposal of a bill of law no later than 1 October 2016.

Passed by Althing on 16 March 2016.