

Hungary

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

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

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

SUSPENSION AND PARTIAL SUSPENSION OF THE EXECUTION OF IMPRISONMENT - SUSPENDED SENTENCE	
Name of the judgement or the probation decision	A szabadságvesztés végrehajtásának felfüggesztése illetve részbeni felfüggesztése (Suspension and partial suspension of the execution of imprisonment - suspended sentence)
Classification of this judgement or the probation decision	Suspended sentence
Legal basis of this judgement or the probation decision	Articles 89-91/B of the Criminal Code (Act IV of 1978) (hereinafter as CC)
Definition of this judgement or the probation decision	<p>Section 89 CC on suspension provides as follows:</p> <p>(1) The carrying out of a term of imprisonment of two years or less may be suspended on probation, if there is reason to believe - particularly in view of the personal circumstances of the offender - that the aim of the punishment may also be achieved this way.</p> <p>(2) Unless otherwise provided for in this Act, the period of probation shall be between one to five years, however, it may not be less than the term of imprisonment imposed. The period of probation shall be determined in years and months.</p> <p>Section 90 (1) and (2) CC on partial suspension says:</p> <p>(1) The carrying out of a term of imprisonment between two to five years may be suspended on probation for half the term, if there is reason to believe - particularly in view of the personal circumstances of the offender - that the aim of the punishment may also be achieved without carrying out the full term.</p> <p>(2) The period of probation shall be between two to five years, however, it may not be less than the term of the suspended part of the imprisonment.</p>

	<p>The probation period shall be determined in years and months. The period of probation shall start after the enforceable part of the sentence has been served.</p>
<p>Legal Conditions of this judgement or the probation decision</p>	<p>Please see the above-mentioned answer.</p> <p>It also has to be noted that according to Section 91 (1) of the CC:</p> <p>Carrying out a sentence of imprisonment may not be suspended if the offender:</p> <ol style="list-style-type: none"> a) has reoffended by committing violent crimes, b) has committed the crime in criminal organization, c) has committed the crime intentionally within the term of imprisonment or during the period of probation of its suspension. <p>As a general rule, these provisions on suspension and partial suspension may concern every kind of offences (provided that the legal conditions exist), and the consent of the sentenced person is not needed for taking the decision on suspension.</p>
<p>Type of probation measures</p>	<p>Section 91 (6) of the CC provides, that simultaneously with the suspension of carrying out a sentence of imprisonment the offender may be placed under the supervision of a probation officer. If the offender is a recidivist, he must be placed under the supervision of a probation officer.</p> <p>It is the court that makes the decision on the supervision of a probation officer. The decision of the court may include specific rules of conduct to prescribe obligations and prohibitions with a view to the objectives of the probation.</p> <p>According to Section 82 (5) of the CC, the court may order that the person under supervision of a probation officer:</p> <ol style="list-style-type: none"> a) must not maintain any contact with a specific person who took part in the commission of a crime; b) must stay away from the victim of the crime, or from his/her residence, place of work or the educational institution he/she may attend; c) must refrain from visiting certain specific public places, public events, as well as certain specific public areas; d) must refrain from consuming alcoholic beverages in public places; e) must report at a specific place and at specific intervals, to a specific organisation or person; f) must contact the state employment agency, or report at the local government for public work; g) must pursue specific studies; h) must receive - subject to his/her consent - medical treatment or a therapeutic procedure. <p>However, apart from these rules of conduct, the court may prescribe additional ones, with particular regard to the nature of the crime, the extent of damage and the social rehabilitation of the offender [Section 82 (6) of the CC].</p>
<p>Combination of sanctions or measures</p>	<p>In Hungary, there are two types of criminal sanctions: punishments and criminal measures.</p> <p>The punishments - according to Section 38 of the CC - are the followings:</p> <ul style="list-style-type: none"> - imprisonment; - community service work; - financial penalty; - prohibition from exercising a profession; - driving prohibition; - expulsion.

	<p>There are two punishments which can be imposed according to the Hungarian CC. These punishments are deprivation of certain civil rights and banishment.</p> <p>The criminal measures are the followings (Section 70):</p> <ul style="list-style-type: none"> - reprimand, - probation, - involuntary treatment in a mental institution, - confiscation, - supervision of a probation officer, - sanctions in connection with the criminal liability of legal persons. <p>The Hungarian Criminal Code provides a wide range of possibilities to combine the punishments with each other. As a main rule, the punishments may be imposed simultaneously. However, it is not possible to be imposed simultaneously:</p> <ol style="list-style-type: none"> a) imprisonment with community service work, b) expulsion with community service work or financial penalty. <p>Deprivation of certain civil rights and banishment may be imposed in addition to a sentence of imprisonment.</p> <p>As for the criminal measures, confiscation and supervision of a probation officer may be applied in addition to a sentence of imprisonment.</p>
<p>Authority responsible for taking such a decision</p>	<p>The court, that has delivered the judgment, makes a decision on the suspension and partial suspension, provided that the conditions of suspension exist.</p>
<p>Authority responsible for supervising</p>	<p>Section 82 (1) CC: A person may be placed under the supervision of a probation officer for the duration of suspension of imprisonment, if it is deemed necessary to follow the offender with attention regularly in order that the duration of suspension passes successfully.</p> <p>It is the Probation Service that is responsible for the supervision of the probation measures during the time of the suspension. In Hungary, the Probation Service operates within the Central Office of Justice.</p> <p>According to Decree No. 17/2003 (VI. 24.) on Probation Service, section 20 and 24 :</p> <p>The probation officer shall exercise probation supervision on the basis of the court decision in case of suspended sentence.</p> <p>Probation supervision shall be carried out by the probation officer of the county office having competence for the place where the person under supervision resides.</p> <p>If the person under supervision stays permanently out of his residence, and also if the person under supervision is ordered by the public prosecutor or the court to stay at a place other than his residence, then probation supervision shall be carried out by the probation officer of the county office having competence for the place where such location is situated.</p> <p>Section 24. (1) In the course of carrying out the probation supervision, the probation officer and the police shall co-operate exchanging information.</p> <p>Tasks of the Probation Service:</p> <ul style="list-style-type: none"> - preparation of pre-sentence reports and social inquiry reports - supervision of probation measures - supervision of the performing of community service - carrying out mediator tasks in victim-offender mediation - carrying out after-care.
<p>Authority</p>	<p>The court.</p>

responsible in case of infringement	<p>According to Section 91/A of the CC, a suspended term of imprisonment shall be carried out if :</p> <ul style="list-style-type: none"> - the offender is sentenced to executable imprisonment for a crime committed during the enforceable period of the term of imprisonment, - the offender is sentenced to executable imprisonment for a crime committed during the period of probation, - the offender gravely breaches the rules of conduct of the supervision of a probation officer.
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CONDITIONAL SENTENCE	
Name of the judgement or the probation decision	Próbára bocsátás (conditional sentence)
Classification of this judgement or the probation decision	conditional sentence
Legal basis of this judgement or the probation decision	Sections 72-73 of the Criminal Code
Definition of this judgement or the probation decision	<p>According to the definition of the CC: The court may postpone imposing a punishment for a misdemeanour or for a felony punishable by imprisonment of up to three years if there is substantial reason to believe that that the aim of the punishment may also be achieved this way.</p>
Legal Conditions of this judgement or the probation decision	<p>According to further provisions concerning conditional sentence, Section 72 (4)-(5) :</p> <p>The following may not be sentenced to a term of probation:</p> <ul style="list-style-type: none"> a) repeat offender; b) any person who has committed the crime in a criminal organization; c) any person who has committed the crime intentionally after he has been sentenced for imprisonment but before the imprisonment has been served; d) any person who has committed the crime intentionally while on probation as a result of suspension of imprisonment. <p>The term of probation may be between one year to three years; the duration shall be determined in years.</p> <p>As a general rule, these provisions on conditional sentence may concern every kind of offences (provided that the legal conditions exist), and the consent of the person concerned is not needed for taking the decision on conditional sentence.</p>

<p>Type of probation measures</p>	<p>Section 72 (6) CC provides that the person on probation may be put under the supervision of a probation officer. If the person on probation is a recidivist, he must be placed under the supervision of a probation officer.</p> <p>It is the court that makes the decision on supervision of a probation officer. The decision of the court may include specific rules of conduct to prescribe obligations and prohibitions with a view to the objectives of the probation.</p> <p>For Section 82 (5) CC, please see that is written concerning suspended sentence.</p>
<p>Combination of sanctions or measures</p>	<p>According to the Hungarian law, conditional sentence (probation) is a criminal measure. Confiscation and supervision of a probation officer (as mentioned above) may be applied in addition to a conditional sentence.</p>
<p>Authority responsible for taking such a decision</p>	<p>It is the court that has conducted the criminal proceeding.</p>
<p>Authority responsible for supervising</p>	<p>Section 82 (1) CC: A person may be placed under the supervision of a probation officer for the duration of probation, if it is deemed necessary to follow the offender with attention regularly in order that the duration of probation passes successfully.</p> <p>It is the Probation Service that is responsible for the supervision of the probation measures during the time of probation. In Hungary, the Probation Service operates within the Central Office of Justice.</p> <p>According to Decree No. 17/2003 (VI. 24.) on Probation Service, section 20 and 24 :</p> <p>The probation officer shall exercise probation supervision on the basis of the court decision in case of conditional sentence.</p> <p>Probation supervision shall be carried out by the probation officer of the county office having competence for the place where the person under supervision resides.</p> <p>If the person under supervision stays permanently out of his residence, and also if the person under supervision is ordered by the public prosecutor or the court to stay at a place other than his residence, then probation supervision shall be carried out by the probation officer of the county office having competence for the place where such location is situated.</p> <p>In the course of carrying out the probation supervision, the probation officer and the police shall co-operate exchanging information.</p> <p>Tasks of the Probation Service:</p> <ul style="list-style-type: none"> - preparation of pre-sentence reports and social inquiry reports - supervision of probation measures - supervision of the performing of community service - carrying out mediator tasks in victim-offender mediation - carrying out after-care.
<p>Authority responsible in case of infringement</p>	<p>The court.</p> <p>According to Section 73 (1)-(2):</p> <p>The probation period may be extended once, by not more than one year, if the person on probation breaches the rules of conduct of the supervision of a probation officer.</p> <p>The probation shall be terminated and punishment shall be imposed if the person on probation gravely breaches the rules of conduct of the supervision of a probation officer or if he is sentenced under the term of probation for a</p>

crime committed while on probation or before the probation period.

CONDITIONAL RELEASE	
Name of the judgement or the probation decision	Feltételes szabadságra bocsátás (conditional release)
Classification of this judgement or the probation decision	Conditional release
Legal basis of this judgement or the probation decision	Articles 47-48/A of the Criminal Code
Definition of this judgement or the probation decision	<p>Section 47 (1)-(2) provides:</p> <p>The court may release the convicted person serving a definitive term of imprisonment on parole, if there is substantial reason to believe - in view of the person's good conduct displayed when serving a term of imprisonment and of his willingness to lead the life of a law abiding citizen - that the aim of the punishment may also be achieved without further imprisonment.</p> <p>A convicted person may be released on parole after serving:</p> <ul style="list-style-type: none">- at least four-fifths of his sentence in a penitentiary,- at least three-fourths of his sentence in a prison,- at least two-thirds of his sentence in a minimum security prison.
Legal Conditions of this judgement or the probation decision	<p>Please see the previous answer.</p> <p>Section 47/A. In case a sentence of life imprisonment is imposed, the court shall determine in the judgment the earliest date of releasing on parole, or shall exclude its possibility. If the court has not excluded the possibility of parole, the earliest date of release on parole shall be after serving a term of twenty years, or at least a term of thirty years, if the life imprisonment was imposed for a crime that cannot be statute-barred.</p> <p>Section 48 (1) The duration of parole shall be equal as the remaining part of the term of imprisonment, but not less than one year; in case of life imprisonment, not less than fifteen years.</p>
Type of probation measures	<p>Section 48 (3) For the duration of parole, but at least for one year, the convicted person may be placed under the supervision of a probation officer. If the person released on parole is a recidivist, he shall be under supervision of a probation officer.</p>

	<p>It is the court that makes the decision on supervision of a probation officer. The decision of the court may include specific rules of conduct to prescribe obligations and prohibitions with a view to the objectives of the probation.</p> <p>For Section 82 (5) CC, please see that is written concerning suspended sentence.</p>
Combination of sanctions or measures	Please see that is written concerning suspended sentence.
Authority responsible for taking such a decision	According to the Act of execution of punishments and criminal measures (Act 11 of 1979), it is the corrections judge who makes the decision on releasing on parole after the presentation of the penal institution and after the hearing of the convicted person, but before the possible date of the parole (Section 8).
Authority responsible for supervising	<p>Section 82 (1) CC: A person may be placed under the supervision of a probation officer: for the duration of parole, if it is deemed necessary to follow the offender with attention regularly in order that the duration of parole passes successfully.</p> <p>It is the Probation Service that is responsible for the supervision of the probation measures during the time of parole. In Hungary, the Probation Service operates within the Central Office of Justice.</p> <p>According to Decree No. 17/2003 (VI. 24.) on Probation Service: Section 20 (1) The probation officer shall exercise probation supervision on the basis of the decision of the corrections judge in case of conditional release. (4) Probation supervision shall be carried out by the probation officer of the county office having competence for the place where the person under supervision resides. (5) If the person under supervision stays permanently out of his residence, and also if the person under supervision is ordered by the public prosecutor or the court to stay at a place other than his residence, then probation supervision shall be carried out by the probation officer of the county office having competence for the place where such location is situated.</p> <p>Section 24. (1) In the course of carrying out the probation supervision, the probation officer and the police shall cooperate exchanging information.</p> <p>Tasks of the Probation Service:</p> <ul style="list-style-type: none"> - preparation of pre-sentence reports and social inquiry reports - supervision of probation measures - supervision of the performing of community service - carrying out mediator tasks in victim-offender mediation - carrying out after-care.
Authority responsible in case of infringement	<p>The corrections judge.</p> <p>Section 48 (4) The court shall terminate the releasing on parole if the convicted person is sentenced to a term of executable imprisonment during the time when released on parole for a crime committed before or after the date on which the judgment becomes final. The court shall terminate the parole, if the convicted person is sentenced to a term of executable imprisonment for a crime committed during the term of parole. If the convicted person is sentenced for other punishment, or if he breaches the rules of conduct, the court may terminate the releasing on parole.</p>

COMMUNITY SERVICE WORK	
Name of the judgement or the probation decision	Közérdeku munka (Community service work)
Classification of this judgement or the probation decision	Alternative sanction
Legal basis of this judgement or the probation decision	Articles 49-50 of the Criminal Code
Definition of this judgement or the probation decision	Article 49. (1) Any person sentenced to community service work is obliged to perform the work prescribed for him in the judgment of the court. The personal freedom of the convict may not otherwise be restricted.
Legal Conditions of this judgement or the probation decision	Article 49. (2) The work prescribed to be performed in community service is such that the convict is presumed to be capable of performing, taking into consideration his health condition and education. (3) Unless otherwise provided for by law, the convict shall perform the community service work at least one day per week, on a day off or during his free time without any remuneration. (4) The duration of community service work shall be determined in hours; it may not be less than forty-two hours and may not be more than three hundred hours.
Type of probation measures	Not applicable.
Combination of sanctions or measures	Please see that is written concerning suspended sentence. It also has to be noted that if the crime committed carries a maximum sentence of three years of imprisonment, the term of imprisonment may be substituted by community service work, financial penalty, prohibition from exercising a profession, driving prohibition or expulsion, or by any combination of them [Section 38 (3) CC].
Authority responsible for taking such a decision	The court, that has conducted the proceeding, may impose community service work in its judgment. However, it is the corrections judge who assigns an institution or an economic undertaking as a place of work for the convict. When indicating a place of work, the judge takes into consideration of the convict's health condition, education, whether he is capable of working and the nature of the

	crime committed.
Authority responsible for supervising	According to Section 63 of the Act 11 of 1979 on the execution of punishments and criminal measures: The execution of community service work is supervised by the court (actually by the corrections judge) through a probation officer. It is the probation officer who checks whether the convict performs the community service work or not and whether the place of work fulfils its obligations concerning the execution of the community service work.
Authority responsible in case of infringement	The corrections judge. Section 50 (1)-(2) CC If the convict does not voluntarily satisfy his work obligation, his sentence of community service work, or the time remaining shall be replaced by imprisonment. The term of imprisonment imposed replacing the community service work or the time remaining shall be determined in a way that six hours of community service work corresponds to one day of imprisonment.

PROHIBITION FROM EXERCISING A PROFESSION	
Name of the judgement or the probation decision	Foglalkozástól eltiltás (prohibition from exercising a profession)
Classification of this judgement or the probation decision	Alternative sanction
Legal basis of this judgement or the probation decision	Sections 56-57 of the Criminal Code
Definition of this judgement or the probation decision	Section 56. (1) A prohibition from exercising a profession may be imposed upon a person engaged in a crime: a) through the violation of the rules of a profession requiring special qualification; or b) intentionally, by using his profession. (2) A prohibition from exercising a profession shall be imposed upon a person who has committed a crime against the integrity of public life intentionally by using his profession.
Legal Conditions of this judgement	Section 57. (1) The prohibition from exercising a profession may be perpetual or for a specific period of time. A person, who is unsuitable or undeserved for the profession, may be prohibited perpetually. The specific term of prohibition

or the probation decision	shall be one year minimum and ten years maximum.
Type of probation measures	Not applicable
Combination of sanctions or measures	Please see that is written in case of community service work.
Authority responsible for taking such a decision	The court.
Authority responsible for supervising	<p>According to the regulation of the Act 11 of 1979:</p> <p>The execution of the prohibition from exercising a profession is supervised - provided that this punishment is ordered together with executable imprisonment - by the police.</p> <p>Act XXII of 1992 on the Labor Code provides:</p> <p>Section 77/A. The person, who would like to establish a labour relation, for the announcement of the employer, shall be obliged to prove with official certificate that he is not under that kind of prohibition from exercising a profession that does not allow to establish the labour relation.</p> <p>If the employer establishes on the basis of the official certificate or in other way he becomes aware of the fact that the person concerned (the future employee) is under prohibition, then the agreement between the employer and the employee - if it already exists - shall be qualified as invalid. According to Section 10 of the Act, employers shall terminate - with immediate effect - any legal relation created on the basis of invalid agreements.</p> <p>There are similar regulations in connection with employees working in the public sphere.</p>
Authority responsible in case of infringement	The employer. See the previous answer.

DRIVING PROHIBITION	
Name of the judgement or the probation decision	Jármuvezetéstől eltiltás (driving prohibition)
Classification of this judgement or the probation	Alternative sanction

decision	
Legal basis of this judgement or the probation decision	Section 58-59 of the Criminal Code
Definition of this judgement or the probation decision	Section 58. (1) Any person who commits a crime by breaching the rules of driving subject to permit or uses a motor vehicle for committing the crime, may be prohibited from driving a motor vehicle.
Legal Conditions of this judgement or the probation decision	Section 59. (1) Driving prohibition may be perpetual or for a specific period of time. A person who is unsuitable for driving a motor vehicle may be prohibited perpetually. The specific term of prohibition shall be one year minimum and ten years maximum.
Type of probation measures	Not applicable.
Combination of sanctions or measures	Please see that is written in case of community service work.
Authority responsible for taking such a decision	The court.
Authority responsible for supervising	According to the regulation of the Act 11 of 1979: The execution of a driving prohibition is supervised - provided that this punishment is ordered together with executable imprisonment - by the police. Tasks concerning driving prohibition are carried out by the notary of local governments on the basis of the notification of the court.
Authority responsible in case of infringement	According to Government Decree 218/1999 (XII. 28.) on certain administrative offences: Section 47. Any person who drives a motor vehicle without official licence or who lets another person drive a motor vehicle without an official licence, he/she commits an administrative offence and punishable by fine up to 100.000 HUF. The responsible authorities in case of infringement are the notary and the police.

BANISHMENT	
Name of the judgement or the probation decision	Kitiltás (Banishment)

Classification of this judgement or the probation decision	Alternative sanction
Legal basis of this judgement or the probation decision	Section 64 of the Criminal Code
Definition of this judgement or the probation decision	Section 64. (1) In cases defined by law, a person sentenced to imprisonment may be banished from one or more localities or from a designated part of the country, if his stay at these places endangers the public interest.
Legal Conditions of this judgement or the probation decision	Please see the answer above. In addition, Section 64 (2) CC provides, that the shortest duration of banishment shall be oneyear, its longest duration shall be five years. The consent of the sentenced person is not needed for imposing this ancillary punishment. Banishment can be imposed in case of certain crimes determined by CC (such as: crimes against the state, smuggling of human beings, public nuisance, etc.)
Type of probation measures	Not applicable.
Combination of sanctions or measures	Please see that is written in case of community service work.
Authority responsible for taking such a decision	The court.
Authority responsible for supervising	Section 74 of the Act 11 of 1979 on execution of punishments and criminal measures provides: The enforcement of banishment is supervised by the police. The person under banishment is obliged to keep the decision on banishment by himself during the term of banishment, and if the police checks his identity, to show the decision together with the identity card.
Authority responsible in case of infringement	According to Government Decree No. 218/1999 (XII. 28.) on certain administrative offences: Section 15 Any person who makes a stay in a place or in that part of the country where the court banished him from, he may be punished with fine up to 60.000 HUF. This administrative offence falls within the scope of the police.

2) Probation measures and alternative sanctions (Article 4)

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

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

Probation measures / alternative sanctions	Explanation
Obligation for the sentenced person to inform a specific authority of any change of residence or working place	<p>According to Article 96 point c) of the Act 11 of 1979 on the execution of punishments and criminal measures:</p> <p>The person under supervision of a probation officer shall be obliged to notify in advance his intention to change place of work or residence to the probation officer.</p> <p>This behaviour rule has to be applied in every probation supervision case.</p>
Obligation not to enter certain localities, places or defined areas in the issuing or executing State	<p>According to Section 82 (5) of the CC, the court or the prosecutor may order that the person under supervision of a probation officer:</p> <p>c) must refrain from visiting certain specific public places, public events, as well as certain specific public areas.</p> <p>Moreover, Section 64 of the CC provides the rules of banishment, which is an ancillary punishment:</p> <p>In cases defined by law, a person sentenced to imprisonment may be banished from one or more localities or from a designated part of the country, if his stay at these places endangers the public interest.</p>
Obligation containing limitations on leaving the territory of the executing State	<p>This kind of probation measure is not explicitly mentioned in our Criminal Code. However, according to section 82 (6) CC, apart from the explicitly mentioned rules of conduct, the court or the prosecutor may prescribe additional ones, with particular regard to the nature of the crime, the extent of damage and the social rehabilitation of the offender. Thus the court or the prosecutor - in its decision - can restrict the convict to leave the territory of the country.</p> <p>In our opinion the issuing state is not allowed to order that a person concerned must stay in the territory of the executing state.</p>
Instructions relating to behaviour, residence, education and training, leisure activities, or containing limitations on or modalities	<p>According to Section 82 (5) CC:</p> <p>The court or the prosecutor may order that the person under supervision of a probation officer:</p> <p>b) must stay away from the victim of the crime, or from his/her residence, place of work or the educational institution he/she may attend;</p> <p>c) must refrain from visiting certain specific public places, public events, as well as certain specific public areas;</p> <p>d) must refrain from consuming alcoholic beverages in public places;</p> <p>f) must contact the state employment agency, or report at the local government for public work;</p> <p>g) must pursue specific studies.</p>

<p>of carrying out a professional activity</p>	<p>It also has to be noted, that apart from these rules of conduct, the court or the prosecutor may prescribe additional ones, with particular regard to the nature of the crime, the extent of damage and the social rehabilitation of the offender [Section 82 (6) of the CC].</p> <p>Moreover, prohibition from exercising a profession and driving prohibition as alternative sanction also cover this provision.</p> <p>[One of the obligatory rules of conduct of the supervision of a probation officer is that the person under supervision shall be obliged to find a job if he is able to work, subject to the exceptions laid down in specific other legislation, if possible, or to engage in any other form of gainful activity.</p> <p>The content of the obligation depends on the circumstances of each specific case and reflects on the offender's relation to the crime, the risk of re-offending and criminogenic needs of the offender.</p> <p>Probation officers may suggest imposing individual behavioural rules on the offender, or ordering participation in certain treatment or preventive programs in the pre-sentence report or social inquiry report.</p> <p>There are some specific programs that can be offered by the probation officers as special behaviour rules:</p> <ul style="list-style-type: none"> - Group activities improving social skills: ART (Agression Replacement Training) - 30 hours Social Skill Improving Group -30 hours - Community reparation (with community reparation, juvenile offenders make symbolic things to the community. With community reparation, juveniles carry out tasks which benefit the wider community. These activities are often combined with education or with trainings improving social skills.)]
<p>Obligation to report at specified times to a specific authority</p>	<p>According to Section 82 (5) of the CC, the court or the prosecutor may order that the person under supervision of a probation officer:</p> <p>e) must report at a specific place and at specific intervals, at a specific organ or person.</p> <p>In addition, Section 96 a) of the Act 11 of 1979 on the execution of punishments and criminal measures provides, that the person under supervision of a probation officer shall be obliged to report at the police or at the probation officer at specified times determined by law.</p>
<p>Obligation to avoid contact with specific persons</p>	<p>According to Section 82 (5) of the CC, the court or the prosecutor may order that the person under supervision of a probation officer:</p> <p>a) must not maintain any contact with a specific person who took part in the commission of a crime;</p> <p>b) must stay away from the victim of the crime, or from his/her residence, place of work or the educational institution he/she may attend.</p>
<p>Obligation to avoid contact with specific objects, which have been used or are likely to be used by the sentenced person with a view to committing a</p>	<p>The Hungarian CC does not recognise the obligation of avoiding contact with specific objects. However, according to CC, the object which has been used or intended to be used as an instrument for the commission of a crime shall be confiscated.</p> <p>Section 77 (1) CC provides that an object shall be confiscated:</p> <p>a) which is actually used or intended to be used as an instrument for the commission of a crime;</p>

<p>criminal offence</p>	
<p>Obligation to compensate financially for the prejudice caused by the offence and/or an obligation to provide proof of compliance with such an obligation</p>	<p>1. According to Section 82 (6) CC, apart from the rules of conduct expressly determined by CC, the court or the prosecutor may prescribe additional ones (compensation as well), with particular regard to the nature of the crime, the extent of damage and the social integration of the offender.</p> <p>2. In addition, the mediatory procedure may be conducted if the conditions set out in the Act on criminal proceedings (CPA) are met.</p> <p>According to Section 221/A of CPA, the mediatory procedure is a procedure applicable during the term of the criminal procedure, thus it is neither an alternative sanction nor a probation measure.</p> <p>The mediatory procedure is targeted at promoting the reparations of the consequences of a crime and the future lawful behaviour of the suspect. The mediatory procedure shall be aimed at reaching an agreement between the suspect and the victim that can found the efficient regret of the suspect. During the criminal proceedings, the case may be referred to mediatory procedure on one occasion by the prosecutor or the court. Thus financial compensation (that compensates the victim for the injury caused through the criminal offence in the manner and extent accepted by the victim) can be the outcome of the victim-offender mediation.</p> <p>3. Moreover, according to Section 54 CPA, the victim, as a private party, may enforce a civil claim in the criminal proceeding. The private party may enforce the civil claim which arose as a consequence of the act being the subject of the accusation against the defendant.</p> <p>Section 335 (1) CPA: Inasmuch as possible, the criminal court shall adjudicate the civil claim in its merit in the judgement, by either accepting or rejecting it. In case of rejection, the victim can put forward the civil claim to a civil court.</p>
<p>Obligation to carry out community service</p>	<p>The community service work as an alternative sanction covers this obligation (Section 49-50 CC).</p> <p>Offenders sentenced to community service by the court have to do work free of charge for the benefit of the public for 42-300 hours. It is the corrections judge who - on the basis of the judgment of the court - indicates an institution or an economic undertaking as a location of the community service work, however, the tasks related to the practical implementation of the community service are consigned by law to the probation officer. This means, that it is the probation officer's task to find the potential concrete places of work, to draw these into co-operation, to arrange the fulfillment of the sentence, and to supervise the implementation continuously. With regard to the assignment of the workplace, the transforming of the sentence to imprisonment, and the other issues concerning the implementation (e.g.: change of workplace, interruption etc.), the probation officer may make proposals, but only the corrections judge has right to decide.</p> <p>The main task of the Probation Service in relation to the community service is to provide workplaces that meet the legal conditions and undertake the employment of the convicts.</p> <p>In addition, according to Section 82 (5) of the CC, the court or the prosecutor may order that the person under supervision of a probation officer:</p> <p>f) must contact the state employment agency, or report at the local government for public work;</p>

<p>Obligation to cooperate with a probation officer or with a representative of a social service having responsibilities in respect of sentenced persons</p>	<p>If the offender is put under supervision of a probation officer, then the cooperation with the probation officer is obligatory according to Section 82 (4) CC, which says the following:</p> <p>Any person who has been placed under the supervision of a probation officer shall be bound by the rules of conduct prescribed by law or by decision, he/she has to maintain regular contact with the probation officer and give him the information necessary for control.</p> <p>In addition, Section 96 a) of the Act 11 of 1979 on the execution of punishments and criminal measures provides, that the person under supervision of a probation officer shall be obliged to report at the police or at the probation officer at specified times determined by law.</p>
<p>Obligation to undergo therapeutic treatment or treatment for addiction</p>	<p>According to Section 82 (5) of the CC, the court or the prosecutor may order that the person under supervision of a probation officer:</p> <p>h) must receive - subject to his/her consent - medical treatment or a therapeutic, curative procedure.</p> <p>(Note: this probation measure is subject to the consent of the person under supervision, thus it cannot be prescribed as an obligation.) .</p>

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

No.

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

Yes, in case of drug abuse crimes for drug users.

3) Electronic monitoring

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

Yes.

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

No.

Is Electronic Monitoring considered as an execution modality of imprisonment, if other than conditional release?

No.

Is Electronic Monitoring considered a way of applying a probation measure or as a probation measure in itself?

No.

What are the technical means provided for in your Member State that enables the use of the Electronic Monitoring (e.g. GPS)?

At present electronic monitoring is not used in Hungary, because the technical means of implementing such measure is missing. Therefore the police controls the compliance with the provisions of the home curfew and the house arrest by patrol and ad hoc control.

Is Electronic Monitoring dependant on particular conditions?

The Electronic Monitoring can only be used as an alternative enforcement method of two coercive measures: home curfew and house arrest. The electronic monitoring cannot be applied in the system of penal sanctions (e.g. as an alternative to imprisonment).

4) Formalities

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

It depends on the concrete case. Usually the following documents are needed for taking a final decision: evidences, such as testimony of witnesses, expert opinion (including medical experts and the opinion of the probation officer, social inquiry report, pre-sentence report, etc.), testimony of the defendant. This list is not exhaustive, it can be wider or narrower, depending on the concrete case.