

# Slovenia

## 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.

<b>SUSPENDED SENTENCE WITH CUSTODIAL SUPERVISION</b>	
<b>Name of the judgement or the probation decision</b>	<p>Suspended sentence with custodial supervision</p> <p>Pogojna obsodba z varstvenim nadzorstvom</p>
<b>Classification of this judgement or the probation decision</b>	Suspended sentence
<b>Legal basis of this judgement or the probation decision</b>	Articles 63-67 Penal Code-1
<b>Definition of this judgement or the probation decision</b>	<p><b>Suspended sentence</b> - a suspended sentence may be applied by the court against the offender of a criminal offence instead of a sentence. In applying a suspended sentence, the court shall pass a sentence which will not be carried out unless the offender, within a term determined by the court and of not less than one and not more than five years (the term of suspension), commits a further criminal offence. The court may also condition the suspension of the sentence upon the restitution by the offender of property gained through committing of the criminal offence, the compensation for damages caused by the criminal offence, or the performance of other obligations prescribed under Criminal Law.</p> <p><b>Suspended sentence with custodial supervision</b> - Under the conditions determined by the Penal Code, the court may decide that the offender, who is subject to a suspended sentence, has to undergo custodial supervision for a certain period of time during the term of suspension. Custodial supervision shall involve assistance, supervision, or custody specified by the statute.</p>

<p><b>Legal Conditions of this judgement or the probation decision</b></p>	<p><b>Suspended sentence</b> - The court may suspend the sentence when the offender has been punished to an imprisonment for a term not exceeding two years or by a fine. Sentence may not be suspended for criminal offences, for which an imprisonment for a term of more than three years is prescribed by the statute. The sentence may not be suspended for criminal offences, for which a prison sentence for a term of more than three years is prescribed by the statute. The court shall suspend a sentence if, taking into consideration the personality of the offender, his past behaviour, his conduct after committing the offence, his degree of criminal liability, and other circumstances, under which the offence was committed, it comes to the conclusion that it is reasonable to expect that the offender will not commit any further criminal offences.</p> <p><b>Suspended sentence with custodial supervision</b> - Custodial supervision shall be applied by the court when it reaches the opinion that during the term of suspension the implementation of such a measure is appropriate. This measure shall be applied by the court for a determined period of time within the limits of the suspension term, specified by the suspended sentence.</p> <p>When the court assesses that custodial supervision is no longer required, it may order such a measure to be discontinued even before the expiry of the term of suspension.</p> <p>In applying custodial supervision, the court may also issue one or more instructions, according to which the offender has to behave. In selecting these instructions, the court shall in particular consider the age of the offender, his psychological characteristics, the motives for which he committed the crime, his personal circumstances, his past behaviour, the circumstances under which the crime was committed, as well as his conduct after committing the criminal offence. The choice of instructions must not in any way affect the human dignity of the offender and must not cause him unreasonable hardship.</p> <p>The court's instructions may include the following tasks:</p> <ol style="list-style-type: none"> <li>1) to submit himself to a course of medical treatment at an appropriate institution, also treatment of alcohol or drug addiction with his consent;</li> <li>2) to attend professional or psychological training, or other consultation;</li> <li>3) to qualify for a job or to take up employment suitable to his health, skills, and inclinations;</li> <li>4) to spend income according to the duties relating to family support;</li> <li>5) prohibition of association with certain persons;</li> <li>6) restraining order to keep the offender away from the victim or some other person;</li> <li>7) ban on access to certain places.</li> </ol> <p>Upon a proposal made by a consultant or by the offender, the court may modify or repeal the instructions ex officio. Custodial supervision shall be exercised by a consultant appointed by the court. The consultant shall provide assistance to the offender and supervise his compliance with the court's instructions</p>
<p><b>Type of probation measures</b></p>	<ol style="list-style-type: none"> <li>1) An obligation for a sentenced person to inform a specific authority of any change of residence or working</li> <li>2) An obligation not to enter certain localities, places or defined areas in issuing or executing State.</li> <li>3) Instructions relating to behaviour, residence, education and raining, leisure activities or containing limitations on or modalities of carrying out a professional activity (to submit himself to a course of medical treatment at an appropriate institution, also treatment of alcohol or drug addiction with his consent; to attend professional or psychological training, psychological, or other consultation; to qualify for a job or to take up employment suitable to his health, skills, and inclinations; to spend income according to the duties</li> </ol>

	<p>relating to family support)</p> <p>4) An obligation to report at specified times to specific authority</p> <p>5) An obligation to avoid contact with specific person</p> <p>6) An obligation to compensate financially for the prejudice caused by the offence and/or obligation to provide proof of compliance with such an obligation</p> <p>7) An obligation to carry out community service</p> <p>8) An obligation to cooperate with a probation officer or with a representative of a social service having responsibilities in respect of sentenced person .</p> <p>9) An obligation to undergo therapeutic treatment or treatment for addiction</p>
<b>Combination of sanctions or measures</b>	N/A.
<b>Authority responsible for taking such a decision</b>	<p><b>Suspended sentence - court</b></p> <p><b>Suspended sentence with custodial suspension - court</b>  The Court which decides on issuing a suspended sentence or suspended sentence with custodial supervision is the criminal court of first instance (County or District Court). This latter has jurisdiction in this particular case ( the competent court is usually court where the criminal act was committed - subject to other applicable rules on jurisdiction). In case when suspended sentence with custodial supervision was issued custodial supervision shall be exercised by a consultant appointed by the court. If the offender does not comply with the instructions the court may either admonish him, modify the instructions, prolong the custodial supervision within the limits of the term of supervision or revoke the suspended sentence. The competence for decision on consequences of the breach of instructions has either the county judge, which handled the criminal case or the panel of three judges of the District court ( if the District court imposed the suspended sentence).</p>
<b>Authority responsible for supervising</b>	<p><b>Suspended sentence - court</b></p> <p><b>Suspended sentence with custodial supervision - Custodial supervision</b> shall be exercised by a consultant appointed by the court. The consultant shall provide assistance to the offender and supervise his compliance with the court's instructions. If the offender does not comply with the instructions during the term of suspension, or if he avoids relations with the appointed consultant, the court may either admonish him, modify the instructions, prolong the custodial supervision within the limits of the term of suspension, or revoke the suspended sentence</p>
<b>Authority responsible in case of infringement</b>	<p><b>Suspended sentence - court</b></p> <p><b>Suspended sentence with custodial supervision - court</b></p>

<b>CONDITIONAL RELEASE WITH CUSTODIAL SUPERVISION</b>	
<b>Name of the judgement or the probation decision</b>	<p>Conditional release with custodial supervision</p> <p>Pogojni odpust z varstvenim nadzorstvom</p>

<p><b>Classification of this judgement or the probation decision</b></p>	<p>Conditional release</p>
<p><b>Legal basis of this judgement or the probation decision</b></p>	<p>Articles 88-89 Penal Code -1</p>
<p><b>Definition of this judgement or the probation decision</b></p>	<p><b>Conditional release</b> - The offender, who has served half of his sentence of imprisonment, may be released from a penal institution under the condition that until the term, for which he was sentenced, has elapsed he does not commit another criminal offence. The offender, who has been sentenced to more than fifteen years' imprisonment, may be released on parole after he has served three quarters of the sentence.</p> <p><b>Conditional release with custodial supervision</b> - The offender, who shall be released on parole, may be placed under custodial supervision by the court on the proposal of the body responsible for granting and denying parole.</p>
<p><b>Legal Conditions of this judgement or the probation decision</b></p>	<p><b>Conditional release</b> - The offender, who has served half of his sentence of imprisonment, may be released from a penal institution under the condition that until the term, for which he was sentenced, has elapsed he does not commit another criminal offence. The offender, who has been sentenced to more than fifteen years' imprisonment, may be released on parole after he has served three quarters of the sentence. The offender, who has been sentenced to life imprisonment, may be released on parole after he has served twenty-five years in prison.</p> <p>The offender may be released on parole when it is reasonable to expect that he will not repeat the criminal offence. In considering whether to release the offender on parole, they shall take into account in particular the possibility for reoffending, any criminal proceedings taking place against the offender for criminal offences committed before they started serving their prison sentence, the attitude of the offender towards the criminal offence committed and towards the victim, the offender's conduct during the serving of the sentence, the success of treatment of addiction, and the conditions for the offender's rehabilitation. Exceptionally, the offender who has served only one third of his sentence may be released on parole if he complies with the abovementioned conditions and if special circumstances referring to his personality indicate that he will not repeat the criminal offence</p> <p><b>Conditional release with custodial supervision</b> - The offender, who shall be released on parole, may be placed under custodial supervision by the court on the proposal of the body responsible for granting and denying parole. Custodial supervision shall be performed by a counsellor who shall have the same tasks as in suspended sentence with custodial supervision. The court's instructions may include the following tasks to be performed by the offender on parole:</p> <ol style="list-style-type: none"> <li>1) to submit himself to a course of medical treatment at an appropriate institution, also treatment of alcohol or drug addiction with his consent;</li> <li>2) to attend professional or psychological training, or other consultation;</li> <li>3) to qualify for a job or to take up employment suitable to his health, skills, or inclinations;</li> <li>4) to spend income according to the duties relating to family support;</li> </ol>

	<p>5) prohibition of association with certain persons;</p> <p>6) restraining order to keep the offender away from the victim or some other person;</p> <p>7) ban on access to certain places.</p>
<p><b>Type of probation measures</b></p>	<p>1) An obligation for a sentenced person to inform a specific authority of any change of residence or working</p> <p>2) An obligation not to enter certain localities, places or defined areas in issuing or executing State.</p> <p>3) Instructions relating to behaviour, residence, education and raining, leisure activities or containing limitations on or modalities of carrying out a professional activity (to submit himself to a course of medical treatment at an appropriate institution, also treatment of alcohol or drug addiction with his consent; to attend professional or psychological training, or other consultation; to qualify for a job or to take up employment suitable to his health, skills, and inclinations; to spend income according to the duties relating to family support)</p> <p>4) An obligation to report at specified times to specific authority</p> <p>5) An obligation to avoid contact with specific person</p> <p>6) An obligation to compensate financially for the prejudice caused by the offence and/or obligation to provide proof of compliance with such an obligation</p> <p>7) An obligation to carry out community service</p> <p>8) An obligation to cooperate with a probation officer or with a representative of a social service having responsibilities in respect of sentenced person</p> <p>9) An obligation to undergo therapeutic treatment or treatment for addiction</p>
<p><b>Combination of sanctions or measures</b></p>	<p>N/A.</p>
<p><b>Authority responsible for taking such a decision</b></p>	<p><b>Conditional release</b> - Administrative authority i.e. Commission - The decision on conditional release from prison shall be made by the commission for conditional releases (hereinafter: the commission), and by the prison governor in cases specified by law. The president, his deputy, and the commission's members and their deputies shall be appointed by the Minister of Justice from among supreme court judges, supreme state prosecutors, and officials at the Ministry of Justice. The commission shall adopt decisions in a composition of three members. In case where conditional release is breached by the commission of a new criminal act, the court which is competent regarding the new criminal act is also competent for deciding on the infringement of conditional release.</p> <p><b>Conditional release with custodial supervision</b> - Court - The Court which decides on conditional release with custodial supervision is criminal court, which imposed the custodial sentence (i.e. criminal court of first instance competent for criminal matters). Custodial supervision shall be performed by a counsellor. The competent authority in the case of infringement of instructions is either the County court judge, which handheld the criminal case or the panel of three judges of the District court.</p>
<p><b>Authority responsible for supervising</b></p>	<p><b>Conditional release</b> - Court</p> <p><b>Conditional release with custodial supervision</b> - Custodial supervision shall be exercised by a consultant appointed by the court. The consultant shall provide assistance to the offender and supervise his compliance with the court's instructions. If the offender does not comply with the instructions during the term of suspension, or if he avoids relations with the appointed consultant, the court may either admonish him, modify the instructions,</p>

	prolong the custodial supervision within the limits of the term of suspension, or revoke the suspended sentence
<b>Authority responsible in case of infringement</b>	<b>Conditional release</b> - Court <b>Conditional release with custodial supervision</b> - court

## 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.**

<b>Probation measures / alternative sanctions</b>	<b>Explanation</b>
<b>Obligation for the sentenced person to inform a specific authority of any change of residence or working place</b>	This can be found only regarding the conditional release. Article 106 of the Penal Sanction Enforcement Act states that in a request for conditional release, the place where the prisoner intends to reside while on conditional release must be stated. A prisoner on conditional release must, after arriving in the place from the second paragraph of this Article, report to the competent administrative unit within eight days. He must notify it of any changes in the place of residence within the same period.
<b>Obligation not to enter certain localities, places or defined areas in the issuing or executing State</b>	This can be found in respect of suspended sentence with custodial supervision and conditional release. While applying custodial supervision, the court may also issue one or more instructions, including ban on access to certain places. As regards a conditional release the offender, who shall be released on parole, may also be placed under custodial supervision by the court. The court's instructions may include also a ban on access to certain places.
<b>Obligation containing limitations on leaving the territory of the executing State</b>	Slovenian criminal law doesn't provided for such a measure as a type of probation measure.
<b>Instructions relating to behaviour, residence, education and</b>	The respective instructions can be find while applying custodial supervision either in the framework of suspended sentence or conditional release.

<p><b>training, leisure activities, or containing limitations on or modalities of carrying out a professional activity</b></p>	
<p><b>Obligation to report at specified times to a specific authority</b></p>	<p>This is applied only in cases of custodial supervision (in the framework of suspended sentence or conditional release) where the sentenced person or prisoner are obliged to get in touch and report the consultant that was appointed by the court to exercise the custodial supervision. If the offender does not comply with the instructions during the term of suspension, or if he avoids relations with the appointed consultant, the court may either admonish him, modify the instructions, prolong the custodial supervision within the limits of the term of suspension, or revoke the suspended sentence</p>
<p><b>Obligation to avoid contact with specific persons</b></p>	<p>an obligation to avoid contact with specific objects, which have been used or are likely to be used by the sentenced person with a view to committing a criminal offence - Slovenian criminal law doesn't provided for such a measure as a type of probation measure.</p>
<p><b>Obligation to avoid contact with specific objects, which have been used or are likely to be used by the sentenced person with a view to committing a criminal offence</b></p>	<p>Slovenian criminal law doesn't provided for such a measure as a type of probation measure.</p>
<p><b>Obligation to compensate financially for the prejudice caused by the offence and/or an obligation to provide proof of compliance with such an obligation</b></p>	<p>The court may also condition the suspension of the sentence upon the restitution by the offender of property gained through committing of the criminal offence, the indemnification for damages caused by the criminal offence, or the performance of other obligations prescribed under Criminal Law.</p>
<p><b>Obligation to carry out community service</b></p>	<p>The sentence of imprisonment may also be implemented so that the offender in the period of maximum two years performs community service in the amount of minimum eighty and a maximum of four hundred and eighty hours. The community service shall be imposed in a way as it does</p>

	<p>not disturb the offender's obligations of his employment relationship. Such a way to execute a sentence of imprisonment shall be decided by the court, which ordered the sentence at the first instance, considering the objective and subjective circumstances of the offender and his consent with this kind of execution of the sentence. The sentence of imprisonment, which was imposed on the offender for the criminal offence against sexual inviolability, cannot be substituted by community service. If the offender does not fulfil the tasks arising from performing community service, the court may order the execution of the sentence of imprisonment.</p>
<p><b>Obligation to cooperate with a probation officer or with a representative of a social service having responsibilities in respect of sentenced persons</b></p>	<p>Custodial supervision shall be exercised by a consultant appointed by the court. The consultant shall provide assistance to the offender and supervise his compliance with the court's instructions. If the offender does not comply with the instructions during the term of suspension, or if he avoids relations with the appointed consultant, the court may either admonish him, modify the instructions, prolong the custodial supervision within the limits of the term of suspension, or revoke the suspended sentence. The obligation to cooperate is therefore not a specific probation measure indicated in the judgment, however there is a provision in Penal Code-1 giving it similar effect if the person refuse to cooperate in the prescribed way.</p>
<p><b>Obligation to undergo therapeutic treatment or treatment for addiction</b></p>	<p>This can be found in respect of suspended sentence with custodial supervision and conditional release. While applying custodial supervision, the court may also issue one or more instructions, including an obligation to undergo therapeutic treatment or treatment for addiction. As regards a conditional release the offender, who shall be released on parole, may also be placed under custodial supervision by the court. The court's instructions may include also an obligation to undergo therapeutic treatment or treatment for addiction.</p> <p>The particular measure can be imposed only with the prior consent of the sentenced person (the consent is needed in both cases where this measure is applicable i.e. for suspended sentence with custodial supervision and conditional release with custodial supervision).</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)?**

No.

### **3) Electronic monitoring**

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

No

**Do you intend to provide Electronic Monitoring in the future?**

At the moment Republic of Slovenia has no intention to provide Electronic Monitoring.



#### **4) Formalities**

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

The competent authorities in Slovenia render judgement to issue a probation decision in accordance with the rule of free assessment of the evidence. This means that in each specific case the court decides, taking in to account all circumstances of the case, what are the documents it needs to adopt the decision. The decision is usually based on documents such as: criminal records, documents from social services, medical expertise, psychological expertise etc.