Disclaimer

Please note that this document is an unofficial translation and consolidation and is provided for information purposes only. It confers no rights and imposes no obligations separate from those conferred or imposed by the legislation formally adopted and published in the Albanian language. EURALIUS makes no guarantee of accuracy and waives responsibility for the use that might be made of the following information.

LAW
No. 79/2020
ON THE EXECUTION OF CRIMINAL DECISIONS

Pursuant to Articles 78, 81, point 1, and 83, point 1, of the Constitution, on the proposal of the Council of Ministers,

THE ASSEMBLY

OF THE REPUBLIC OF ALBANIA

DECIDED:

PART ONE
GENERAL PROVISIONS

CHAPTER I
GENERAL PRINCIPLES

Article 1
The purpose of the law

The purpose of this law is to guarantee the execution of criminal decisions in accordance with applicable law, international standards and in compliance with fundamental human rights and freedoms.

Article 2
The object of the law

1. The purpose of this law is to determine the rules and procedures for the execution of:

- final criminal court decisions;
- criminal court decisions for immediate execution;
- other court orders, as well as to determine how alternative sentencing shall be served according to the provisions of the legislation in force.

2. The provisions of this law shall apply to the execution of criminal court decisions rendered by domestic and foreign courts in accordance with the Criminal Procedure Code, the Criminal Code, the Code of Criminal Justice for Juveniles and international agreements ratified by law.

Article 3

The main principles during the execution of the criminal decision

1. This Law shall apply mutatis mutandis to all persons arrested, detained and convicted, avoiding discrimination and the forms of conduct which incite it, for any reason provided by applicable law for the protection against discrimination.
2. The following shall be ensured during the execution of the criminal decision:
   a) legality, responsibility, impartiality and proportionality in the activity of the subjects of this law;
   b) humane treatment and respect for the rights and dignity of the arrested, detained or convicted person;
   c) the participation of the convicted person in his / her social re-socialization and reintegration, through the planning of the sentence, as well as the cooperation of the society in achieving such goals.

Article 4

The principle of voluntary execution

The criminal decision shall be executed voluntarily by the convict in the fashion, time and place determined by the competent body according to this law. The obligatory execution of the criminal decision shall only be taken forward if its voluntaryexecution is refused.

Article 5

The rights of the arrested, detainee and convict during the execution of the criminal decision

1. The execution of a criminal decision shall only limit the rights determined in the criminal decision in terms of extent and time, respecting all the other rights recognized and protected by applicable law and international human rights standards.
2. At all stages of the execution of the criminal decision, the person shall enjoy the rights provided in the procedural criminal law and other applicable laws. In case of violation of the rights and when they are not recognized, the person shall request their protection and realization in the fashion defined in the legislation in force.

Article 6

Execution of criminal decisions for juveniles and women

1. The execution of criminal decisions for juveniles shall be carried out in accordance with the procedural rules provided in this law, in the Code of Criminal Justice for Juveniles and in the Criminal Procedure Code.
2. The execution of criminal decisions for women shall be carried out observing the protection of their dignity, physical, social, professional, health and psychological needs.

Article 7

Responsibility of the entities in charge of the execution of the criminal decision

1. The entities charged with the execution of a criminal decision under this law, shall exercise their authority respecting the rights, dignity and freedoms of the person.
2. The employee in charge of the execution of the criminal decision shall bear disciplinary responsibility and, as the case may be, criminal responsibility, for not executing, delaying or executing the decision contrary to the law or the rights of the person.

Article 8

Responsibilities of the prosecutor

The prosecutor shall be obliged to take all measures for the execution of the criminal decision in accordance with the orders of the court and the requirements of this law, as well as to check the regularity of the execution. In case of ascertainment of irregularities, the prosecutor shall have the right to request from the responsible body or the court the restoration of the violated right, as well as the adoption of measures against the responsible persons.

Article 9

Obligation to notify about facts and circumstances

1. Every person or entity ordered by the prosecutor to execute a criminal decision, who during the execution procedure becomes aware of facts and circumstances which affect the fashion and time of execution of the criminal decision, shall have the obligation to notify the prosecutor.
2. Failure to notify the prosecutor, when it does not constitute a criminal offense, shall constitute an administrative offenses and be punished by the court with a fine of up to ALL 100 (one hundred) thousand, in accordance with the provisions of the legislation in force for administrative offenses.
3. Upon receipt of the facts and new circumstances and after checking them, the prosecutor, as the case may be, shall intervene based on the provisions of this law or submit a request to the competent court.
4. Where the fact or circumstance affects the validity or legality of the criminal decision, the relevant provisions of the Criminal Procedure Code shall apply.

PART TWO

EXECUTION OF CRIMINAL DECISIONS

CHAPTER I

AUTHORITY FOR THE EXECUTION OF DECISIONS

Article 10
The court

In cases of decisions for immediate execution, in addition to other dispositions, the court shall order the execution of the decision immediately after the announcement and submission of a copy of the decision to the prosecutor attached to the court that rendered the decision for its execution.

Article 11
The prosecutor

1. The prosecutor shall take measures and initiate the procedure for the execution of the criminal court decision and, pursuant to articles 463 and 468 of the Criminal Procedure Code, shall proceed himself/ herself or order other bodies to execute the decision as per this law.
2. The prosecutor shall keep separate files for the execution of the decision and for all the acts administered during the execution.

Article 12
Execution order

1. The execution order is the procedural act issued by the prosecutor for the execution of the criminal court decision. The execution order shall contain:
   a) the court that rendered and / or changed the criminal decision, the number, date, full content of the enacting clause of the criminal decision subject to execution and the necessary dispositions for the execution;
   b) the generalities of the person against whom the criminal decision is to be executed, the address of residence or abode, where the notice for the execution order shall be sent to;
   c) the type and extent of the main sentence, as well as the total duration of the sentence, according to the procedures provided in the Criminal Code, the Criminal Procedure Code and the rules provided in this law;
   d) the type of additional sentencing and the criteria for its application;
   e) in cases of imprisonment, the type of security that the facility where the sentence is to be served should provide, according to the determination made by the court in the enacting clause of the criminal decision mainly or based on the prosecutor's request for determining the type of security, according to article 24 of this law;
   f) civil liability in criminal proceedings;
   g) the bodies that execute the decision;
   h) the obligation of the bodies that execute the criminal decision to notify about the commencement of the execution. In the case of juvenile or disabled convicts, how the execution order is to be notified shall also be determined.
2. The prosecutor at the Court of Appeals or the High Court, immediately after the administration of the summary decision, shall officially send it to the prosecution at the Court of First Instance, which is responsible for the execution of the decision.
3. The execution order shall be issued by the prosecutor attached to the Court of First Instance that has

rendered the sentencing decision. In the case of minors, the execution order shall be issued by the prosecutor attached to the Court of First Instance where the juvenile section is established.

Article 13

Notifying the convict and his/ her defense counsel

1. The execution order shall be made known immediately, but not later than 30 days from the moment of its issuance, to the convict, his/ her defense counsel and, when there is no such, to the defense counsel appointed by the prosecutor.
2. The information on the notification on the execution order for juveniles shall be appropriate and understandable to them, taking into account the needs of the juvenile with special abilities. The prosecutor shall notify in advance the legal or procedural representative or another adult, indicated and accepted by the juvenile, as well as the psychologist or the employee from the child protection unit, when the case has been handled by the latter.
3. For the convicts with minor children, the prosecutor shall notify their spouse and, in case of his impossibility or when his whereabouts is unknown, the relevant unit for the protection of children operating in the convict's area of residence.

Article 14

Compensation for damages

1. The criminal offense victim who has been granted the right to compensation for damages by a final court decision shall request the execution of a decision containing orders in his/ her favor according to the provisions of the Civil Procedure Code. The prosecutor shall be obliged to notify the criminal offense victim of the commencement of the criminal decision execution.
2. The orders of a criminal decision for property rights in favor of the state shall be executed according to the provisions of the Civil Procedure Code, after notifying the State Advocacy in advance.
3. The prosecutor shall have the right to be informed at any time of the execution of state property rights deriving from a criminal decision.
4. When the prosecutor finds that the competent state body does not take measures, he/ she shall address the court to request the execution of the property rights deriving from the criminal decision according to the relevant provisions of the Civil Procedure Code.

CHAPTER II

ENTITIES THAT EXECUTE FINAL CRIMINAL DECISIONS

Article 15

Duties of the State Police

1. The State Police shall be responsible for the execution of the following criminal decisions:
   a) imprisonment sentence for persons at large;
   b) additional sentencing, provided in points 3, 7, 8 and 10 of Article 30 of the Criminal Code.
2. The State Police, based on the prosecutor's order, in cooperation with the sections of the Judicial

Police at the prosecutor's office and with the services of the Judicial Police in the investigative facilities of the Military Police, as well as with other police services or state institutions, shall help for the voluntary execution of imprisonment or, otherwise act forcefully for the execution of this sentence.

3. The State Police, on the basis of a request or on its own initiative, shall support the actions of the Judicial Police sections, the Judicial Police services in the investigative facilities of the Military Police, other police services or state institutions, the Prison Police, the Agency for the Administration of Seized and Confiscated Assets and other relevant bodies charged under this law, for the execution of criminal decisions which are final or for immediate execution.

Article 16

Execution by the judicial bailiff service

The judicial bailiff service shall execute fines, court costs and civil obligation set forth in the criminal decision.

Article 17

Probation Service

The Probation Service is the state body in charge of enforcing court decisions and prosecutor's orders to oversee the execution of alternative sentencing, of measures to avoid prosecution, non-custodial sentences for juveniles, or other activities under other legal acts, as well as the individualized treatment of the needs and abilities of the person under supervision to ensure his/ her rehabilitation and reintegration into society.

Article 18

Execution by the Agency for the Administration of Seized and Confiscated Assets

On the basis of the prosecutor's order and under his/ her supervision, the Agency for the Administration of Seized and Confiscated Assets shall execute the additional sentencing of confiscation of the criminal tools and of the products of the criminal offense, provided by point 2 of Article 30 of the Criminal Code.

Article 19

Execution by state bodies and legal entities

Decisions containing additional sentencing provided for in points 1, 4, 6 and 10 of Article 30 of the Criminal Code shall be executed by the relevant state bodies or other legal, state or private persons, on the basis of the execution order.

Article 20

Execution of additional sentencing by the convict

1. The additional sentencing for the publication of the court decision, provided in point 9 of article 30 of the Criminal Code, shall be executed voluntarily by the convict himself/ herself according to the court order.

2. In case of inaction by him/ her, the decision shall be executed by the prosecutor at the expense of the convict.

Article 21
Notifying during execution

1. The competent bodies for the execution of the criminal decision shall notify the prosecutor of the commencement and completion of the execution of the decision.
2. The convict shall notify the prosecutor about the execution of the publication of the decision according to article 20 of this law.
3. In special cases, when requested by the prosecutor, periodic notices shall be made even during the execution of the criminal decision.
4. The prosecutor shall notify in writing the court that rendered the decision of the commencement of the execution, as well as of its completion.

PART THREE
METHODS FOR THE EXECUTION OF CRIMINAL DECISIONS

CHAPTER I
EXECUTION OF DECISIONS THAT HAVE NOT BECOME FINAL

Article 22
Immediate execution

1. The following shall be executed by a court order immediately after their announcement:
   a) the criminal decision containing innocence, the exclusion of the convicted person from the sentencing or the termination of the case trial, with the disposition for the release of the detained person, according to article 389 and point 2 of article 462 of the Criminal Procedure Code;
   b) the criminal decision for imposing the alternative sentencing of imprisonment, which includes the person with the security measure of arrest, with the disposition of the court for his/ her immediate release;
   c) the criminal decision that contains confiscation of property, when the seizure has been decided before;
   d) the decision on the illegality of the flagrant arrest/ detention, the decision when the security measure loses its power or the decision to revoke or replace the security measure of arrest, when the court is disposed to the immediate release of the arrested person, except when he/ she has been imposed a security measure of arrest for another legal reason, according to the provisions of the Criminal Procedure Code;
   e) the criminal decision approving the prosecutor' s request for the security measure of arrest.
2. For the immediate execution, the court shall notify the prosecutor of the summary decision. The prosecutor attached to the court that rendered the decision shall immediately issue the order, which is executed by the responsible bodies, after first checking whether there are any other criminal decisions in

force against the same person or the same property, which legitimize the continued state of arrest, detention, custody or imprisonment for the person or retention of property under seizure or confiscation.

3. For the immediate execution, the court shall give the summary decision to the respective body in advance and submit the reasoned criminal decision within the legal deadline.

CHAPTER II

EXECUTION OF FINAL DECISIONS AND ALTERNATIVE DECISIONS

Article 23

Preliminary actions of the prosecutor

1. Upon becoming final, imprisonment decisions shall be submitted to the prosecutor by the court according to the deadlines set out in this law.

2. When the convict has been detained, the execution order shall specifiy the time of the sentence and the remaining part, according to the criteria of Article 57 of the Criminal Code.

3. When the convict has to serve more than one sentence, the prosecutor shall submit a request to the court to join the sentence terms.

4. On the basis of the court decision and the criteria of the law on the rights and treatment of prisoners, the prosecutor shall determine the type of institution for the convict to serve the sentence and in consultation with the General Directorate of Prisons determine the specific institution.

5. When it has not been ascertained by the court and the prosecutor has information that the convict might need to be placed in special medical institutions, he/ she shall order the medical examination of the convict and, when there are reasons, based on the results, submit a request to the court according to legal provisions.

Article 24

Issuing and sending the execution order

1. Based on the decision of the court and the preliminary actions, according to article 23 of this law, the prosecutor shall issue the execution order and send it to the local authorities of the State Police operating in the area the convict's permanent or temporary residence or abode is located.

2. For military convicts, the order shall be sent to the Military Police, namely to the military unit where the convict used to be an official, or the place where he/ she is located.

3. When the convict is detained, the order shall be sent to the institution where he/ she is being held.

4. When the place of residence or abode is not known, the order shall be sent to the General Directorate of State Police.

Article 25

Notifying on voluntary execution

1. The State Police employee, the Military Police employee for the military convicts, or the Probation Service, in charge of the enforcement of the execution order, shall notify the convict, assigning the time and place of the voluntary appearance, with the warning that, in case of voluntary non-appearance, the

criminal decision will be enforced compulsorily.

2. For a person who has been sentenced to imprisonment or to one of the alternatives of imprisonment and who has been at large, or when the security measure imposed to him/ her after investigation and trial was other than the security measure "arrest in prison", the notification shall be made at the place of residence or abode of the convict. For this purpose, a record shall be kept and handed over to the convict personally and when this is not possible, to his/ her family members. When the latter is not possible, the notification shall be made through the local authorities of the State Police operating in the convict's area of residence.

3. The notification of voluntary execution of imprisonment shall contain:

a) the number and date of the prosecutor's execution order;
b) the number and date of the criminal decision;
c) the type and extent of the sentence term calculated by the prosecutor in the execution order;
d) the date, time and location of the institution where the convict must appear voluntarily to serve the sentence;
e) the warning that, in case of voluntary non-appearance on the appointed date, time and place, the decision will be executed compulsorily.

4. The deadline for voluntary appearance to certain institutions to serve a sentence may not be later than 7 days from the day of notification.

5. The court decision for placing the person under electronic monitoring shall be immediately sent to the prosecutor, the Probation Service and the State Police that cooperate for the execution and monitoring of the implementation of the decision.

Article 26

Postponement of the execution of the decision

The execution of the sentencing decision may be postponed by the court that rendered the decision, at the request of the convict, his/ her defense counsel or the prosecutor, according to the provisions of the Criminal Procedure Code. When the court decides to postpone the execution of the decisions, the prosecutor shall administer the decision and terminate the procedural actions for the execution of the decision.

Article 27

Compulsory execution

1. When the convict does not appear on the appointed date and place, according to the voluntary notification, the forced execution of the decision shall take place.

2. With the approval of the prosecutor, compulsory execution shall take effect immediately, when there is reason to believe that the convict may evade execution or public order and safety may be violated.

3. Compulsory execution shall be carried out by forcibly sending the convict to the facility where the sentence will be served. Before using force or coercive means, the convict shall be verbally summoned for voluntary execution.

4. Physical force and coercive means shall be used in a proportionate extent and manner in response to the opposing actions of the convict and aim to paralyze the actions and not to punish him/ her.

5. The type of coercive means shall be determined in accordance with the provisions that regulate the activity of the body that executes the decision.
6. In the event of using physical force and means of coercion, during the compulsory execution, a report shall be drafted to include the reasons, facts and circumstances that dictated the need to use force, and the prosecutor shall be immediately notified after the action.
7. Compulsory execution shall only apply to sentences of imprisonment and to the additional sentencing provided for in paragraphs 2 and 8 of Article 30 of the Criminal Code.
8. For all other types of sentencing, in case of non-appearance or avoidance of execution, the prosecutor shall submit a request for the change of the type of sentencing, according to the rules provided in the Criminal Procedure Code.

Article 28

Transfer to the facility for the execution of the criminal decision

1. With the voluntary apppearance of the convict or him/ her being taken by force, the competent body shall accompany him/ her to the institution designated for them to serve their time.
2. How the prison sentence is to be served and the rights of a convict shall be determined in accordance with the law governing the treatment of prisoners or detainees.

Article 29

Searching for the convict

When the convict is not found or has left in an unknown direction, the prosecutor shall perform the actions provided in Article 247 of the Criminal Procedure Code, for the search of the person and, where appropriate, those in Article 504 of this Code.

Article 30

Release of the prisoner

1. Imprisonment is assessed as completed and the convict is released when:
    a) he/ she completes the execution of the sentence;
    b) the remaining sentence term is pardoned;
    c) the criminal offense or the remaining sentence term is amnestied;
    d) he/ she is released by a court decision.
2. The convict shall not be released when a criminal proceeding has been initiated against him/ her and an arrest warrant has been imposed for another criminal offense other than the one for which he/ she is serving his/ her time.
3. When the convicted person is released, according to the provisions of letters "a", "b" and "c" of this article, the release procedure shall be performed by the institution in charge of the execution of the criminal decision, while in other cases the release shall be granted by an execution order of the prosecutor. In these cases, the work with the State Police shall be notified and coordinated, which, as the case may be, shall take measures to notify and ensure the life and health of the criminal offense victim.

Article 31

Execution of the decision in semi-liberty

1. When the court decides to execute the decision of imprisonment in semi-liberty, provided in article 58 of the Criminal Code, they shall immediately send the summary decision to the prosecutor for execution.
2. The General Directorate of Prisons and the Probation Service, based on the obligations of the convict or the needs for his/ her medical treatment or rehabilitation, shall determine the institution for the execution of criminal decisions where the convict will be placed in semi-liberty.

Article 32

Monitoring of the convict on semi-liberty

1. Monitoring of the convict on semi-liberty shall be performed by the institution in charge of the execution of criminal decisions while he/ she is imprisoned and by the Probation Service, when the convict is outside the institution.
2. The Probation Service shall draft the daily program to be implemented by the convicted person for the period of time that he/ she is out of the institution.
3. The Probation Service shall immediately report to the prosecutor and, where necessary, to the director of the institution in charge of the execution of criminal decisions when the person sentenced to semi-liberty does not fulfill his/ her obligations related to work, education, qualification or vocational training, essential family responsibilities or the need for medical treatment or rehabilitation for the purpose of punishment.
4. When the person sentenced to semi-liberty does not return to the institution in charge of the execution of criminal decisions, the head of the institution, after checking the facts and circumstances for his/ her non-return, shall immediately notify the prosecutor and the Probation Service. The Probation Service, after checking the relevant facts and circumstances, shall develop an evaluation report for the prosecutor and the court.

Article 33

Execution of the decision to perform community service

1. When the court decides to suspend the execution of the imprisonment decision and with the consent of the convict, its replacement with the obligation to perform unpaid work in favor of the public interest or of the association appointed by the court, provided in Article 63 of the Criminal Code, they shall immediately send the relevant summary decision to the prosecutor for the execution of the alternative sentencing.
2. Taking into account the skills and vocational training of the convicted person, the probation service shall draft and develop an individual treatment plan for the performance of community service.
3. Before the commencement of community service, the Probation Service, in cooperation with the entity where the work will be performed, shall notify the convict of the rules of technical safety at work. The Probation Service shall inform the convicted person of his/ her obligation to maintain contact and to comply with the instructions given by this service.
4. The probation service shall determine the list of public or private institutions or companies, where the

community service can be performed.

Article 34

Supervision of the convict performing community service

1. Upon taking the decision to suspend the execution of the sentence and replace it with the obligation to perform community service, the court shall order the convict to maintain contact with the probation service.
2. The contact with the Probation Service shall be established according to the provisions of the legislation in force on the organization and operation of the Probation Service.
3. The Probation Service shall supervise the convict performing community service.
4. The Probation Service shall immediately report to the prosecutor when the convict does not maintain contact with them or violates the conditions or other obligations imposed by the court.

Article 35

Failure to perform service

1. When the convict does not perform the service properly, the entity where community service is being performed shall immediately notify the Probation Service.
2. Improper performance of service means delayed arrival, unexcused absences at work or non-compliance with the rules for performance, conduct and efficiency at work.

Article 36

Execution of the stay-at-home decision

1. When the court imposes a stay-at-home decision, provided for in Article 59 / a of the Criminal Code, they shall immediately send the decision to the prosecutor for execution and, if he/ she is held in an institution in charge of the execution of criminal decisions, to the directorate of this institution.
2. The Probation Service shall supervise the execution of the stay-at-home decision on continuous basis, until the full execution of the sentence and cooperate, as the case may be, with the competent structures of the local self-government units, social services, local State Police bodies, as well as other private or state entities.
3. In cases when the court accepts the request for change of residence, the Probation Service shall implement the measures defined in this decision and forward the execution practice for the convict to the territorial branch of the Probation Service, where the convict has a new residence or abode.
4. The Probation Service shall notify the local authorities of the State Police, as well as the prosecutor who issued the execution order, of the change of residence.
5. The Probation Service shall ensure the provision of the necessary information and assistance to the convicted person from health institutions, social assistance institutions, as well as non-profit organizations cooperating with them for the implementation of the stay-at-home decision.
6. The Probation Service shall draft individual treatment plans for the person serving the stay-at-home sentence term.
7. When the convicted person is unable to fulfill the obligations imposed by the court, due to the change

of circumstances, the Probation Service shall immediately report to the prosecutor.

8. If the person serving the stay-at-home sentence term does not respect the obligations imposed by the court, the Probation Service, after checking the facts and circumstances, shall notify the prosecutor, who, depending on the violation, shall warn the person or turn to the court according to the provisions of Article 62 of the Criminal Code.

Article 37

Suspension of the execution of imprisonment sentence and placement on probation

1. When the court decides to suspend the execution of the imprisonment sentence and to replace it with probation, according to the provisions of Article 59 of the Criminal Code, they shall immediately notify the prosecutor of the summary decision.
2. The convicted person placed on probation, during the probationary period, shall be obliged to appear regularly and to continuously inform the Probation Service on the fulfillment of the conditions and obligations determined by the court, as well as to obtain the consent from the Probation Service for the change of residence, abode, work center or for frequent movements within the country.
3. The Probation Service shall coordinate the work and regularly inform the local State Police bodies.
4. The Probation Service shall monitor the execution of the court decision and immediately report to the prosecutor when the convict does not maintain contact with them or violates the conditions or other obligations imposed by the court.

Article 38

Execution of the conditional release decision

1. In accordance with Article 64 of the Criminal Code, a person sentenced to imprisonment shall have the right to submit a request for conditional release to the court covering the institution where the criminal decision is being executed.
2. After submitting the request for conditional release, the director of the institution in charge of the execution of criminal decisions shall submit to the court a copy of the convict's personal file and an individual evaluation report for him/ her. The report shall define the attitude of the convict towards the criminal offense and against the victim or the victim's family, any previous criminal offenses committed by him/ her, the risk of engaging in repeat criminal offenses, family and social circumstances, educational and vocational training, physical and psychological state of the convict, as well as the dynamics of his/ her behavior in the institution in charge of the execution of criminal decisions.
3. The court shall request the Probation Service to submit a preliminary evaluation report and the individual treatment plan for the convict, in order to enable his/ her full reintegration after release.
4. When the court decides on the conditional release of the convict, they shall order the immediate release of the convict and the submission of the decision to the prosecutor at the judicial court of the district where the convict will live after his/ her release, and to the institution in charge of the execution of criminal decisions.
5. The conditionally released person shall maintain contacts and regularly report to the Probation Service on the fulfillment of obligations during the conditional release time.
6. When the conditionally released person requests to change his / her place of residence or abode, he /

she must notify the Probation Service in advance, presenting the relevant documentation certifying the change of place of residence or abode.

7. The territorial branch of the Probation Service, which has supervised the convict up to that moment, shall forward the execution practice for the convict to the territorial branch of the Probation Service, where the convict has a new residence or abode.

8. The Probation Service shall notify the local authorities of the State Police, as well as the prosecutor who issued the execution order, regarding the change of place of residence or adobe.

9. The Probation Service shall supervise the execution of the conditional release decision and, when necessary, cooperate with the local self-government units and those of the State Police. The Probation Service shall be obliged to inform the prosecutor in writing as soon as possible when the convict placed on probation does not maintain contacts with the Probation Service or violates the conditions or other obligations imposed by the court.

CHAPTER III
EXECUTION OF ALTERNATIVE SENTENCING

Article 39
Execution of alternative sentencing

1. When the court decides to suspend the imprisonment decision and replace it with an alternative sentence, they shall immediately send to the prosecutor the summary decision for the execution of the alternative sentencing.

2. If the convict is imprisoned, the court shall send a copy of the decision for his/her release to the institution in charge of the execution of criminal decisions where the convict is being held.

3. In the case when the convict does not appear the day after the announcement of the decision, the deadline for the execution of the alternative sentencing shall commence upon the first contact of the person placed on probation with the Probation Service. The duration of the probationary period shall be determined in the criminal decision.

4. In the event that the alternative sentencing cannot be executed for reasons provided for in Article 476 of the Criminal Procedure Code, the Probation Service shall inform the prosecutor, without delay, of the impossibility to execute the decision.

5. At the request of the prosecutor, the court may decide to postpone the commencement of the execution of the alternative sentencing, according to the deadlines provided in the Criminal Procedure Code.

6. In the execution of the alternative sentencing, the Probation Service shall supervise the fulfillment of the obligations and conditions determined in the court decision, assist and advise the convict on the fulfillment of these obligations and help with his/ her social reintegration.

7. At the request of the court or the prosecutor, the Probation Service shall prepare a report on the implementation of the court decision and the individual treatment plan.

8. When the convict does not meet the conditions and obligations set by the court, the Probation Service shall submit a report to the prosecutor containing information on the circumstances of the violation, the explanations given by the convict, the evaluation and the recommendation of the Probation Service employee together with the relevant reasons to assign additional obligations, to request the extension of

the term of monitoring in court or to change the conditions and obligations for the execution of the sentence.

Article 40

Review of the request for change or revocation of the alternative sentencing

1. Pursuant to Articles 470, 471 et seq. of the Criminal Procedure Code, the court, at the request of the prosecutor, shall examine serious or repeated violations of the conditions of alternative sentencing or non-fulfillment of obligations and may decide in accordance with Article 62 of the Criminal Code.
2. During the period that the measure of revocation of the alternative sentencing is being reviewed, the court may suspend its execution and order that the convict be placed in an institution in charge of the execution of criminal decisions.

Article 41

Completion of alternative sentencing

1. When the convict completes an alternative sentence term or fulfills the given obligation, the Probation Service shall submit to the prosecutor the report on the full completion of the monitoring period. The prosecutor shall issue a special decision for the execution of the alternative sentencing.
2. The court may decide the early termination of the alternative sentencing, upon the proposal of the prosecutor, in which it is proved that the convict has performed the obligations and it is considered that it is no longer necessary to further implement them, in order to achieve the goal of alternative sentencing. The prosecutor's request for early termination of the alternative sentencing shall contain data on the convict's criminal record, a description of the dynamics of the convict's behavior and the progress made during the execution of the sentence and the reasons for filing the request.
3. The request for the early termination of the alternative sentencing shall be submitted after the convict has served more than half of the time period and does not pose a risk for the commission of any other criminal offense, or any risk to public order or third parties.

CHAPTER IV
EXECUTION OF FINES

Article 42

Execution

1. The execution of a fine shall be made upon the prosecutor's execution order to the extent, timeline and manner of payment defined by the court decision.
2. Execution is carried out by the bailiff body operating in the territory where the convict resides, according to the rules of the Civil Procedure Code on executive titles.
3. When the convict changes the place of residence, based on his/ her verified notification of the new address, the execution of the decision shall be transferred to the bailiff body operating in the new place of residence territory.

Article 43

Impossibility or avoidance of execution

1. When the execution of a fine is totally or partly impossible, upon notification of the bailiff body, the prosecutor shall submit a request to the court operating in the execution facility territory for the conversion of the fine, applying the rules of Article 467 of the Criminal Procedure Code.
2. When the deadlines for payment of the fine are not respected or the change of residence is not notified, at the request of the prosecutor, the court operating in the execution facility territory shall decide to replace the remaining fine according to the provisions of Article 34 of the Criminal Code.

CHAPTER V

EXECUTION OF ADDITIONAL SENTENCING

Article 44

Execution

1. When the main imprisonment sentence has been imposed, the additional sentencing provided for in points 2, 4, 9 and 10 of Article 30 of the Criminal Code shall be executed together with it.
2. Other additional sentencing shall be executed after the main sentence has been served, when the court has not ruled otherwise.
3. The prosecutor shall send the execution order to the competent body for the execution of the additional sentencing.

Article 45

Liability for actions contrary to the decision

1. When the convict or the body in charge of the execution of the additional sentencing commits actions contrary to the court decision, they shall be responsible, as the case may be, based on articles 320 and 321 of the Criminal Code.
2. State bodies, which ascertain any actions contrary to the court decision, shall be obliged to notify the prosecutor, who mainly proceeds according to the law.

Article 46

Removal of decorations or honorary titles

1. For decisions containing an additional sentencing provided for in point 4 of Article 30 of the Criminal Code, the prosecutor shall send the execution order and a copy of the sentencing decision to the body that awarded the decoration or the title of honor asking them to make the relevant notes, withdraw the distinguishing mark and the original testimony from the convict.
2. When due to the decoration or the title of honor there are privileges or benefits, the above body shall notify the relevant bodies for their termination.

Article 47

Prohibition to drive vehicles

1. The State Police authorities, based on the order of the prosecutor, shall make notes in the relevant registries and withdraw the convict's driving license for as long as the court has decided.
2. The execution of this additional sentencing shall begin on the day of the driving license withdrawal from the competent body.

Article 48

Prohibition of stay in one or several administrative units

1. Based on the execution order, the State Police shall take measures to prevent the convict from entering certain administrative units and to remove them when they are found there.
2. In the implementation of this measure, the State Police authorities in the respective territories shall perform actions for the search of the person, insofar as they do not come in contradiction with this law.
3. When the convict at the time of the execution of the decision is a single parent with a minor child and is not able to keep him/ her, the child shall be settled in cooperation with the social services.

Article 49

Expulsion from the territory

1. The expulsion from the territory decision shall be executed by the convict himself/ herself, within the deadline set by the prosecutor in the execution order, otherwise the rules of compulsory execution shall apply.
2. When the convicted foreign national or stateless person's main sentence is imprisonment, the Prison Police, after the completion of the main sentence, shall hand him/ her over to the State Police, which shall carry out the procedures for expelling him/ her from the territory.
3. When the application of the measure provided for in point 2 of this article cannot be carried out immediately, the responsible bodies shall act in accordance with the provisions of the legislation in force on foreigners.
4. When the convict cannot return to the country of his/ her citizenship or to another state, the prosecutor shall be obliged to ensure his/ her entry to that country or a visa, or else submit a request for a change of the additional sentencing.
5. In any case, for the convicts who are foreign citizens, through the ministry in charge of justice issues, the prosecutor shall notify the ministry in charge of foreign affairs for the sentence execution order.

Article 50

Execution of confiscation orders

1. Criminal decisions that provide for the confiscation of assets and benefits derived from a criminal offense, shall be implemented by the Agency for the Administration of Seized and Confiscated Assets under the relevant legislation.
2. In the execution of the decision, the Agency for the Administration of Seized and Confiscated Assets

shall receive the criminal tools and the assets that are products of criminal activity, which are expressly defined in the court decision and administer them according to the law.

Article 51

Removal of the right to exercise public functions

1. The additional sentencing of removal of the right to exercise public functions shall be applied by the body that receives the application for employment or the body that has the right to appoint the person, within the prohibitory term of the additional sentencing given by the court.
2. When the duty in the public service is conditioned by a license, the decision shall be executed by the body that grants the license.

Article 52

Removal of the right to exercise an activity or craft

The competent body for granting permission or authorization to exercise a certain activity or craft, shall be obliged, on the basis of the prosecutor's order, to remove from the convicted person, as long as it is provided in the additional sentencing, the right to exercise a particular profession, activity or craft and to notify the competent financial authority.

Article 53

Removal of the right to exercise managerial duties with legal entities

The removal of the right to exercise managerial duties with legal entities shall be carried out by the body that has such a right, according to the statute or relevant rules, which shall also notify the competent financial body.

Article 54

Obligation to publish the court decision

1. For the execution of the obligation to publish the court decision, the prosecutor shall make available to the convict the full text of the decision or its summary, according to the determination of the court.
2. The convict shall be obliged to publish the court decision at his/ her own expense, in one or several media outlets, at the time and manner specified in the decision and, when there are obstacles, to request the intervention of the prosecutor.
3. When the body expressly determined by the court reasonably opposes or the publication in that body is impossible, the prosecutor shall ask the court to change the decision or shall determine the fashion of publication by himself/ herself according to the legislation in force.

Article 55

Loss of parental responsibility

For the execution of the additional sentencing of loss of parental responsibility, the prosecutor shall send

the court decision, for notification and enforcement, to the convict, the local authorities of the State Police operating in the area where the juvenile resides or stays, the other parent or guardian of the child, and the National Chamber of Notaries.

CHAPTER VI
EXECUTION OF OTHER ORDERS

Article 56
Execution of medical measures

1. For the irresponsible person who has committed a criminal offense, the medical measure of compulsory treatment shall be executed according to the court decision in the specialized medical institution determined by the ministry in charge of health.
2. Upon the prosecutor's execution order, the transfer of the person suspected of having committed a criminal offense to the medical institution shall be performed by:
   a) the medical institution that is treating him/ her;
   b) the medical institution with the help of the State Police, when required by the doctors who are treating him/ her;
   c) the State Police in case the free suspect does not execute the order voluntarily.
3. The medical measure of compulsory outpatient treatment shall be executed in the medical institutions operationg in the area of residence of the obligor. When there are no relevant specialists there, they shall be accompanied in any case by these institutions to the nearest district where such service can be provided.
4. When during the execution of this measure the obligor fails to obey, the prosecutor shall order the forced execution by the State Police and, when appropriate, submit a request to the court to change the measure of compulsory treatment in a specialized medical institution.

Article 57
Execution of educational measures

1. The educational measures shall be executed in public or private centers / institutions, which are equipped with the necessary infrastructure and personnel to meet the special needs of the juvenile and the execution of the court decision. The execution of these measures is done voluntarily by the parent or legal / procedural representative, based on the execution order issued by the prosecutor, in accordance with the rules provided in the Code of Criminal Justice for Juveniles.
2. When there is no voluntary execution on a certain date or when the minor does not have parents or legal / procedural representatives, the execution of educational measures shall be done by the State Police employee, specialized and trained in juvenile criminal justice.
3. The State Police employee shall take the relevant measures for the execution of the decision renderred against the juvenile, accompanying him/ her together with a social worker or psychologist specialized in juvenile criminal justice.

Article 58

Execution of non-custodial sentences for juveniles

1. For the execution of non-custodial decisions for juveniles, the prosecutor shall send the execution order to the Probation Service.
2. For a restriction of liberty sentence, the probation service specialist shall send the notice to the place of residence or abode of the juvenile convict. To this end, he/ she shall keep a record, which shall be delivered to the juvenile convict in person or to the juvenile's counsel or his/ her legal representative. The Probation Service specialist shall set the time and place of the voluntary presentation, with the warning that, in case of voluntary non-appearance, the decision will be executed compulsorily.
3. For other additional sentences, the Probation Service shall act in accordance with the provisions of the Juvenile Justice Code.

Article 59

Execution of imprisonment sentence for juveniles

1. For the execution of the imprisonment sentence decision for juveniles, the prosecutor shall send the execution order to the detention institution, which shall take measures for the transfer of the juvenile to the institution in charge of the execution of criminal decisions for juveniles.
2. For the juvenile convict, who has been in liberty/ at large or who, during the investigation and trial phase has been charged with a security measure other than the security measure "prison arrest", the execution order shall be sent to the local authorities of the State Police operating in the area of residence or abode of the juvenile convict. For this purpose, the State Police employee shall keep a record, which is handed over to the juvenile convict personally or to the juvenile's lawyer or his/ her legal representative. The police employee shall set the time and place of the voluntary appearance, with the warning that, in case of voluntary non-appearance, the decision will be executed compulsorily.

Article 60

Execution of the fine for juveniles

1. The execution of a fine sentence for a juvenile shall be carried out upon the prosecutor's execution order to the extent, terms and manner of payment defined in the court decision.
2. The execution shall be carried out by the bailiff body operating in the territory of the juvenile convict's place of residence according to the rules of the Civil Procedure Code for executive titles.

Article 61

The main sentences for legal entities

1. When the court has imposed a fine on legal entities, the prosecutor shall send the execution order to the bailiff body operating in the area where the legal entity is based, which shall act according to the rules of the Civil Procedure Code for compulsory execution.
2. When the court has decided to terminate the legal entity, the prosecutor shall send the execution order:

a) to companies, the National Business Center, which deregisters the entity;
b) to non-profit organizations, the court that has made the registration, which shall proceed with the deregistration.

3. For the execution of the decision, the bailiff body shall notify the tax authority where the legal entity is registered.

Article 62
Additional sentencing for legal entities

When the court has imposed an additional sentencing on a legal person, it shall be executed together with the main sentence. A copy of the execution order shall be sent to:

a) companies, the National Business Center, which makes the publication of the abbreviated form of the decision in the registry in accordance with the legislation in force. The data on the decision must necessarily be reflected in the extract issued by the National Business Center regarding the convicted entity;
b) non-profit organizations, the court where the registration was made, which shall make the relevant changes and notes in the registry concerning additional sentencing.

CHAPTER VII
TERMS FOR THE EXECUTION OF DECISIONS

Article 63
Terms for court's actions

1. The actions for the execution of the criminal decision shall be carried out immediately after the legal conditions are met, but not later than within the following deadlines:

a) for decisions that contain an imprisonment sentence and for which no appeal has been lodged, the court shall send a copy of the summary decision to the prosecutor within 24 hours following the day the decision becomes final;
b) summary decisions, which contain other criminal sentences or other orders, shall be sent to the prosecutor by the court no later than 3 days from the final decision.

2. When the suspension or postponement of the execution of the decision has been decided, the above deadlines shall start from the date when the court annuls the suspension or the deadline for the postponement is fulfilled.

Article 64
Terms for prosecutor's actions

The prosecutor shall perform the preliminary actions and issue the execution order:

a) for sentences of imprisonment or compulsory treatment in medical institutions of the detained immediately after the summary decision;
b) for decisions that provide for the immediate release of the convict and the application of an alternative sentencing, immediately after the summary of the decision;

c) for imprisonment sentences for convicts at large not later than 72 hours from the decision-making;
d) for fines, when only an additional sentencing has been rendered, and for other court orders within 5 days from the decision-making;
e) for additional sentences that are executed simultaneously with the main sentence;
f) for other additional sentences after the completion of the main sentence;
g) for sentences against legal entities within 5 days from the receipt of the summary decision.

Article 65
Execution start dates

1. Execution orders for criminal decisions of imprisonment and medical measure with compulsory treatment for detainees shall be executed immediately.
2. Execution orders for decisions with immediate execution for detainees shall be executed immediately upon receipt of the order.
3. For execution orders with other punishments or orders, the execution must begin immediately, but not later than 15 days from their receipt.
4. The execution order for criminal decisions against legal entities shall be executed within 5 days from its receipt.

Article 66
Extension of deadlines

When after the issuance of the execution order the court decides to suspend or postpone the execution, the deadlines provided in article 65 of this law shall start from the date of cancellation of the suspension, completion of the period of postponement or termination by court decision.

PART FOUR
MONITORING THE EXECUTION OF DECISIONS

CHAPTER I
MONITORING FROM THE COURT AND PROSECUTOR

Article 67
Jurisdiction

1. The procedural monitoring of the execution of the decisions shall be conducted by the prosecutor of the court that has rendered the decision. When the execution of the decision is performed in a district other than that of the court that rendered the decision, the competent person for the procedural monitoring shall be the prosecutor of the district where the execution is performed.
2. For the issues within its competence that arise during the execution, the court that rendered the decision or the court operating in the territory of the facility where the sentence is executed, shall have the right to request notices from the prosecutor and the body where the decision is executed and, when

appropriate, directly control the regularity of execution.

Article 68

Forms of monitoring conducted by the prosecutor

The prosecutor shall conduct the monitoring by:

a) receiving notification of the commencement and completion of the execution by the relevant body;
b) reviewing the requests and complaints of the arrested, detainees, convicts and their counsel;
c) requesting information and making direct verifications either of documents or at the institution where the sentence is served in the presence of the relevant official person;
d) obtaining and verifying notices of facts and circumstances affecting the execution of decisions;
e) obtaining the feedback of specialists in various fields;
f) cooperation with the internal inspection unit of the facility where the decision is executed or of the state administrative control institutions.

Article 69

Documenting verifications

1. The prosecutor shall keep a record of the verifications made in the facilities where the decision is executed or in other places. The attending official shall have the right to record his/ her claims in the minutes.
2. For verifications on the complaint of the convict or his/ her defense counsel, the latter must be present when submitting a request.
3. When the prosecutor deems it necessary, he/ she shall withdraw documents, items or objects that confirm the result of the verification, reflecting them in the records, a copy of which is left to the interested parties.

Article 70

The actions of the prosecutor on the findings after the monitoring

1. The prosecutor shall submit a request to the court for the reinstatement of the violated rule or the recognition of the convict's right to the cases within their competence.
2. In other cases, the prosecutor shall intervene with the bodies charged with the execution of the decision or with other competent bodies for the reinstatement of the violated law or right, setting the respective deadlines.
3. When there is no legal impediment, the prosecutor shall order the immediate reinstatement of the violated law and right.

Article 71

Liability for violations found

1. When appropriate, according to the provisions of point 2 of article 45 of this law, the prosecutor shall initiate criminal prosecution, or submit a request to the competent body to impose to the persons who

have allowed or committed violations disciplinary and administrative mesures or the obligation to pay damage.

2. The request shall obligatorily be examined by the competent body and the conclusion shall be notified to the prosecutor.

CHAPTER II
OTHER TYPES OF MONITORING

Article 72
Internal monitoring

1. The bodies and institutions where the criminal decision is executed or which are in charge of supervising the execution of the decision, as well as their superior bodies, in the framework of the internal monitoring, shall make, as the case may be, the respective verifications.

2. The bodies mentioned in point 1 of this article, within the competence, for the findings arising from the verifications, shall take the relevant measures, or otherwise require the intervention of the prosecutor and, when appropriate, through him/ her request the examination of the case by the court.

Article 73
Rights of other bodies for the execution of criminal decisions

1. State bodies, representatives of domestic or foreign non-profit institutions and organizations operating in the field of human rights, may request information and clarifications from institutions in charge of the execution of criminal decisions on the regularity of the execution of the decisions and observance of the convict's rights, recommending the adoption of appropriate measures and, when appropriate, may request the intervention of the prosecutor.

2. The institutions in charge of the execution of imprisonment sentences shall be exempted from the above rule, for which the criteria determined by a special law are to be applied.

CHAPTER III
THE COMMITTEE FOR THE EXECUTION OF CRIMINAL DECISIONS

Article 74
Functions

1. The Committee for the Execution of Criminal Decisions is an advisory body, established to ensure the implementation of the law in the execution of sentences and the protection of the rights of convicts.

2. The Committee shall be established under the Minister of Justice and shall extend its activity throughout the country.

Article 75
Composition of the Committee

1. The Committee shall consist of 9 members, who are appointed once every four years, without the right of re-appointment.
2. The President of the Republic, the President of the Assembly, the Prime Minister and the Prosecutor General shall appoint to become members of the committee one person who does not exercise public functions, and who has no less than 15 years of recognized work experience in the field of law or public administration.
3. Ministers in charge of education, finance and health shall appoint one of their employees, provided that they are specialists in the respective profiles.
4. The Minister of Justice shall appoints one member who does not have public functions, but who meets the criteria of a magistrate.
5. The Albanian Chamber of Advocates shall appoint one member from its membership.
6. The Chairman of the Committee and the Deputy shall be elected by the Members' Meeting.

Article 76

Status of members

1. While exercising their duties, the Members of the Committee shall bear the attributes and legal responsibilities of a public servant. The publication of data by members shall be done with the permission of the Minister of Justice. In any case, the rules for maintaining state secrecy apply.
2. The members of the Committee shall reserve the right to provide information on the activity and findings to the body that has appointed them.

Article 77

The activity of the Committee

1. The Committee shall meet regularly on quarterly basis and in special cases, at the request of the Chairman, even sooner.
2. Based on the complaints or notices submitted, the Committee or the member authorized by them shall have the right to conduct verifications, even without warning, in the penitentiary institutions, to meet at any time with specific prisoners, to request clarifications and review documents and facilities, as well as make other necessary verifications.
3. The actions shall be performed in the presence of the head of the institution or the person delegated by him/ her, except for the meeting with the prisoner which can even take place without their presence.
4. In cases when violations are found, the Committee shall recommend taking immediate measures to restore the violated law or right and submit the findings to the Minister of Justice, requesting the adoption of appropriate measures. The Minister of Justice shall provide their feedback regarding the measures taken within 30 days.
5. When the adoption of measures is within the competence of the prosecutor and the court, the Minister of Justice shall present the materials to the competent prosecutor.
6. When it is assessed from the findings that there is room for changes, additions or for new legal and bylegal acts, the committee shall make the relevant proposals to the Minister of Justice.
7. The Minister of Justice, through the General Directorate of Prisons, shall establish the necessary conditions for the activity of the Committee.

8. The criteria for the election of members, for their remuneration, as well as the more detailed rules related to the organization and operation of the Committee shall be approved by a decision of the Council of Ministers.

FINAL PROVISIONS

Article 78
Law enforcement

1. The bodies and entities defined in this law shall be in charge of the implementation of this law.
2. The Minister of Justice, the Prosecutor General, the Head of the Special Prosecution Office and the Minister responsible for public order shall take measures to ensure the implementation of this law.

Article 79
Bylegal acts

The Council of Ministers shall be charged to approve the bylegal acts within three months from the entry into force of the law, pursuant to point 8 of article 77 of this law.

Article 80
Repeals

Law no. 8331, dated 21.04.1998 "On the execution of criminal decisions", as amended, shall be repealed upon entry into force of this law.

Article 81
Entry into force

This law shall enter into force 15 days after its publication in the Official Gazette.

SPEAKER OF THE ASSEMBLY

Gramoz RUÇI

Approved on 25.06.2020.