

LAW
Nr. 79/2020

ON THE EXECUTION OF CRIMINAL JUDGMENTS

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

PARLIAMENT
OF THE REPUBLIC OF ALBANIA

DECIDED:

PART ONE

GENERAL PROVISIONS

CHAPTER I

GENERAL PRINCIPLES

Article 1

Purpose of the law

The purpose of this law is to guarantee the execution of criminal judgments in accordance with the legislation in force, with international standards and in respect of fundamental human rights and freedoms.

Article 2

Subject matter of the law

1. The purpose of this law is to establish the rules and procedures for the execution of:
 - final criminal court judgments;
 - criminal court judgments with immediate execution;
 - other orders by court decisions, as well as;
 - determination of the manner of execution of alternative sentences according to the provisions of the legislation in force.
2. The provisions of this law apply to the execution of criminal court judgments issued by domestic and foreign courts in accordance with the Criminal Procedure Code, the Criminal Code, the Criminal Justice Code for Children and international agreements ratified by law.

Article 3

The main principles during the execution of the criminal judgment

1. This law applies equally to all arrested, detained, and convicted persons, avoiding discrimination and forms of conduct that encourage it, for any reason provided for by the legislation in force on protection against discrimination.
2. During the execution of the criminal judgment, it is ensured:
 - a) legality, responsibility, impartiality, and proportionality in the activities 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 their resocialisation and social reintegration, through sentence planning, as well as the cooperation of society in achieving such objectives.

Article 4

Principle of voluntary implementation

The criminal judgment is executed voluntarily by the convicted person in the manner, time, and place determined by the competent authority according to this law. Only in case of refusal to implement it voluntarily, the mandatory execution of the criminal judgment is carried out.

Article 5

Rights of the arrested, detained, and convicted persons during the execution of the criminal judgment

1. The execution of the criminal judgment restricts only those rights, to the extent and for the duration determined by the criminal judgment, while respecting all other rights recognized and protected by the legislation in force and international standards for human rights.

2. The person, at all stages of the execution of the criminal judgment, enjoys the rights provided for in the procedural criminal legislation and other laws in force. In case of infringement of the rights and when they are not recognized, the person seeks their protection and enforcement in the manner determined by the legislation in force.

Article 6

Execution of criminal judgments for minors and women

1. The execution of criminal judgments for minors is carried out in accordance with the procedural rules provided in this law, in the Criminal Justice Code for Minors, and in the Criminal Procedure Code.

2. The execution of criminal judgments for women is carried out with respect for the protection of dignity, their physical, social, professional, health, and psychological needs.

Article 7

Responsibility of entities for the execution of the criminal judgment

1. The entities charged with the execution of the criminal judgment pursuant to this law exercise their powers with respect for the rights, dignity, and freedoms of the person.

2. The employee charged with the execution of the criminal judgment bears disciplinary responsibility and, where applicable, also criminal responsibility for failure, delay, or execution of the judgment in violation of the law or the rights of the person.

Article 8

Responsibilities of the prosecutor

The prosecutor is required to take all measures for the execution of the criminal judgment in accordance with the orders of the court and the requirements of this law, as well as to verify the regularity of the execution. In case irregularities are found, the prosecutor has the right to request the responsible body or the court to restore the violated right, as well as to take measures against the responsible persons.

Article 9
Obligation to notify facts and circumstances

1. Any person or entity ordered by the prosecutor to execute a criminal judgment, who during the execution procedure becomes aware of facts and circumstances that affect the manner and timing of the execution of the criminal judgment, has the obligation to notify the prosecutor.

2. Failure to notify the prosecutor, when it does not constitute a criminal offence, constitutes an administrative violation and is punishable by the court with a fine of up to 100 (one hundred) thousand lekë, in accordance with the provisions of the applicable legislation on administrative violations.

3. Upon becoming aware of new facts and circumstances, the prosecutor, after conducting verification as appropriate, intervenes based on the provisions of this law or submits a request to the competent court.

4. When the fact or circumstance affects the validity or legality of the criminal judgment, the relevant provisions of the Code of Criminal Procedure shall apply.

PART TWO
EXECUTION OF CRIMINAL JUDGMENTS

CHAPTER I
COMPETENCIES FOR EXECUTION

Article 10
The court

In judgments with immediate execution, in addition to other provisions, the court orders the execution of the judgment immediately after its pronouncement and the sending of a copy of the judgment to the prosecutor at the court that issued the judgment for its execution.

Article 11
The prosecutor

1. The prosecutor takes measures and initiates the procedure for the execution of the criminal court judgment and, pursuant to Articles 463 and 468 of the Code of Criminal Procedure, either proceeds himself or orders other bodies to execute the judgment, according to this law.

2. The prosecutor keeps a separate file for the execution of the judgment and for all 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 judgment. The execution order contains:

a) the court that issued and/or amended the criminal judgment, the number, date, full content of the operative part of the criminal judgment subject to execution, and the necessary provisions for its execution;

b) the general particulars of the person against whom the criminal judgment is to be executed, the address of residence or domicile, at which the notification of the execution order will be served;

c) the type and amount of the principal sentence, as well as the total duration of the execution of the sentence, according to the procedures provided in the Criminal Code, the Code of Criminal Procedure, and the rules provided in this law;

c) the type of supplementary sentence and the criteria for its application;
d) in cases of imprisonment, the type of security that must be ensured at the place of execution of the sentence, as determined by the court in the operative part of the criminal judgment either ex officio or based on the prosecutor's request for determining the type of security, pursuant to Article 24 of this law;

dh) the civil obligation in the criminal proceedings;
e) the authorities executing the judgment;
ë) the obligation of the authorities executing the criminal judgment to notify the commencement of the execution. In the case of convicted minors or persons with disabilities, the manner of notification of the execution order is also determined.

2. The prosecutor at the court of appeal or the High Court, immediately after receiving the summary judgment, officially forwards it to the prosecutor's office at the court of first instance, which is responsible for the execution of the judgment.

3. The execution order is issued by the prosecutor at the court of first instance which rendered the conviction decision. In the case of minors, the execution order is issued by the prosecutor at the court of first instance in which the section for minors has been established.

Article 13

Notification of the convicted person and his defender

1. The execution order is notified immediately, but no later than 30 days, to the convicted person, his defender and, if there is none, to the defender appointed by the prosecutor.

2. The notification of the execution order for minors is carried out in such a way that the information is appropriate and understandable for them, taking into account the needs of minors with special abilities. The prosecutor notifies in advance the legal or procedural representative or another adult indicated and accepted by the minor, as well as the psychologist or the employee of the child protection unit, when the case has been handled by the latter.

3. For convicted persons with minor children, the prosecutor notifies the spouse and, in case of his/her inability or when his/her whereabouts are unknown, the child protection unit of the convicted person's place of residence.

Article 14

Compensation for damage

1. The victim of the criminal offence, who has been granted the right to compensation for damage by a final court decision, requests the enforcement of the decision containing orders in his/her favor, according to the provisions of the Civil Procedure Code. The prosecutor is obligated to notify the victim of the criminal offence regarding the commencement of the enforcement of the criminal decision.

2. The provisions of the criminal decision regarding property rights in favor of the state are enforced according to the provisions of the Civil Procedure Code, with prior notification to the State Advocacy.

3. The prosecutor has the right to be informed at any time regarding the enforcement of state property rights arising from a criminal decision.

4. When the prosecutor finds that the competent state authority does not take measures, he/she addresses the court to request the enforcement of property rights arising from the criminal decision, according to the relevant provisions of the Civil Procedure Code.

CHAPTER II

SUBJECTS THAT ENFORCE THE FINAL CRIMINAL DECISION

Article 15
Duties of the State Police

1. The State Police is responsible for the enforcement of the following criminal decisions:
 - a) imprisonment for persons at liberty;
 - b) supplementary sentences, as provided in points 3, 7, 8, and 10 of Article 30 of the Criminal Code.
2. The State Police, on the basis of 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 structures of the Military Police, as well as with other police services or state institutions, assists in the voluntary enforcement of imprisonment sentences or, otherwise, acts forcibly for the enforcement of such sentences.
3. The State Police, based on a request or on its own initiative, supports the actions of the sections of the Judicial Police, the services of the Judicial Police in the investigative structures of the Military Police, other police services or state institutions, the Prison Police, the Agency for the Administration of Seized and Confiscated Property, and other respective bodies assigned under this law, for the enforcement of criminal decisions that have become final or require immediate execution.

Article 16
Enforcement by the judicial enforcement service

The judicial enforcement service enforces the fine, court expenses, and civil obligation determined in the criminal decision.

Article 17
Probation Service

The Probation Service is the state body responsible for the implementation of court decisions and prosecutor's orders for the supervision of the execution of alternative sentences, measures to avoid prosecution, non-custodial sentences for children, 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 their rehabilitation and reintegration into society.

Article 18
Enforcement by the Agency for the Administration of Seized and Confiscated Assets

The Agency for the Administration of Seized and Confiscated Assets, on the basis of the prosecutor's order and under their supervision, enforces the supplementary sentence of confiscation of the instrumentalities and proceeds of the criminal offence, as provided in point 2 of Article 30 of the Criminal Code.

Article 19
Enforcement by state bodies and legal persons

Decisions that contain supplementary sentences as provided in points 1, 4, 6, and 10 of Article 30 of the Criminal Code are enforced by the respective state bodies or other legal persons, state or private, on the basis of the enforcement order.

Article 20
Enforcement of the supplementary sentence by the convicted person

1. The supplementary sentence for the publication of the judicial decision, as provided in point 9 of Article 30 of the Criminal Code, is enforced voluntarily by the convicted person, according to the court's order.

2. In case of inaction on his part, the decision is enforced by the prosecutor at the expense of the convicted person.

Article 21

Notifications during enforcement

1. The competent bodies for the enforcement of the criminal decision notify the prosecutor of the commencement and conclusion of the enforcement of the decision.

2. The convicted person notifies the prosecutor regarding the enforcement of the publication of the decision, in accordance with Article 20 of this law.

3. In special cases, when requested by the prosecutor, periodic notifications are also made during the enforcement of the criminal decision.

4. The prosecutor notifies in writing the court that issued the decision regarding the commencement of its enforcement, as well as its conclusion.

PART THREE

WAYS OF ENFORCING CRIMINAL DECISIONS

CHAPTER I

ENFORCEMENT OF DECISIONS THAT HAVE NOT BECOME FINAL

Article 22

Immediate enforcement

1. Enforced by court order, immediately after pronouncement:

a) the criminal decision that includes acquittal, exclusion of the defendant from punishment or termination of the trial of the case, with the order for the release of the detained person, pursuant to Article 389 and point 2 of Article 462 of the Criminal Procedure Code;

b) the criminal decision for the imposition of an alternative sentence to imprisonment, which includes a person under security measure of arrest, with the court's order for his immediate release;

c) the criminal decision that includes confiscation of property, when its seizure has previously been ordered;

c) the decision on the unlawfulness of arrest in flagrante delicto/detention, the decision when the security measure loses its effect, or the decision on revocation or replacement of the security measure with arrest, with the court's order for the immediate release of the arrested person, except where he is under a security measure with arrest for another legal reason, pursuant to the provisions of the Criminal Procedure Code;

d) the criminal decision that approves the prosecutor's request for the security measure of arrest.

2. For immediate execution, the court notifies the prosecutor of the summarized decision. The prosecutor at the court that has issued the decision immediately issues the order, which is executed by the responsible authorities, after first verifying that there are no other criminal decisions in force regarding the same person or the same property that justify the continuation of the detention, arrest, pre-trial detention or imprisonment of the person, or the holding of the property under seizure or confiscation.

3. For immediate execution, the court preliminarily gives the summarized decision to the relevant authority and, within the legal deadline, sends the reasoned criminal decision.

CHAPTER II EXECUTION OF FINAL DECISIONS AND ALTERNATIVE SENTENCES

Article 23

Preliminary actions of the prosecutor

1. Imprisonment decisions, upon becoming final, are sent to the prosecutor by the court within the deadlines specified in this law.
2. When the convicted person has been held in pretrial detention, the execution order specifies the time served and the remaining portion of the sentence, according to the criteria of Article 57 of the Criminal Code.
3. When the convicted person is to serve more than one sentence, the prosecutor submits a request to the court for the merging of sentences.
4. Based on the court's decision and the criteria of the law on the rights and treatment of convicted prisoners, the prosecutor determines the type of institution where the convicted person will serve the sentence and, in consultation with the General Directorate of Prisons, designates the specific institution.
5. When the court has not determined this and the prosecutor possesses information indicating that placement in special medical institutions is warranted, the prosecutor orders a medical examination of the convicted person and, if there are reasons, based on the results, submits a request to the court pursuant to legal provisions.

Article 24

Issuance and delivery of the execution order

1. Based on the court's decision and preliminary actions, pursuant to Article 23 of this law, the prosecutor issues the execution order and delivers it to the local State Police authority where the convicted person has their permanent or temporary residence or place of stay.
2. For convicted military personnel, the order is sent to the Military Police at the unit where the convicted person served or at the place where they are located.
3. When the convicted person is in pre-trial detention, the order is sent to the institution where they are held.
4. When the residence or place of stay is unknown, the order is sent to the General Directorate of State Police.

Article 25

Notification for voluntary execution

1. The State Police officer, the Military Police officer for convicted military personnel, or the Probation Service charged with executing the order, notifies the convicted person, assigning the time and place for voluntary appearance, with the warning that if they do not appear voluntarily, the criminal decision will be executed by force.
2. For the convicted person sentenced to imprisonment or to one of the alternative forms of imprisonment, who has been at liberty, or for whom, during the investigation and trial phase, a security measure other than "arrest in prison" has been imposed, the notification is carried out at the residence or place of stay of the convicted person. For this purpose, a record is kept, which is delivered to the convicted person personally and, when this is not possible, to their family members. When this method of notification is not feasible, notification is made through the local structures of the State Police where the convicted person has their residence.
3. The notification for the voluntary execution of the imprisonment sentence contains:

- a) the number and date of the prosecutor's execution order;
 - b) the number and date of the criminal decision;
 - c) the type and amount of the sentence calculated by the prosecutor in the execution order;
 - ç) the date, time, and location of the institution where the convicted person must voluntarily appear to serve the sentence;
 - d) the warning that, in case of failure to voluntarily appear at the designated date, time, and place, the decision will be executed by compulsion.
4. The deadline for voluntary appearance at the designated institutions to serve the sentence cannot be later than 7 days from the date of notification.
5. The judicial decision for placing the person under electronic surveillance is immediately sent to the prosecutor, the Probation Service and the State Police, who 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 issued the decision, upon the request of the convicted person, his defense attorney or the prosecutor, in accordance with the provisions of the Code of Criminal Procedure. When the court decides to postpone the execution of the decisions, the prosecutor administers the decision and interrupts the procedural actions for the enforcement of the decision.

Article 27

Compulsory execution

1. When the convicted person does not appear on the designated date and place, according to the voluntary notification, compulsory execution of the decision is carried out.
2. With the approval of the prosecutor, compulsory execution is carried out immediately when there is reason to believe that the convicted person may evade execution or public order and safety may be endangered.
3. Compulsory execution is carried out by forcibly sending the convicted person to the designated place for the serving of the sentence. Before the use of force or coercive measures, the convicted person is verbally invited to comply voluntarily.
4. Physical force and coercive measures are used in a proportional manner and extent that correspond to the convicted person's opposing actions and aim at neutralising those actions rather than punishing him.
5. The type of coercive measures is determined according to the provisions regulating the activity of the body executing the decision.
6. For the use of physical force and coercive measures during compulsory execution, a report is prepared detailing the reasons, facts, and circumstances which dictated the need for the use of force, and the prosecutor is notified immediately after the action is carried out.
7. Compulsory execution by force is applied only for sentences of imprisonment and for the supplementary sentences provided for in points 2 and 8 of Article 30 of the Criminal Code.
8. For all other types of sentences, in case of non-appearance or avoidance of execution, the prosecutor shall submit a request for the modification of the type of sentence, according to the rules provided in the Criminal Procedure Code.

Article 28

Transfer to the place of execution of the sentence

1. Upon the voluntary appearance of the sentenced person or upon their compelled apprehension, the responsible body escorts them to the designated institution for the execution of the sentence.

2. The manner of serving the sentence of imprisonment and the rights of the sentenced person are determined according to the law that regulates the treatment of prisoners or pre-trial detainees.

Article 29

Search for the sentenced person

When the sentenced person cannot be found or has absconded in an unknown direction, the prosecutor carries out the actions provided for in Article 247 of the Criminal Procedure Code, for the search of the person and, where applicable, also those in Article 504 of this Code.

Article 30

Release of the prisoner

1. The sentence of imprisonment is considered served and the sentenced person is released when:

- a) the execution of the sentence is completed;
- b) the remainder of the sentence is pardoned;
- c) the criminal offence or the remainder of the sentence is amnestied;
- c) released by court decision.

2. The sentenced person is not released when criminal proceedings have been initiated against him and a security measure of arrest has been imposed for another criminal offence different from the one for which he is serving the sentence.

3. When the sentenced person is released, according to the provisions of letters “a”, “b”, and “c” of this Article, the release procedure is carried out by the institution executing the criminal decision, whereas in other cases the release is made by execution order of the prosecutor. In these cases, the State Police is notified and coordination takes place, which, as appropriate, takes measures for the notification and protection of the life and health of the victim of the criminal offence.

Article 31

Execution of the sentence in semi-liberty

1. When the court decides the execution of the sentence with imprisonment in semi-liberty, as provided in Article 58 of the Criminal Code, it immediately sends the summary decision to the prosecutor for execution.

2. The General Directorate of Prisons and the Probation Service, based on the obligations of the sentenced person or his needs for medical treatment or rehabilitation, determine the institution for the execution of criminal decisions where the sentenced person in semi-liberty will be placed.

Article 32

Supervision of the sentenced person in semi-liberty

1. The supervision of the sentenced person in semi-liberty is carried out by the institution for the execution of criminal decisions while he is incarcerated and by the Probation Service when the sentenced person is outside the institution.

2. The Probation Service prepares the daily program that the sentenced person must follow during the period when he is outside the institution.

3. The Probation Service immediately reports to the prosecutor and, when necessary, also to the director of the institution for the execution of criminal decisions when the person sentenced

to semi-liberty does not fulfill his obligations related to work, education, qualification or professional training, essential family responsibilities, or the need for medical treatment or rehabilitation for the purpose of the sentence.

4. When the person sentenced to semi-liberty does not return to the institution for the execution of criminal decisions, the head of the institution, after verifying the facts and circumstances regarding his failure to return, immediately notifies the prosecutor and the Probation Service. The Probation Service, after verifying the facts and circumstances, prepares an evaluation report for the prosecutor and the court.

Article 33

The execution of the decision for performing work in the public interest

1. When the court decides to suspend the execution of the imprisonment sentence and, with the consent of the convicted person, to substitute it with the obligation to perform unpaid work in favor of the public interest or an association designated by the court, as provided in Article 63 of the Criminal Code, it immediately sends the relevant summary decision to the prosecutor for the execution of the alternative sentence.

2. The Probation Service, taking into account the skills and professional background of the convicted person, drafts and develops an individual treatment plan for the performance of work in the public interest.

3. Before commencing the performance of work in the public interest, the Probation Service, in cooperation with the entity where the work will be performed, makes the convicted person aware of the technical safety rules at work. The Probation Service informs the convicted person of his obligation to maintain contact and to fulfill the instructions given by this service.

4. The Probation Service determines the list of institutions or entities, public or private, where work in the public interest may be performed.

Article 34

Supervision of the convicted person performing work in the public interest

1. The court, upon deciding to suspend the execution of the sentencing decision and replace it with the obligation to perform work in the public interest, orders the convicted person to maintain contact with the Probation Service.

2. Contact with the Probation Service is established according to the provisions of the legislation in force regarding the organization and functioning of the Probation Service.

3. The Probation Service supervises the convicted person performing work in the public interest.

4. The Probation Service immediately reports to the prosecutor when the convicted person does not maintain contact with it or violates the conditions or other obligations set by the court.

Article 35

Failure to perform work

1. When the convicted person does not perform the work regularly, the entity at which the work in the public interest is carried out immediately notifies the Probation Service.

2. Failure to perform the work regularly means arriving late, unjustified absences from work, or failure to respect the rules regarding performance, conduct, and productivity at work.

Article 36

Execution of the decision on home confinement

1. When the court imposes the penalty of home confinement, as provided in Article 59/a of the Criminal Code, it immediately sends the decision for execution to the prosecutor and, if the person is held in an institution for the execution of criminal decisions, also to the directorate of that institution.

2. The Probation Service supervises the execution of the sentence of home confinement continuously, until the full completion of the sentence, and cooperates, as the case may be, with the responsible structures of local self-government units, social services, local State Police authorities, as well as other entities, private or state.

3. The Probation Service, in cases where the court accepts the request for change of residence, implements the measures specified in this decision and forwards the execution file for the convicted person to the regional branch of the Probation Service where the convicted person has their new residence or place of stay.

4. The Probation Service notifies the local State Police authorities, as well as the prosecutor who issued the execution order, regarding the change of residence.

5. The Probation Service ensures the necessary information and assistance for the convicted person from healthcare institutions, social assistance institutions, as well as non-profit organizations that cooperate with it for the implementation of the sentence of home confinement.

6. The Probation Service drafts individual treatment plans for the person serving the sentence of home confinement.

7. When the convicted person is unable to fulfill the obligations set by the court, due to a change in circumstances, the Probation Service immediately reports to the prosecutor.

8. If the person serving the sentence of home confinement does not comply with the obligations set by the court, the Probation Service, after verifying the facts and circumstances, notifies the prosecutor, who, depending on the violation, issues a warning to the person or addresses the court, according to the provisions of Article 62 of the Criminal Code.

Article 37

Suspension of the execution of imprisonment and placement on probation

1. When the court decides to suspend the execution of the imprisonment sentence and to replace it with placement on probation, according to the provisions of Article 59 of the Criminal Code, it immediately notifies the prosecutor of the summary decision.

2. The convicted person placed on probation, during the probation period, is obliged to appear regularly and to continually inform the Probation Service about the fulfillment of the conditions and obligations set by the court, as well as to obtain the consent of the Probation Service for changing residence, place of stay, workplace, or for frequent movements within the country.

3. The Probation Service coordinates its work and regularly informs the local bodies of the State Police.

4. The Probation Service supervises the execution of the court's decision and immediately reports to the prosecutor when the convicted person does not maintain contact with it or violates the conditions or other obligations set by the court.

Article 38

Execution of the conditional release decision

1. The convicted person sentenced to imprisonment, in accordance with Article 64 of the Criminal Code, has the right to submit a request for conditional release to the court of the place where the sentence is being executed.

2. After the submission of the request for conditional release, the director of the institution for the execution of criminal decisions submits to the court a copy of the convicted person's personal file and an individual assessment report for him. The report specifies the convicted person's

attitude towards the criminal offence and towards the victim or the victim's family, any previous criminal offence committed by him, the risk of reoffending, family and social circumstances, educational and professional background, the convicted person's physical and psychological condition, as well as the dynamics of his behavior in the institution for the execution of criminal decisions.

3. The court requests the Probation Service to submit a preliminary assessment report and the convicted person's individual treatment plan, in order to enable his full reintegration after release.

4. When the court decides on the conditional release of the convicted person, it orders the immediate release of the convicted person and the delivery of the decision to the prosecutor at the court of the judicial district where the convicted person will reside after release, and to the institution for the execution of the criminal decision.

5. The person conditionally released maintains contact and reports regularly to the Probation Service regarding the fulfillment of obligations during the period of conditional release.

6. When the person conditionally released requests to change his place of residence or dwelling, he must notify the Probation Service in advance, submitting the relevant documentation verifying the change of residence or dwelling.

7. The territorial branch of the Probation Service, which has supervised the convicted person up to that moment, transfers the execution file for the convicted person to the territorial branch of the Probation Service where the convicted person has his new place of residence or dwelling.

8. The Probation Service notifies the local bodies of the State Police, as well as the prosecutor who has issued the execution order, regarding the change of residence or dwelling.

9. The Probation Service supervises the execution of the conditional release decision and, where necessary, cooperates with local self-government units and those of the State Police. The Probation Service is obliged to inform the prosecutor in writing as soon as possible when the convicted person placed on probation does not maintain contact with the Probation Service or violates the conditions or other obligations imposed by the court.

CHAPTER III EXECUTION OF ALTERNATIVE SENTENCES

Article 39

Execution of the alternative sentence

1. When the court decides to suspend the imprisonment decision and substitute it with an alternative sentence, it immediately sends the summary decision to the prosecutor for the execution of the alternative sentence.

2. If the convicted person is imprisoned, the court sends a copy of the decision to the institution for the execution of criminal decisions where the convicted person is held, for his release.

3. In cases where the convicted person does not appear the day after the announcement of the decision, the period for executing the alternative sentence begins at the moment of the first contact of the person placed on probation with the Probation Service. The duration of the probation period is determined in the criminal decision.

4. In cases where the alternative sentence cannot be executed for reasons provided for in Article 476 of the Code of Criminal Procedure, the Probation Service promptly informs the prosecutor of the impossibility of executing the decision.

5. At the request of the prosecutor, the court may decide to postpone the start of the execution of the alternative sentence, according to the time limits provided for in the Code of Criminal Procedure.

6. In the execution of the alternative sentence, the Probation Service supervises the fulfillment of the obligations and conditions specified in the court decision, assists and advises the convicted person in fulfilling these obligations, and helps with his social reintegration.

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

8. When the convicted person does not fulfill the conditions and obligations specified by the court, the Probation Service submits a report to the prosecutor, which contains information on the circumstances of the violation, the explanations given by the convicted person, the assessment of the Probation Service officer, and the recommendation, along with the relevant reasons, to assign additional obligations, to request the court to extend the supervision period, or to modify the conditions and obligations for the execution of the sentence.

Article 40

Review of the request for modification or revocation of the alternative sentence

1. The court, pursuant to Articles 470, 471 and following of the Code of Criminal Procedure, upon the request of the prosecutor, reviews serious or repeated violations of the conditions of the alternative sentence or failure to fulfill the given obligations and may decide according to Article 62 of the Criminal Code.

2. During the period in which the court reviews the measure of revocation of the alternative sentence, the court may suspend its execution and order that the convicted person be placed in an institution for the enforcement of criminal judgments.

Article 41

Completion of the alternative sentence

1. When the convicted person completes the alternative sentence or fulfills the given obligation, the Probation Service submits to the prosecutor a report on the full completion of the supervision period. The prosecutor issues a special decision on the execution of the alternative sentence.

2. The court may decide on the early completion of the alternative sentence, upon the proposal of the prosecutor, in which it is verified that the convicted person has fulfilled the obligations and it is assessed that it is no longer necessary to continue their implementation in order to achieve the purpose of the alternative sentence. The prosecutor's request for early completion contains data on the criminal record of the convicted person, a description of the dynamics of the convicted person's behavior and the progress achieved during the execution of the sentence, and the reasons for submitting the request.

3. The request for the early completion of the alternative sentence is submitted after the convicted person has served more than half of the period and does not pose a risk for committing another criminal offence, public order or third parties.

CHAPTER IV

EXECUTION OF FINES

Article 42

Enforcement

1. The execution of a fine sentence decision is carried out by the execution order of the prosecutor in the amount, deadlines and manner of payment according to the court's decision.

2. Enforcement is carried out by the enforcement body in whose territory the convicted person has their residence, according to the rules of the Code of Civil Procedure for enforceable titles.

3. When the convicted person changes their residence, according to their notification of the new residence address, verified, the execution of the decision is transferred to the enforcement body in the territory of the new residence.

Article 43

Impossibility or avoidance of execution

1. When the enforcement of the fine is entirely or partially impossible, upon notification from the enforcement body, the prosecutor submits a request to the court of the place of enforcement for the conversion of the fine, applying the rules of Article 467 of the Code of Criminal Procedure.
2. When the deadlines for payment of the fine are not respected or the change of residence is not notified, upon the prosecutor's request, the court of the place of enforcement decides to substitute the remaining fine according to the provisions of Article 34 of the Criminal Code.

CHAPTER V EXECUTION OF ADDITIONAL PENALTIES

Article 44

Execution

1. When the principal sentence of imprisonment is imposed, the additional penalties provided for in points 2, 4, 9, and 10 of Article 30 of the Criminal Code are executed together with it.
2. Other additional penalties are executed after the principal sentence has been served, unless the court has decided otherwise.
3. The prosecutor sends the execution order to the competent authority for the execution of the additional penalty.

Article 45

Responsibility for actions contrary to the decision

1. When the convicted person or the authority charged with the execution of the additional penalty undertakes actions contrary to the court's decision, they bear responsibility, as applicable, based on Articles 320 and 321 of the Criminal Code.
2. State authorities that ascertain actions contrary to the court's decision are obliged to notify the prosecutor, who also acts ex officio in accordance with the law.

Article 46

Removal of decorations or honorary titles

1. For decisions that include the additional penalty provided for in point 4 of Article 30 of the Criminal Code, the prosecutor sends the execution order and a copy of the conviction decision to the authority that granted the decoration or honorary title, requesting that the relevant annotations be made, the withdrawal of the distinguishing mark, and the original certificate from the convicted person.
2. When, due to the decoration or honorary title, there are privileges or benefits, the aforementioned authority notifies the relevant authorities for their termination.

Article 47

Prohibition from driving vehicles

1. The State Police authorities, based on the prosecutor's order, make the relevant annotations in the registers and withdraw the driving license from the convicted person for the period determined by the court.
2. The execution of this additional penalty begins on the day the driving license is taken by the competent authority.

Article 48

Prohibition from residing in one or more administrative units

1. Based on the execution order, the State Police take measures to prevent the convicted person from entering certain administrative units and to remove him when found in them.
2. In the implementation of this measure, the State Police authorities in the respective territories carry out actions similar to those for searching for the person, insofar as they do not conflict with this law.
3. When the convicted person, at the time of execution of the decision, is a single parent with minor children and is unable to care for them, arrangements for the child are made in cooperation with social services.

Article 49

Expulsion from the territory

1. The penalty of expulsion from the territory is executed by the convicted person himself, within the deadline set by the prosecutor in the execution order; otherwise, the rules of forced execution apply.
2. When the convicted person is a foreign national or a stateless person, and the main sentence has been imprisonment, the Prison Police, after the completion of the main sentence, hand him over to the State Police, which carries out the procedures for expulsion from the territory.
3. When the implementation of the measure provided for in point 2 of this Article cannot be carried out immediately, the responsible authorities act in accordance with the provisions of the legislation in force for aliens.
4. When the convicted person cannot return to the country of which he is a national or to another country, the prosecutor is obliged to secure his entry into his country or a visa; otherwise, he submits a request for the modification of the supplementary sentence.
5. In any case, for convicted persons who are foreign nationals, the prosecutor, through the ministry responsible for justice affairs, informs the ministry responsible for foreign affairs about the execution order of this sentence.

Article 50

Execution of the sentence with confiscation

1. Criminal decisions that provide for the confiscation of instrumentalities and proceeds derived from the criminal offence are implemented by the Agency for the Administration of Seized and Confiscated Property in accordance with the relevant legislation.
2. In executing the decision, the Agency for the Administration of Seized and Confiscated Property takes into custody the instrumentalities of the criminal offence and the property that constitutes proceeds of criminal activity, as expressly determined in the court decision, and administers them according to the law.

Article 51

Removal of the right to exercise public functions

1. The supplementary sentence of removal of the right to exercise public functions is implemented by the body that receives the employment request or by the body that has the authority to appoint the person, within the prohibitive period of the supplementary sentence issued by the court.

2. When the public service duty is subject to licensing, the decision is executed by the body that grants the license.

Article 52

Removal of the right to exercise a specific activity or craft

The competent authority for granting a license or authorization for the exercise of a specific activity or craft is obliged, on the basis of the prosecutor's order, to remove from the convicted person, for as long as provided in the supplementary sentence, the right to exercise the specific profession, activity, or craft, and must notify the competent financial authority.

Article 53

Removal of the right to exercise managerial duties at legal persons

The removal of the right to exercise managerial duties at legal persons is carried out by the body that holds such a right, according to the statute or relevant rules, which also notifies the competent financial authority.

Article 54

Obligation to publish the judicial decision

1. For the execution of the obligation to publish the judicial decision, the prosecutor makes available to the convicted person the full text of the decision or its summary, according to the determination of the court.

2. The convicted person is obliged to publish the judicial decision at his own expense, in one or more media outlets, at the time and in the manner specified in the decision and, when obstacles arise, requests the intervention of the prosecutor.

3. When the body expressly designated by the court objects for reasonable grounds or publication in that body is impossible, the prosecutor requests the court to amend the decision or determines the manner of publication himself, according to the legislation in force.

Article 55

Loss of parental responsibility

For the execution of the supplementary punishment of loss of parental responsibility, the prosecutor sends the judicial decision for notification and implementation to the convicted person, the local bodies of the State Police, where the child, the other parent or the child's guardian resides or is staying, as well as to the National Chamber of Notaries.

CHAPTER VI

EXECUTION OF OTHER ORDERS

Article 56

Execution of the medical measure

1. For the irresponsible person who has committed a criminal offence, the medical measure of compulsory treatment is executed according to the court decision in the specialized medical institution designated by the ministry responsible for health.

2. By order of execution of the prosecutor, the delivery to the medical institution of the person suspected of having committed a criminal offence is carried out:

a) by the medical institution that is providing the treatment;

b) by the medical institution with the assistance of the State Police, when requested by the doctors providing the treatment;

c) by the State Police in case the free suspect does not execute the order voluntarily.

3. The medical measure of compulsory outpatient treatment is executed in the medical institutions of the obligated person's place of residence. When these institutions do not have the appropriate specialists, in any case, the person is accompanied by these institutions to the nearest district where such specialists are available.

4. When, during the execution of this measure, obstacles are caused by the obligated person, the prosecutor orders the forced execution by the State Police and, where appropriate, submits a request to the court for the modification of the measure to compulsory treatment in a specialised medical institution.

Article 57

Execution of educational measures

1. The educational measure is executed in public or private centres/institutions, which are equipped with the appropriate infrastructure and personnel, to meet the special needs of the child and the execution of the court decision. The execution of these measures is carried out voluntarily by the parent or legal/procedural representative, based on the execution order of the prosecutor, in accordance with the rules set forth in the Juvenile Criminal Justice Code.

2. When voluntary execution is not carried out on the designated date or when the child does not have parents or a legal/procedural representative, the execution of educational measures is carried out by the State Police officer, specialised and trained in juvenile criminal justice.

3. The State Police officer takes the necessary measures for the execution of the decision by which an educational measure has been imposed on the child, escorting him together with a social worker or psychologist specialised in juvenile criminal justice.

Article 58

Execution of non-custodial sentences for children

1. For the execution of non-custodial sentences for children, the prosecutor sends the execution order to the Probation Service.

2. For the sentence of restriction of liberty, the Probation Service specialist carries out the notification at the residence or place of stay of the convicted child. For this purpose, a record is kept, which is delivered personally to the convicted child or to the child's defence counsel or legal representative. The Probation Service specialist determines the time and place for voluntary appearance, with a warning that, in case of non-voluntary appearance, the decision will be executed by compulsion.

3. For other additional sentences, the Probation Service acts in accordance with the provisions made in the Criminal Justice Code for Children.

Article 59

Execution of custodial sentence for children

1. For the execution of the custodial sentence decision for a child, the prosecutor sends the execution order to the pre-trial detention institution, which takes measures for the transfer of the child to the institution for the execution of criminal decisions for children.

2. For the convicted child, who has been at liberty or in whose case, during the investigation and trial phase, a security measure different from the security measure "arrest in prison" has been applied, the execution order is sent to the local State Police authority of the residence or place of stay of the convicted child. For this purpose, the State Police officer draws up a record, which is

delivered personally to the convicted child or to the child's defender or legal representative. The police officer determines the time and place for voluntary appearance, with a warning that, in the event of failure to appear voluntarily, the decision will be executed by force.

Article 60

Execution of a fine sentence for the child

1. The execution of a fine sentence decision for the child is carried out by the prosecutor's execution order in the amount, deadlines and manner of payment specified in the court decision.
2. Execution is carried out by the enforcement authority in the territory where the child sentenced has his/her residence, according to the rules of the Civil Procedure Code for enforceable titles.

Article 61

Principal sentences against legal persons

1. When the court has imposed a fine sentence on legal persons, the prosecutor sends the execution order to the enforcement authority of the place where the legal person has its headquarters, which acts according to the rules of the Civil Procedure Code for compulsory execution.
2. When the court has decided on the termination of the legal person, the prosecutor sends the execution order:
 - a) for commercial companies, to the National Business Center, which carries out the deregistration;
 - b) for non-profit organizations, to the court that made the registration, which carries out the deregistration.
3. For the enforcement of the decision, the enforcement authority notifies the tax authority where the legal person is registered.

Article 62

Supplementary sentences against legal persons

- When the court has imposed a supplementary sentence on a legal person, the supplementary sentence is executed together with the principal sentence. A copy of the execution order is sent to:
- a) for commercial companies, to the National Business Center, which publishes the decision in shortened form in the register, in accordance with the applicable legislation. The data of the decision must be reflected in the extract issued by the National Business Center regarding the convicted entity;
 - b) for non-profit organizations, to the court where the registration was made, which, for supplementary sentences, makes the relevant changes and notes in the register.

CHAPTER VII

TIME LIMITS FOR THE EXECUTION OF DECISIONS

Article 63

Time limits for court actions

1. Actions for the enforcement of the criminal decision are carried out immediately once the legal conditions are met, but no later than within the following time limits:

a) for decisions that include imprisonment and for which no appeal has been filed, the court sends the prosecutor a copy of the summarised decision within 24 hours from the day following the date the decision becomes final;

b) summarised decisions, which contain other criminal sentences or other orders, are sent to the prosecutor by the court no later than 3 days from the date they become final.

2. When the suspension or postponement of the execution of the decision has been ordered, the above time limits begin from the date the court cancels the suspension or the postponement period is completed.

Article 64

Time limits for actions by the prosecutor

The prosecutor carries out the preliminary actions and issues the enforcement order:

a) for sentences of imprisonment or mandatory medical treatment in medical institutions, with the detained person, immediately after receiving the summarised decision;

b) for decisions that provide for the immediate release of the convicted person and the application of an alternative sentence, immediately upon receipt of the summarised decision;

c) for imprisonment sentences for those tried while at liberty, no later than 72 hours from the date of receipt of the decision;

ç) for fines, when only a supplementary sentence has been imposed, and for other orders of the court within 5 days from the receipt of the decision;

d) for supplementary sentences that are executed simultaneously with the principal sentence, at the same time;

dh) for other supplementary sentences after the completion of the principal sentence;

e) for sentences against legal persons within 5 days from receipt of the summarised decision.

Article 65

Time limits for the commencement of execution

1. Orders of execution for criminal decisions involving imprisonment and medical measures with compulsory treatment for detained persons are executed immediately.

2. Orders of execution for decisions with immediate execution for detained persons are executed immediately upon receipt of the order.

3. For execution orders involving sentences or other orders, execution must commence immediately, but no later than 15 days from receipt of the order.

4. The order of execution for criminal decisions against legal persons is executed within 5 days from its receipt.

Article 66

Postponement of time limits

When, after the issuance of the execution order, the court decides to suspend or postpone execution, the time limits stipulated in Article 65 of this law commence from the date of the cancellation of the suspension, the completion of the postponement period, or their termination by court decision.

PART FOUR

CONTROL OVER THE EXECUTION OF DECISIONS

CHAPTER I

CONTROL BY THE COURT AND THE PROSECUTOR

Article 67
Jurisdiction

1. Procedural control over the execution of decisions is carried out by the prosecutor attached to the court that issued the decision. When the execution of the decision takes place in a district different from that of the court that issued the decision, the prosecutor of the district where the execution takes place is competent for procedural control.

2. The court that issued the decision or the court of the place where the sentence is executed, for matters within its jurisdiction that arise during execution, has the right to request information from the prosecutor and the body where the decision is executed and, when it deems appropriate, to directly control the regularity of the execution.

Article 68
Forms of control by the prosecutor

The prosecutor carries out control through:

- a) receiving notification of the commencement and completion of execution from the relevant body;
- b) reviewing the requests and complaints of arrested persons, detainees, convicted persons, and their defenders;
- c) seeking information and conducting direct verifications of documents or at the place where the sentence is served in the presence of the relevant official;
- ç) receiving and verifying notifications of facts and circumstances that affect the execution of decisions;
- d) obtaining the opinion of specialists from various fields;
- dh) cooperation with the internal control of the body where the decision is executed or with state bodies of administrative control.

Article 69
Documentation of verifications

1. The prosecutor draws up minutes for the verifications carried out at the places where the decision is executed or at other locations. The official present has the right to record in the minutes his claims.

2. For verifications regarding the complaint of the convicted person or his defender, the latter must be present when submitting the request.

3. When the prosecutor deems it necessary, he/she collects documents, items or objects that confirm the result of the verification, reflecting them in the minutes, a copy of which is provided to the interested parties.

Article 70
Actions of the prosecutor regarding findings after inspection

1. The prosecutor submits a request to the court for the restoration of the violated order or the recognition of the right of the convicted person for cases within its jurisdiction.

2. In other cases, the prosecutor intervenes in the bodies charged with executing the decision or in other competent bodies for the restoration of the law or the infringed right, also setting the relevant deadlines.

3. When there is no legal obstacle, the prosecutor orders the immediate restoration of the law and of the violated right.

Article 71
Responsibility for the violations found

1. When it is the case, according to the provisions of point 2 of article 45 of this law, the prosecutor initiates prosecutions of offences, or submits a request to the competent authority for bringing to disciplinary and administrative responsibility or for compensation against the persons who have allowed or committed violations.

2. The request is obligatorily reviewed by the competent authority and the conclusion is communicated to the prosecutor.

CHAPTER II
Other controls

Article 72
Internal control

1. The bodies and institutions where the criminal decision is executed or which are charged with supervising the execution of the decision, as well as their superior bodies, within the framework of internal control, carry out, as appropriate, the relevant verifications.

2. The bodies mentioned in point 1 of this article, within their competence, for findings arising from the verifications, take the appropriate measures, or otherwise request the intervention of the prosecutor and, when applicable, through him request the review of the case by the court.

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

1. State bodies, representatives of institutions and non-profit organizations, domestic or foreign, that operate in the field of human rights, may request information and clarifications at the places of execution of sentences regarding the regularity of the execution of the decision and the respect of the rights of the convicted person, by recommending the taking of appropriate measures and, when they deem it necessary, may request the intervention of the prosecutor.

2. An exception to the above rule are the institutions for the execution of imprisonment sentences, for which the criteria defined by a special law apply.

CHAPTER III
COMMISSION FOR THE EXECUTION OF CRIMINAL DECISIONS

Article 74
Functions

1. The Commission for the Execution of Criminal Decisions is an advisory body, established to oversee the implementation of the law in the execution of sentences and the protection of the rights of convicted persons.

2. The Commission is established under the Minister of Justice and extends its activity throughout the entire country.

Article 75

Composition of the Commission

1. The Commission consists of 9 members, who are appointed once every four years, without the right of reappointment.
2. The President of the Republic, the Speaker of Parliament, the Prime Minister and the Prosecutor General each appoint as a member a person who does not exercise public functions and who has not less than 15 years of recognized work experience in the field of law or in public administration.
3. The ministers responsible for education, finance, and health each appoint one member from their staff, provided that they are specialists in the relevant fields.
4. The Minister of Justice appoints a member who does not hold public functions but meets the criteria of a magistrate.
5. The Albanian Bar Association appoints one member from its membership.
6. The Chairperson of the Commission and the Deputy are elected by the meeting of the members.

Article 76

Status of the members

1. The members of the Commission, during the exercise of their duties, have the legal attributes and responsibilities of a public official. The publication of data by the members is done with the permission of the Minister of Justice. In any case, the rules for the preservation of state secrecy shall apply.
2. The members of the Commission reserve the right to provide information regarding their activity and findings to the body that appointed them.

Article 77

Activity of the Commission

1. The Commission meets regularly once every three months and, in special cases, earlier upon the request of the Chairperson.
2. On the basis of complaints or submitted notifications, the Commission or its authorized member has the right to conduct verifications, even without prior notice, in the institutions of conviction, to meet at any time with a particular prisoner, to request clarifications and to review documents and premises, as well as to carry out other necessary verifications.
3. Actions are carried out in the presence of the head of the institution or their appointee, except for meetings with the prisoner, which may be held without their presence.
4. In cases where violations are identified, the Commission recommends taking immediate measures to restore the law or the violated right and submits its findings to the Minister of Justice, requesting the adoption of appropriate measures. The Minister of Justice must respond regarding the measures taken within 30 days.
5. When the adoption of measures falls within the competence of the prosecutor and the court, the Minister of Justice submits the materials to the competent prosecutor.
6. When, based on the findings, it is assessed that there is a need for amendments, additions, or for new legal and bylaw acts, the commission makes the respective proposals to the Minister of Justice.
7. The Minister of Justice, through the General Directorate of Prisons, creates the necessary conditions for the activities of the Commission.
8. The criteria for the selection of members, their remuneration, as well as the detailed rules for the organization and functioning of the Commission, are approved by decision of the Council of Ministers.

FINAL PROVISIONS

Article 78

Implementation of the law

1. The bodies and entities specified in this law are charged with the implementation of this law.
2. The Minister of Justice, the Prosecutor General, the Head of the Special Prosecution, and the minister responsible for public order shall take measures to ensure the implementation of this law.

Article 79

Bylaws

The Council of Ministers is charged to approve the bylaw implementing point 8 of Article 77 of this law within three months from the entry into force of the law.

Article 80

Repeals

Law no. 8331, dated 21.4.1998, “Për ekzekutimin e vendimeve penale”, as amended, is repealed at the moment of entry into force of this law.

Article 81

Entry into force

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

Approved on 25.6.2020.

Promulgated by Decree No. 11549, dated 16.7.2020 of the President of the Republic of Albania, Ilir Meta.