

France

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

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

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

SUSPENSION WITH PROBATION	
Name of the judgement or the probation decision	<i>Le sursis avec mise à l'épreuve</i> Suspension with probation
Classification of this judgement or the probation decision	Suspended sentence
Legal basis of this judgement or the probation decision	Criminal Code, Articles 132-40 to 132-53 Code of Criminal Procedure, Articles 739 to 747
Definition of this judgement or the probation decision	" <i>Le sursis avec mise à l'épreuve</i> " is an exemption from execution of a custodial sentence under the condition that the sentenced person comply with certain obligations during a specified time period.
Legal Conditions of this judgement or the probation decision	<ul style="list-style-type: none"> - It can be imposed when the committed offence is an ordinary felony or crime for which a custodial sentence is incurred. - The sentence pronounced by the judge must not exceed 5 years (10 years for legal recidivism, but the part with probation must not exceed 5 years) - The probationary period is set by the court, at its sole discretion, within the limits of 18 months to 3 years, raised to 5 years for recidivism and 7 years for double recidivism. - The criminal court cannot impose a suspended sentence for a person who was already convicted twice to a suspended sentence for identical or assimilated offences and finding himself in a state of legal recidivism. When this involves a felony or a crime of wilful violence, aggression, sexual assault or a crime committed with the aggravating circumstance of violence and in a

	<p>state of legal recidivism, the court cannot pronounce a total suspended sentence.</p> <p>- The consent of the sentenced person is not required.</p>
<p>Type of probation measures</p>	<p>General obligations :</p> <ul style="list-style-type: none"> - <i>Obligation to report at specified times to a specific authority:</i> obligation to respond to the summons of the judge competent for the execution of custodial sentences ("<i>juge d'application des peines</i>") or the designated probation officer. - <i>Obligation to cooperate with a probation officer:</i> obligation to receive visits from a probation officer and provide him with any information or documents as necessary to verify his means of existence and the fulfilment of his obligations. - <i>Obligation for the sentenced person to inform a specific authority of any change of domicile or working place:</i> obligation to notify the probation officer of any change of employment and residence or any travel whose duration should exceed fifteen days and to report his return ; obligation to obtain the authorisation of the judge competent for the execution of custodial sentences ("<i>juge d'application des peines</i>") for any change of employment or residence where it is liable to obstruct the execution of the measure. - <i>Obligation containing limitations on leaving the territory of the executing State :</i> obligation to obtain prior authorisation from the judge competent for the execution of custodial sentences ("<i>juge d'application des peines</i>") for any travel abroad. <p>Obligations to which the sentenced person can be specifically subjected :</p> <ul style="list-style-type: none"> - <i>Obligation not to enter certain localities, places or defined areas in the issuing or executing State:</i> obligation to abstain from appearing in any places, any category of place or any area specifically designated; prohibition to frequent drinking establishments; in the event of offence committed against his spouse, his children or the children of his spouse, prohibition to appear at the domicile of the victim or in the immediate vicinity thereof. - <i>Instruction relating to behaviour, residence, education and training, leisure activities or containing limitations on or modalities of carrying out a professional activity :</i> obligation to carry out a professional activity or follow an educational or professional training ; obligation to establish his residence in a specific place ; obligation to demonstrate that he is contributing to family expenses or paying alimony ; prohibition to drive certain vehicles ; prohibition to engage in the professional activity in the exercise or on the occasion of which the offence was committed ; prohibition to engage in betting ; obligation to complete at his own expense a road safety awareness course if the offence was committed while driving a vehicle ; prohibition to broadcast any audiovisual work dealing in whole or part with the committed offence and obligation to abstain from any public appearance relating to this offence in the event of conviction for felonies or crimes relating to wilful attacks on life, sexual aggressions or sexual assault ; obligation to entrust his children to those who have been granted custody of them by a legal decision ; obligation to follow a citizenship course ; obligation to reside outside of the domicile or the residence of the couple, when the offence was committed against his spouse, his children or the children of his spouse. - <i>Obligation to avoid contact with specific persons :</i> prohibition to frequent certain sentenced persons, notably the authors or accomplices of the offence ; prohibition to enter into contact with certain persons, notably the victims or certain categories of persons and particularly minors ;

	<p>- <i>Obligation to avoid contact with specific objects which have been used or are likely to be used by the sentenced person with a view to committing a criminal offence</i> : prohibition to possess or carry a weapon</p> <p>- <i>Obligation to compensate financially for the prejudice caused by the offence or obligation to provide proof of compliance with such an obligation</i> : obligation to compensate, in whole or part according to his ability to pay, the damage caused by the offence ; obligation to demonstrate that he is paying the amounts owed to the public Treasury as a result of the conviction ;</p> <p>- <i>Obligation to undergo therapeutic treatment or a treatment for addiction</i> : obligation to undergo medical examination, treatment or care measures , even if this involves hospitalisation ;</p>
<p>Combination of sanctions or measures</p>	<p>This suspended sentence can be total or partial ; in the latter case it is combined with a custodial sentence within the limit of 5 years of suspension with probation.</p> <p>This suspended sentence can also be combined with a fine, compensation or additional penalties.</p>
<p>Authority responsible for taking such a decision</p>	<p>The suspended sentence can be pronounced by a Court (Correctional Court, Court of Appeal or Court of Assizes as well as the Juvenile Court).</p>
<p>Authority responsible for supervising</p>	<p>The '<i>juge d'application des peines</i>' is competent to ensure the follow-up of the suspended sentence. He usually designates the rehabilitation and probation penitentiary service to carry out the execution of the probation measures and obligations.</p> <p>The competent '<i>juge d'application des peines</i>' is that of the ordinary residence of the sentenced person. If the sentenced person does not have a known ordinary residence, the competent "<i>juge d'application des peines</i>" is that of the place of conviction.</p> <p>When the probation was pronounced by a Juvenile Court, the juvenile judge exercises the functions devolved upon the '<i>juge d'application des peines</i>' until the sentenced person has reached the age of 21. However, given the personality of the minor or the duration of the sentence pronounced, the juvenile judge can remove the case in favour of the '<i>juge d'application des peines</i>' when the minor has reached the age of 18.</p> <p>The '<i>juge d'application des peines</i>' sets the execution modalities of the suspended sentence.</p> <p>At any time during the measure he may modify the obligations pronounced. He can also extend the duration (within the legal limits) or on the contrary decide to put an early end to it by declaring the probation measure null and void. The judge rules by order or judgment.</p> <p>The '<i>juge d'application des peines</i>' can use means of constraint against the sentenced person (issuance of summons, arrest warrant, etc.) and disposes also some investigative powers (bank requisitions...).</p>
<p>Authority responsible in case of infringement</p>	<p>The '<i>juge d'application des peines</i>' is competent for the revocation of the measure when the sentenced person does not submit himself to the probation measures or obligations or when he has committed an offence followed by a conviction on the occasion of which revocation of the suspended sentence was not pronounced.</p> <p>The '<i>juge d'application des peines</i>' can refer the case at his own initiative or at the request of the public prosecutor office. He takes a decision after holding an adversarial hearing in the presence of the public prosecutor office,</p>

the sentenced person and, if applicable, his lawyer. He can revoke the measure in whole or part.

The measure can be revoked after its expiration when the '*juge d'application des peines*' was referred or referred himself for this purpose at the latest within a period of one month after this date.

The '*juge d'application des peines*' can rule in the absence of the sentenced person who is not a detainee, duly summoned at the declared address, who does not present himself at the adversarial hearing, unless for some legitimate reason.

The sentenced person can appeal this decision within 10 days of notification of the judgment. The appeal is brought before the chamber competent for the execution of the sentence of the Court of Appeal.

The court, when it imposes a custodial sentence, can revoke the suspended sentence when a new offence (crime or offence) is committed during the probationary period.

This revocation can only take place if the '*juge d'application des peines*' issued an opinion on the possible revocation of the suspended sentence.

The revocation can be total or partial.

SUSPENDED SENTENCE WITH OBLIGATION TO CARRY OUT COMMUNITY SERVICE

<p>Name of the judgement or the probation decision</p>	<p><i>"Le sursis avec obligation d'accomplir un travail d'intérêt général"</i> Suspended sentence with obligation to carry out community service</p>
<p>Classification of this judgement or the probation decision</p>	<p>Suspended sentence</p>
<p>Legal basis of this judgement or the probation decision</p>	<p>Criminal Code, Articles 132-54 to 132-57 Code of Criminal Procedure, Articles 747-1 to 747-2</p>
<p>Definition of this judgement or the probation decision</p>	<p>This suspended sentence with obligation to carry out community service is an exemption from executing a custodial sentence under the condition that the sentenced person carry out community service and comply with certain obligations during a specified period.</p>
<p>Legal Conditions of this judgement or the probation decision</p>	<ul style="list-style-type: none"> - The suspended sentence with obligation to carry out community service can be pronounced when the committed offence is an ordinary crime or offence for which a custodial sentence is incurred. - The sentence pronounced may not exceed 5 years. - The probationary period is set at 18 months. - The criminal court may not pronounce a suspended sentence with obligation to carry out community service for a person who was already convicted of two suspended sentences for identical or assimilated offences and finding himself in a state of legal recidivism.

- The sentenced person must be present at the hearing and must consent to the measure.

Type of probation measures

General obligations :

- *Obligation to perform community service*: obligation to carry out community service for a period of 20 to 210 hours (120 hours for minors) for the benefit of a legal entity under public law, a legal entity under private law entrusted with a public service mission, or an association authorised to carry out community service.

- *Obligation to undergo therapeutic treatment or a treatment for addiction* : obligation to undergo medical examination prior to the execution of the sentence for the purpose of determining whether he is suffering from any ailment which could be dangerous for other workers and to ensure that he is medically fit for the work to which he might be assigned.

- *Obligation to report at specified times to a specific authority*: obligation to respond to the summons of the "juge d'application des peines" or the designated probation officer.

- *Obligation to cooperate with a probation officer*: obligation to receive the visits of the probation officer and provide him with information or documents relating to the execution of the sentence.

- *Obligation for the sentenced person to inform a specific authority of any change of domicile or working place* : obligation to justify any changes of employment or residence where such changes obstruct the execution of the community service according to the modalities set;

- *Obligation containing limitations on leaving the territory of the executing State* : obligation to obtain prior authorisation from the 'juge d'application des peines' for any travel which would obstruct the execution of the community service according to the modalities set.

Obligations to which the sentenced person can be specifically subjected :

- *Obligation not to enter certain localities, places or defined areas in the issuing or executing State*: obligation to abstain from appearing in any specifically designated place ; prohibition to frequent drinking establishments ; when the offence was committed against his spouse, his children or the children of his spouse, prohibition to appear at the domicile of the victim or in the immediate vicinity thereof.

- *Instruction relating to behaviour, residence, education and training, leisure activities or containing limitations on or modalities of carrying out a professional activity*: obligation to carry out a professional or education activity or training ; obligation to establish his residence in a specific place ; obligation to demonstrate that he is contributing to family expenses or regularly paying alimony ; prohibition to drive certain vehicles ; prohibition to engage in the professional activity in the exercise or on the occasion of which the offence was committed ; prohibition to engage in betting ; obligation to follow at his own expense a road safety awareness course if the offence was committed while driving a vehicle ; prohibition to broadcast any audiovisual work dealing in whole or part with the committed offence and obligation to abstain from any public appearance relating to this offence when the conviction for crimes or offences is related to wilful attacks on life, sexual aggressions or sexual assault ; obligation to entrust his children to those who have been granted custody of them by a legal decision ; obligation to follow a citizenship course ; obligation to reside outside of the domicile or residence of the couple when the offence was committed against his spouse, his children or the children of his spouse.

	<p>- <i>Obligation to avoid contact with specific persons</i>: prohibition to frequent certain sentenced persons, notably the authors or accomplices of the offence; prohibition to enter in contact with certain persons, notably the victim of the offence.</p> <p>- <i>Obligation to avoid contact with specific objects which have been used or are likely to be used by the sentenced person with a view to committing a criminal offence</i> : prohibition to possess or carry a weapon.</p> <p>- <i>Obligation to compensate financially for the prejudice caused by the offence or obligation to provide proof of compliance with such an obligation</i>: obligation to compensate, in whole or part, according to his ability to pay, the damage caused by the offence ; obligation to demonstrate that he is paying the amounts owed to the public Treasury as a result of the conviction.</p> <p>- <i>Obligation to undergo therapeutic treatment or a treatment for addiction</i>: obligation to undergo medical examination, treatment or care measures, even if this involves hospitalisation.</p>
<p>Combination of sanctions or measures</p>	<p>The suspended sentence with obligation to carry out community service can be combined with a fine, compensation or additional penalties. It cannot be combined with a custodial sentence.</p>
<p>Authority responsible for taking such a decision</p>	<p>The suspended sentence with obligation to carry out community service can be pronounced by a Court (Correctional Court, Court of Appeal as well as by Juvenile Court). It can also be pronounced by the judge competent for the execution of the sentence ("<i>juge d'application des peines</i>") when he decides to commute a fixed custodial sentence which is less than or equal to six months into a suspended sentence with obligation to carry out community service.</p>
<p>Authority responsible for supervising</p>	<p>The '<i>juge d'application des peines</i>' is competent to set and follow-up the modalities of the suspended sentence with obligation to carry out community service. He usually designates the rehabilitation and probation penitentiary service to carry out the execution of the community service and of the obligations which are pronounced. The competent '<i>juge d'application des peines</i>' is that of the ordinary residence of the sentenced person. If the sentenced person does not have a known ordinary residence, the competent judge is that of the place of conviction. When the suspended sentence with obligation to carry out community service was pronounced by a Juvenile Court, the juvenile judge exercises the functions devolved upon the '<i>juge d'application des peines</i>' until the sentenced person has reached the age of 21. However, given the personality of the minor or the duration of the sentence imposed, the juvenile judge can remove the case in favour of the '<i>juge d'application des peines</i>' when the minor has reached the age of 18. The community service shall be performed in an organisation authorised to receive sentenced persons (registration on a list by the '<i>juge d'application des peines</i>' and possibly authorisation by the court of first instance). The '<i>juge d'application des peines</i>' determines the modalities for performing the community service including the competent organisation, the nature and time schedule. When the community service has been completed, the organisation for whose benefit it was performed delivers a certificate to the '<i>juge d'application des peines</i>' or to the rehabilitation and probation penitentiary service. At any time the '<i>juge d'application des peines</i>' may modify the obligations imposed on the sentenced person.</p>

	<p>The '<i>juge d'application des peines</i>' can also decide the suspension of the period of performance of the community service if the sentenced person encounters serious problems of a medical, familial, professional or social nature.</p> <p>The '<i>juge d'application des peines</i>' can use means of constraint against the sentenced person (summons, etc.) and possesses some investigative powers (bank requisitions, etc.)</p>
Authority responsible in case of infringement	<p>The designated responsible person within the organisation where the community service is performed immediately informs the '<i>juge d'application des peines</i>' or the probation officer of any infringement or of any incident caused by the sentenced person.</p> <p>The '<i>juge d'application des peines</i>' is competent to revoke the measure if the sentenced person does not submit himself to the performance of the community service or to the probation measures and obligations, or when he has committed an offence followed by a conviction on the occasion of which revocation of the suspended sentence was not pronounced.</p> <p>The '<i>juge d'application des peines</i>' can refer himself at his own initiative or at the request of the public prosecutor office. He takes a decision after holding an adversarial hearing in the presence of the public prosecutor office, the sentenced person and, if applicable, his lawyer. He can revoke the measure in whole or part.</p> <p>The measure can be revoked after its expiration when the '<i>juge d'application des peines</i>' was referred or referred himself for this purpose at the latest within a period of one month after this date.</p> <p>The '<i>juge d'application des peines</i>' can decide in the absence of the sentenced person who is not a detainee, duly summoned at the declared address, who does not present himself at the adversarial hearing, unless for some legitimate reason.</p> <p>The sentenced person can appeal this decision within 10 days of notification of the judgment. The appeal is brought before the chamber competent for the execution of sentences of the Court of Appeal.</p> <p>The court, when it imposes a custodial sentence, can revoke the suspended sentence with obligation to carry out community service when a new offence (crime or offence) is committed during the probationary period.</p> <p>This revocation can only take place if the '<i>juge d'application des peines</i>' issued an opinion on the possible revocation of the suspended sentence with obligation to carry out community service. The revocation can be total or partial.</p>

PROBATIONARY ADJOURNMENT	
Name of the judgement or the probation decision	<i>L'ajournement avec mise à l'épreuve</i> Probationary adjournment
Classification of this judgement or the probation decision	Conditional sentence
Legal basis	Criminal Code, Articles 132-63 to 132-65

<p>of this judgement or the probation decision</p>	<p>Code of Criminal Procedure, Article 747-3</p>
<p>Definition of this judgement or the probation decision</p>	<p>Probationary adjournment permits the court, after a guilty verdict, to postpone the pronouncement of the sentence to a later date, the person declared guilty having to fulfil certain obligations during the period under the supervision of the "<i>juge d'application des peines</i>".</p>
<p>Legal Conditions of this judgement or the probation decision</p>	<ul style="list-style-type: none"> - The court must determine that the person convicted is in the process of being reintegrated, that the damage caused is in the process of being compensated, and that any consequences covered by the offence will cease. - The sentenced person must be present at the hearing. The law does not require that the Court gets the person consent but, in practice, it is unlikely that the judge pronounce an adjournment if the person clearly indicates at the hearing that he will not make any efforts in this sense. - The court must set the period at the conclusion of which the person declared guilty will have to appear again with a view to choosing the sentence (this period may not exceed one year).
<p>Type of probation measures</p>	<p>General obligations :</p> <ul style="list-style-type: none"> - <i>Obligation to report at specified times to a specific authority:</i> obligation to respond to the summons of the "<i>juge d'application des peines</i>" or the designated probation officer. - <i>Obligation to cooperate with a probation officer:</i> receive the visits of the probation officer and provide him with any information or documents necessary to verify his means of existence and the fulfilment of his obligations. - <i>Obligation for the sentenced person to inform a specific authority of any change of domicile or working place:</i> obligation to notify the probation officer of any changes of employment and residence or any travel whose duration should exceed fifteen days and report his return ; obligation to obtain authorisation from the "<i>juge d'application des peines</i>" for any change of employment or residence where it is liable to obstruct the execution of the measure. - <i>Obligation containing limitations on leaving the territory of the executing State:</i> obligation to obtain prior authorisation from the "<i>juge d'application des peines</i>" for any travel abroad. <p>Obligations to which the sentenced person can be specifically subjected :</p> <ul style="list-style-type: none"> - <i>Obligation not to enter certain localities, places or defined areas in the issuing or executing State:</i> obligation to abstain from appearing in any specifically designated place ; prohibition to frequent drinking establishments ; when the offence was committed against his spouse, his children or the children of his spouse, prohibition to appear at the domicile of the victim or in the immediate vicinity thereof. - <i>Instruction relating to behaviour, residence, education and training, leisure activities or containing limitations on or modalities of carrying out a professional activity:</i> obligation to carry out a professional activity or follow a educational or professional training ; obligation to establish his residence in

	<p>a specific place ; obligation to demonstrate that he is contributing to family expenses or regularly paying alimony ; prohibition to drive certain vehicles ; prohibition to engage in the professional activity in the exercise or on the occasion of which the offence was committed ; prohibition to engage in betting ; obligation to complete at his own expense a road safety awareness course if the offence was committed while driving a vehicle ; prohibition to broadcast any audiovisual work dealing in whole or part with the committed offence and obligation to abstain from any public appearance relating to this offence when conviction for crimes or offences is related to wilful attacks on life, sexual aggressions or sexual assault ; obligation to entrust his children to those who have been granted custody of them by a legal decision ; obligation to follow a citizenship course ; obligation to reside outside of the domicile or residence of the couple when the offence was committed against his spouse, his children or the children of his spouse.</p> <ul style="list-style-type: none"> - <i>Obligation to avoid contact with specific persons</i>: prohibition to frequent certain sentenced persons, notably the authors or accomplices of the offence; prohibition to enter in contact with certain persons, notably the victim of the offence. - <i>Obligation to avoid contact with specific objects which have been used or are likely to be used by the sentenced person with a view to committing a criminal offence</i>: prohibition to possess or carry a weapon. - <i>Obligation to compensate financially for the prejudice caused by the offence or obligation to provide proof of compliance with such an obligation</i>: obligation to compensate, in whole or part, according to his ability to pay, the damage caused by the offence ; obligation to demonstrate that he is paying the amounts owed to the public Treasury as a result of the sentence ; - <i>Obligation to undergo therapeutic treatment or a treatment for addiction</i>: obligation to undergo medical examination, treatment or care measures, even if this involves hospitalisation.
<p>Combination of sanctions or measures</p>	<p>A probationary adjournment cannot be combined with any other sanction since the court, when it decides on this measure, has not yet decided on the sentence.</p>
<p>Authority responsible for taking such a decision</p>	<p>Probationary adjournment can be pronounced by the Court (Correctional Court, Court of Appeal as well as the Juvenile Court).</p>
<p>Authority responsible for supervising</p>	<p>The "<i>juge d'application des peines</i>" is competent to set and supervise the modalities for the probationary adjournment. He usually designates the rehabilitation and probation penitentiary service to ensure compliance with the obligations. The competent "<i>juge d'application des peines</i>" is that of the ordinary residence of the person declared guilty. When the probationary adjournment was pronounced by a Juvenile Court, the juvenile judge exercises the functions devolved upon the "<i>juge d'application des peines</i>" until the sentenced person has reached the age of 21. However, given the personality of the minor or the duration of the sentence imposed, the juvenile judge can remove the case in favour of the "<i>juge d'application des peines</i>" when the minor has reached the age of 18. The "<i>juge d'application des peines</i>" can modify or add specific obligations and use means of constraint (mandates, etc.) against the person . The "<i>juge d'application des peines</i>" gives his opinion on the compliance to the obligations imposed on the person adjourned during the probation</p>

	<p>period, accompanied by, if applicable, the report of the rehabilitation and probation penitentiary service.</p> <p>If the person adjourned satisfied his obligations, and with the consent of the public prosecutor, the "<i>juge d'application des peines</i>" can pronounce the exemption from sentence at least thirty days before the hearing where it is decided to pronounce the sentence (which is therefore cancelled).</p>
<p>Authority responsible in case of infringement</p>	<p>The court at the origin of the decision on probationary adjournment decides, on the date set, on the sentence, taking the infringement of obligations into consideration when choosing the sanction.</p> <p>The "<i>juge d'application des peines</i>" can also, when the person adjourned failed to fulfil his obligations, end the measure and send the person before the competent court before the scheduled date. In this case, the "<i>juge d'application des peines</i>" can have the person adjourned temporarily in custody, the hearing before the court then having to be held within a period of 5 days.</p>

ADJOURNMENT WITH INJUNCTION	
<p>Name of the judgement or the probation decision</p>	<p><i>Ajournement avec injonction</i> Ajournment with injonction</p>
<p>Classification of this judgement or the probation decision</p>	<p>Conditional sentence</p>
<p>Legal basis of this judgement or the probation decision</p>	<p>Criminal Code, Articles 132-66 to 132-70 Code of Criminal Procedure, Article 747-4</p>
<p>Definition of this judgement or the probation decision</p>	<p>Adjournment with injunction permits the court, after a verdict of guilty, to postpone the imposition of the sentence to a later date. During this period the convicted person must, if need be under coercive fine, comply with the injunction established by the court under the supervision of the penalty enforcement judge.</p>
<p>Legal Conditions of this judgement or the probation decision</p>	<ul style="list-style-type: none"> - The law or the regulations must specifically provide for the possibility of using this conditionalsentence (e.g.: with regard to illicit contractual clauses, water policy, legal registration of audiovisual written works and softwares programs, etc.) - The natural person or legal entity must be present at the hearing. The law does not require that the Court gets the person consent but, in practice, it is unlikely that the judge pronounce an adjournment if the person clearly indicates at the hearing that he will not make any efforts in this sense. - Adjournment with injunction may only be granted once

	- The court has to impose a deadline for the execution of its injunction.
Type of probation measures	- Instruction relating to behaviour, residence, education and training, leisure activities or containing limitations on or modalities of carrying out a professional activity - Obligation to compensate financially for the prejudice caused by the offence or obligation to provide proof of compliance with such an obligation.
Combination of sanctions or measures	Adjournment with injunction cannot be combined with any other sanction due to the fact that the trial court, when it pronounces on this measure, has not yet ruled on the sentence.
Authority responsible for taking such a decision	The Correctional Court and the Court of Appeal
Authority responsible for supervising	The " <i>juge d'application des peines</i> " of the residence of the sentenced person is competent to ensure, either directly or through qualified persons, that the injunction enumerated by the court are carried out.
Authority responsible in case of infringement	At the reconvened hearing, when the injunction were executed within the established time period, the court can either exempt the offender from the sentence or impose the sanctions provided by the laws or regulations. When the injunctions have been executed with a delay, the court calculates if need be the amount of the coercive fine and imposes the sanctions provided for by the law or regulations. Where the injunctions were not complied with, the court calculates if need be the amount of the coercive fine, imposes the sanctions and may in addition order that the execution of these injunctions be continued at the expense of the sentenced person, pursuant to the cases and conditions provided for by the law or regulations.

COMMUNITY SERVICE	
Name of the judgement or the probation decision	<i>Le travail d'intérêt general</i> Community service
Classification of this judgement or the probation decision	Alternative sanction
Legal basis of this judgement or the probation decision	Criminal Code, Articles 131-8, 131-17, 131-22, 131-23 and 131-24 and R 131-12 to R131-34. Code of Criminal Procedure, Articles 733-1, 733-2 and 741.

Definition of this judgement or the probation decision	<p>Community service is a sanction which consists of unremunerated work, performed for the benefit of a legal entity under public law, a legal entity of private law or an association authorised to carry out public service work.</p>
Legal Conditions of this judgement or the probation decision	<ul style="list-style-type: none"> - The sentenced person must be present at the hearing and accept the sanction of community service: - The duration of the working penalty may not be less than 20 hours nor exceed 210 hours. (120 hours for minors and for minor offence offences); - It can be pronounced as an alternative sanction to imprisonment for offences punishable by imprisonment and, if a text so provides, as an additional penalty for 5th-class petty/minor offences and certain offences; - The period of execution must be set by the court and must not exceed 18 months.
Type of probation measures	<ul style="list-style-type: none"> - Obligation to carry out community service: obligation to carry out community service for a period of 20 to 210 hours (120 hours for minors) for the benefit of a legal entity under public law, a legal entity under private law entrusted with a public service mission or an association authorised to carry out community service. - Obligation to undergo therapeutic treatment or a treatment for addiction : obligation to undergo the medical examination prior to the execution of the sentence in order to determine whether he is suffering from any disease which could be dangerous for the other workers and to ensure that he is medically fit for the work to which he might be assigned, and to ensure, if the work which the "<i>juge d'application des peines</i>" intends to assign to him must be exercised in a public or private establishment or organisation of medical prevention or treatment and exposes him to risks of infection, that he is immunised against these diseases. - Obligation to report at specified times to a specific authority: obligation to report, whenever it is required, to the "<i>juge d'application des peines</i>" or the designated probation officer under whose supervision he is placed. - Obligation to cooperate with a probation officer: the "<i>juge d'application des peines</i>" or the probation officer verifies the execution of the work at the organisation. If need be, he visits the sentenced person at his working place.
Combination of sanctions or measures	<p>As main penalty, the community service can only be combined with additional penalties. There is no cumulation possible with imprisonment or fines.</p> <p>When the community service is imposed as an additional penalty, it can be combined with imprisonment, fine or day-fines, the sentences involving deprivation or restriction of rights, the citizenship training and the indemnity repair.</p>
Authority responsible for taking such a decision	<p>It can be pronounced by the Court (Police Court for certain 5th class minor/petty offences), the Correctional Court, the Court of Appeal, and the Juvenile Court).</p>
Authority responsible for supervising	<p>The "<i>juge d'application des peines</i>" is competent to set and supervise the execution of the community service.</p> <p>He usually designates the rehabilitation and probation penitentiary service to assure the execution of the community service and of the obligations which are pronounced.</p>

	<p>The judge competent for the execution of custodial sentence (<i>juge de l'application des peines</i>) is the judge of the lawful residence of the sentenced person. If the sentenced person does not have a known lawful residence, the competent judge is that of the seat of the sentencing court.</p> <p>When the community service was pronounced by a Juvenile Court, the juvenile judge exercises the functions devolved upon "<i>juge d'application des peines</i>" until the sentenced person has reached the age of 21. However, due to the personality of the minor or the duration of the sentence pronounced, the juvenile judge can withdraw from the case in favour of the judge competent for the execution of custodial sentence (<i>juge de l'application des peines</i>) when the minor has reached the age of 18.</p> <p>The community service must be performed in an organisation authorised to receive sentenced persons (registration on a list by the "<i>juge d'application des peines</i>" and possibly authorisation by the court of first instance).</p> <p>The "<i>juge d'application des peines</i>" issues an order setting the modalities for carry out the community service in which he defines the host organisation, the nature of the work and the work schedule.</p> <p>When the community service has been completed, the organisation for whose benefit it was performed delivers a work performance certificate to the "<i>juge d'application des peines</i>" or to the rehabilitation and probation penitentiary service (<i>service pénitentiaire d'insertion et de probation</i>).</p> <p>The "<i>juge d'application des peines</i>" can order the suspension of the period of execution if the sentenced person encounters serious problems of a medical, familial, professional or social nature.</p>
<p>Authority responsible in case of infringement</p>	<p>The designated person within the organisation where the community service is executed immediately informs the "<i>juge d'application des peines</i>" or the probation officer of any violation of the work obligation or of any incident caused by the sentenced person.</p> <p>Failure to execute the community service constitutes an independent offence punishable by 2 years of imprisonment and a fine of 30,000 euros.</p> <p>- 1st case: the court set the custodial sentence or fine incurred in case of non-execution of the community service: In case of non-compliance with the community service, the "<i>juge d'application des peines</i>" who referred himself at his own initiative or was referred at the request of the public prosecutor office pronounces the total or partial execution of the custodial sentence or the fine set by the court. The "<i>juge d'application des peines</i>" pronounces his decision after holding an adversarial hearing in the presence of the public prosecutor, the sentenced person and, if applicable, his lawyer.</p> <p>- 2nd case : the court did not set the custodial sentence or fine incurred in case of non-execution of the community service: The "<i>juge d'application des peines</i>" sends to the public prosecutor a report in order that he evaluate the interest in prosecuting the case before the Correctional Court or the Juvenile Court for non-compliance of the community service. The offence is prosecuted by the public prosecutor office and if need be the court pronounces a new conviction, which does not withdraw the existence of the initial conviction.</p>

THE CITIZENSHIP TRAINING	
Name of the	<i>Le stage de citoyenneté</i>

judgement or the probation decision	
Classification of this judgement or the probation decision	Alternative sanction
Legal basis of this judgement or the probation decision	Criminal Code, Article 131-5-1
Definition of this judgement or the probation decision	The citizenship training is a sanction which consists in ordering the sentenced person to complete a training whose purpose is to remind the offender of the republican values of tolerance and respect for personal dignity upon which society is based and to make him aware of his criminal and civil liability as well as of the duties entailed by living in society. However, it does not appear that this type of measure is destined to be transferred because of its specificity.
Legal Conditions of this judgement or the probation decision	<ul style="list-style-type: none"> - The defendant must be present at the hearing and accept the citizenship training. - The court freely sets the duration of the training; however, it may not exceed 1 month and 6 hours per day. - It can be pronounced for the misdemeanours and the 5th class minor offences when the law provides for it (example: theft, damages, extortion, etc.) - The training can be taken at the expense of the sentenced person.
Type of probation measures	- Obligation to report at specified times to a specific authority, instruction concerning behaviour: obligation to complete the citizenship training under the conditions set by the court.
Combination of sanctions or measures	<p>It can be imposed as an alternative sanction to imprisonment for the offences punishable by imprisonment or as an additional penalty, if a text provides it for the 5th class minor/petty offences and certain offences.</p> <p>As main penalty, the citizenship training can be combined with a fine, as well as with additional penalties. No combination with imprisonment is possible.</p> <p>When the citizenship training is imposed as an additional penalty, it can be combined with imprisonment, fine or day-fines, the sentences involving deprivation or restriction of rights, community service and the penalty repair.</p>
Authority responsible for taking such a decision	It can be pronounced by the Court (Police Court for certain 5th class minor/petty offences, the Correctional Court, the Court of Appeal, and the Juvenile Court).
Authority	The citizenship training is organised in continuous or discontinuous

<p>responsible for supervising</p>	<p>collective sessions composed of several training modules adapted to the personality of the sentenced persons and the nature of the committed offence.</p> <p>The trainings are executed under the supervision of the representative of the public prosecutor of the place where the sentence is executed. They can be implemented under the supervision of the rehabilitation and probation penitentiary service (<i>service pénitentiaire d'insertion et de probation</i>).</p> <p>Prior to the execution of the training, the person or the service which receives the sentenced person explains to him the consequences of non-compliance with the obligations resulting from the training.</p> <p>A training completion certificate is delivered to the sentenced person, who sends it to the person or the service responsible for supervising.</p>
<p>Authority responsible in case of infringement</p>	<p>Failure to execute citizenship training constitutes an independent offence punishable by 2 years of imprisonment and a fine of 30,000 euros.</p> <p>- 1st case: the court set the custodial sentence or fine incurred in case of non-execution of the citizenship training: this penalty can be totally or partially put into execution by the "<i>juge d'application des peines</i>" who referred himself at his own initiative or was referred at the request of the public prosecutor office pronounces the total or partial execution of the custodial sentence or the fine set by the court. The "<i>juge d'application des peines</i>" pronounces his decision after holding an adversarial hearing in the presence of the public prosecutor, the sentenced person and, if applicable, his lawyer.</p> <p>- 2nd case : the court did not set the custodial sentence or fine incurred in case of non-execution of the citizenship training : This new offence is prosecuted by the public prosecutor office and if need be the court pronounces a new conviction, which does not withdraw the existence of the initial conviction.</p>

<p align="center">THE SENTENCES INVOLVING DEPRIVATION OR RESTRICTION OF LIBERTIES</p>	
<p>Name of the judgement or the probation decision</p>	<p><i>Les peines restrictives ou privatives de libertés</i></p>
<p>Classification of this judgement or the probation decision</p>	<p>Alternative sanction</p>
<p>Legal basis of this judgement or the probation decision</p>	<p>Criminal Code, Article 131-6</p>
<p>Definition of this</p>	<p>The sentences involving deprivation or restriction of liberties are alternative sanctions which are intended to replace the main penaltys of imprisonment</p>

judgement or the probation decision	or fine.
Legal Conditions of this judgement or the probation decision	<ul style="list-style-type: none"> - Offence punishable by a custodial sentence. - Several sentences involving deprivation or restriction of rights can be imposed for the same offence
Type of probation measures	<ul style="list-style-type: none"> - Obligation not to enter certain localities, places or defined areas in the issuing or executing State: prohibition for a period of three years to appear in certain places or certain categories of places defined by the court and in which the offence was committed. - Instruction relating to behaviour, residence, education and training, leisure activities or containing limitations on or modalities of carrying out a professional activity : suspension of the driving licence for a maximum period of five years ; prohibition to drive certain vehicles for a maximum period of five years ; withdrawal of the driving licence together with prohibition to apply for a new licence for a period not exceeding five years ; withdrawal of a hunting licence, together with prohibition to apply for a new licence; such a prohibition may not be imposed for more than five years ; prohibition to draw cheques, except those allowing the withdrawal of funds by the drawer from the drawer or certified cheques, and prohibition to use payment cards, for a maximum period of five years; prohibition, for a maximum period of five years, to carry out any professional or social activity where the facilities afforded by such activity were knowingly used to prepare or commit the offence ; prohibition, for a maximum period of five years, to carry out a commercial or industrial profession, to direct, administer, manage or supervise under any title, directly or indirectly, for his own account or for the account of others, a commercial or industrial enterprise or a commercial company. - Obligation to avoid contact with specific persons : prohibition, for a maximum period of three years, to frequent certain sentenced persons specifically designated by the court, notably the authors or accomplices of the offence ; prohibition, for a maximum period of three years, to enter into relation with certain persons specifically designated by the court, notably the victim of the offence. - Obligation to avoid contact with specific objects which have been used or are likely to be used by the sentenced person with a view to committing a criminal offence : the confiscation of one or more vehicles belonging to the sentenced person; the immobilisation, for a maximum period of one year, of one or more vehicles belonging to the sentenced person ; the prohibition to possess or carry, for a maximum period of five years, a weapon for which a permit is required; the confiscation of one or more weapons belonging to the sentenced person or which are freely available to him ; the confiscation of something which was used in or was intended for the commission of the offence or of something which is the product of it;
Combination of sanctions or measures	The sentences involving deprivation or restriction of liberty can be combined with one another, as well as with additional penalties. No combination with imprisonment or fine is possible.
Authority responsible	They can be pronounced by the Court (Correctional Court and the Court of Appeal).

for taking such a decision	
Authority responsible for supervising	The public prosecutor office.
Authority responsible in case of infringement	<p>Non-compliance with the sentences involving deprivation or restriction of liberty constitutes an independent offence punishable by 2 years of imprisonment and a fine of 30,000 euros.</p> <p>- 1st case: the court set the custodial sentence or fine incurred in case of non-compliance: this penalty can be totally or partially put into execution by the "<i>juge d'application des peines</i>" who referred himself at his own initiative or was referred at the request of the public prosecutor office pronounces the total or partial execution of the custodial sentence or the fine set by the court. The "<i>juge d'application des peines</i>" pronounces his decision after holding an adversarial hearing in the presence of the public prosecutor, the sentenced person and, if applicable, his lawyer.</p> <p>- 2nd case: the court did not set the custodial sentence or fine incurred in case of non-compliance : This new offence is prosecuted by the public prosecutor office and if need be the court pronounces a new conviction, which does not hwithdraw the initial conviction.</p>

THE PENALTY REPAIR	
Name of the judgement or the probation decision	<i>La sanction réparation</i>
Classification of this judgement or the probation decision	Alternative sanction
Legal basis of this judgement or the probation decision	Criminal Code, Article 131-8-1
Definition of this judgement or the probation decision	The penalty repair consists of the obligation for the sentenced person to compensate financially for the damage caused by the offence to the victim within the time period and according to the modalities established by the court.

Legal Conditions of this judgement or the probation decision	<ul style="list-style-type: none"> - Offence punishable by a custodial sentence. - The court must establish the period and the modalities for compensation which can be executed in kind with the consent of the victim. - The court must establish the maximum period of imprisonment or the fine (maximum 6 months of imprisonment and fine of 15,000 euros) which may be executed in case of non-compliance with the measure.
Type of probation measures	- Obligation to compensate financially for the prejudice caused by the offence or obligation to provide proof of compliance with such an obligation: obligation to compensate the victim or to proceed with the restoration of property damaged on the occasion of the commission of the offence (restoration performed by the sentenced person himself, or by a professional that he remunerates).
Combination of sanctions or measures	The penalty repair sentence can be combined with imprisonment or a fine.
Authority responsible for taking such a decision	They can be pronounced by a Court (Correctional Court and Court of Appeal).
Authority responsible for supervising	The execution of the compensation is supervised by the public prosecutor or his representative.
Authority responsible in case of infringement	In case of non-compliance with the indemnity obligation, the " <i>juge d'application des peines</i> " who referred himself at his own initiative or was referred at the request of the public prosecutor office pronounces the total or partial execution of the custodial sentence or the fine set by the court. The " <i>juge d'application des peines</i> " pronounces his decision after holding an adversarial hearing in the presence of the public prosecutor, the sentenced person and, if applicable, his lawyer.

ADDITIONAL PENALTIES	
Name of the judgement or the probation decision	<i>Les peines complémentaires</i>
Classification of this judgement or the probation decision	Alternative sanction
Legal basis of this	Criminal Code, Articles 131-10 and 131-11

judgement or the probation decision	
Definition of this judgement or the probation decision	Additional penalties are predefined penalties which can be imposed in addition to another sentence (imprisonment, fine, etc.) or as a main penalty in the cases provided for by the law.
Legal Conditions of this judgement or the probation decision	<ul style="list-style-type: none"> - Several additional penalties can be imposed for the same offence - They must be prescribed by law
Type of probation measures	<ul style="list-style-type: none"> - Instruction relating to behaviour, residence, education and training, leisure activities or containing limitations on or modalities of carrying out a professional activity: duty to act ; closure of an establishment ; prohibition, forfeiture, incapacity or withdrawal of a right ; display of the pronounced decision or diffusion of the decision in the written press, or its communication to the public by any means of electronic communication. - Obligation to avoid all contact with specific objects which have been used or are likely to be used by the sentenced person with a view to committing a criminal offence : seizure or confiscation of an object - Obligation to undergo therapeutic treatment or a treatment for addiction : treatment injunction
Combination of sanctions or measures	<p>Additional penalties can be combined with one another as well as with imprisonment, fine, day-fines, community service, penalty repair and with the sentences involving deprivation or restriction of rights.</p> <p>When they are imposed as a main penalty, there is no possibility of combination with imprisonment or fine.</p>
Authority responsible for taking such a decision	They can be pronounced by a Court (Correctional Court, Court of Appeal and Juvenile Court).
Authority responsible for supervising	The authority responsible for the enforcement is the public prosecutor office.
Authority responsible in case of infringement	<p>Non-compliance with the additional penalties constitutes an independent offence punishable by 2 years of imprisonment and a fine of 30,000 euros.</p> <p>- 1st case : the court set the custodial sentence or fine incurred in case of non-compliance : this penalty can be totally or partially put into execution by the "<i>juge d'application des peines</i>" who referred himself at his own initiative or was referred at the request of the public prosecutor office pronounces the total or partial execution of the custodial sentence or the fine set by the court. The "<i>juge d'application des peines</i>" pronounces his decision after holding an adversarial hearing in the presence of the public</p>

prosecutor, the sentenced person and, if applicable, his lawyer.

- **2nd case: the court did not set the custodial sentence or fine incurred in case of non-compliance** : this new offence is prosecuted by the public prosecutor office and if necessary the court pronounces a new sentence, which does not withdraw the initial sentence.

PROHIBITION OF STAY

Name of the judgement or the probation decision	<i>L'interdiction de séjour</i> Prohibition of stay
Classification of this judgement or the probation decision	Alternative sanction
Legal basis of this judgement or the probation decision	Articles 131-10, 131-11, 131-30 to 131-32 of the Criminal Code Articles 762-1 to 762-5 of the Code of Criminal Procedure
Definition of this judgement or the probation decision	Prohibition of stay means a prohibition on appearing in certain places and during a certain period set by the court.
Legal Conditions of this judgement or the probation decision	<ul style="list-style-type: none">- It must be prescribed by law.- The sentenced person must be less than 65 years of age at the time of the judgment (the prohibition of stay automatically ends ipso jure when the sentenced person reaches this age).- The prohibition of stay cannot be imposed for a period longer than 5 years for misdemeanours and 10 years for a crime.- The court must establish the list of prohibited places- The court can subject the sentenced person during the period of the measure to additional supervision measures
Type of probation measures	<ul style="list-style-type: none">- Obligation not to enter certain localities, places or defined areas of the issuing or executing State: prohibition to appear in certain places.- Obligation to report at specified times to a specific authority : obligation to report to the services or authority designated by the sentencing court- Obligation for the sentenced person to inform a specific authority of any change of domicile or working place. : obligation to inform the "<i>juge d'application des peines</i>" of any travel beyond the limits designated by the sentencing court- Obligation to cooperate with a probation officer or with a representative of a social service having responsibilities in respect of sentenced persons:

	obligation to respond to the summons of any authority or any qualified person designated by the sentence
Combination of sanctions or measures	Prohibition of stay imposed as additional penalty can be combined with imprisonment, fine, day-fines, community service, penalty repair and with sentences involving deprivation or restriction of rights. When it is imposed as a main penalty there is no possibility of combination with imprisonment or fine.
Authority responsible for taking such a decision	It can be pronounced by a Court (Correctional Court, Court of Appeal or Court of Assizes).
Authority responsible for supervising	The " <i>juge d'application des peines</i> " monitors compliance with the prohibition of stay and ensures the follow-up of probation measures. The " <i>juge d'application des peines</i> " can refer to the rehabilitation and probation penitentiary service (<i>le service pénitentiaire d'insertion et de probation</i>). The " <i>juge d'application des peines</i> " can modify the list of prohibited places or provisionally suspend the measure after hearing the sentenced person and receiving the opinion of the public prosecutor. In case of emergency, the public prosecutor can provisionally authorise the sentenced person to stay in a prohibited place for a maximum period of 8 days.
Authority responsible in case of infringement	Non-compliance with prohibition of stay constitutes an independent offence punishable by 2 years of imprisonment and a fine of 30,000 euros. - 1st case : the court set the custodial sentence or fine incurred in case of non-compliance : this penalty can be totally or partially put into execution by the " <i>juge d'application des peines</i> " who referred himself at his own initiative or was referred at the request of the public prosecutor office pronounces the total or partial execution of the custodial sentence or the fine set by the court. The " <i>juge d'application des peines</i> " pronounces his decision after holding an adversarial hearing in the presence of the public prosecutor, the sentenced person and, if applicable, his lawyer. - 2nd case: the court did not set the custodial sentence or fine incurred in case of violation of prohibition of stay : this new offence is prosecuted by the public prosecutor office and if necessary the court pronounces a new sentence, which does not withdraw the initial sentence.

SOCIO-JUDICIAL SUPERVISION	
Name of the judgment or the probation decision	<i>Le suivi socio-judiciaire</i>
Classification of this judgement	Alternative sanction

or the probation decision	
Legal basis of this judgement or the probation decision	Articles 131-36-1 to 131-36-8 of the Criminal Code
Definition of this judgement or the probation decision	Socio-judicial supervision means the obligation for the sentenced person to submit, under the follow-up of the " <i>juge d'application des peines</i> ", to supervision and assistance measures intended to prevent recidivism, possibly after the main penalty of imprisonment or "reclusion".
Legal Conditions of this judgement or the probation decision	<ul style="list-style-type: none"> - The facts must have been committed after 20 June 1998. - The sentence must have been pronounced for one of the following offences : wilful attacks on life, rapes, sexual aggressions, sexual exhibitionism, torture or acts of barbarity, abductions, sequestrations, corruption of minors, possession of child pornography images, sexual assault, dangerous damages for persons, wilful violence against spouse and violence against minors below age 15. - The court must set the period of the follow-up (maximum 10 years for a misdemeanours and 20 till 30 years for a crime) and the maximum period of imprisonment incurred by the sentenced person in case of failure to comply with his obligations (maximum 2 till 7 years, depending on the offence). - The court must establish the obligations imposed on the sentenced person.
Type of probation measures	<ul style="list-style-type: none"> - The obligations are identical to those of the suspended sentence, with only two additional obligations. - Obligation to undergo therapeutic treatment or a treatment for addiction : treatment injunction - Obligation to submit to placement under mobile electronic monitoring: When the custodial sentence imposed is greater than or equal to 7 years, the sentenced person subject to a socio-judicial supervision measure can be subject to the obligation to submit to a placement under mobile electronic monitoring. <p>This measure is simultaneously an obligation not to enter certain localities, places or areas (article 4 b) and an instruction concerning behaviour (article 4 d).</p> <p>Indeed, the sentenced person is always obliged to wear an electronic device which permits to determine its location and verify his compliance with the prohibitions to stay in certain places. This measure can only be pronounced if a psychiatric evaluation conducted by two experts has established that the sentenced person remains potentially dangerous.</p>
Combination of sanctions or measures	<p>Socio-judicial supervision can be pronounced as a main penalty for correctional matters (it then replaces a custodial sentence). In this case it can be combined with a fine, as well as with additional penalties.</p> <p>It can be imposed as an additional penalty for correctional or criminal matters (it then applies after imprisonment). In this case it can be combined with imprisonment, fine, community service day-fines, sentences involving deprivation or restriction of rights.</p> <p>However, it cannot be combined with a suspended sentence.</p>

<p>Authority responsible for taking such a decision</p>	<p>It can be pronounced by a Court (Correctional Court, Juvenile Court, Court of Appeal or Court of Assizes).</p>
<p>Authority responsible for supervising</p>	<p>The "<i>juge d'application des peines</i>" is competent to ensure the follow-up of the socio-judicial supervision. He usually designates the rehabilitation and probation penitentiary service (<i>le service pénitentiaire d'insertion et de probation</i>) to assure the execution of the supervisory measures and obligations which are imposed.</p> <p>The judge competent for the execution of custodial sentence (<i>juge de l'application des peines</i>) is the judge of the lawful residence of the sentenced person. Concerning sentenced person without a known lawful residence, the judge competent for the execution of custodial sentence (<i>juge de l'application des peines</i>) is that of the place of the jurisdiction where the sentence has been originally pronounced.</p> <p>When socio-judicial supervision was pronounced by a Juvenile Court, the juvenile judge exercises the functions devolved upon the "<i>juge d'application des peines</i>" until the sentenced person has reaches the age of 21. However, due to the personality of the minor or the duration of the sentence pronounced, the juvenile judge can withdraw from the case in favour of the "<i>juge d'application des peines</i>" when the minor has reached the age of 18.</p> <p>The "<i>juge d'application des peines</i>" sets the modalities for the execution of the socio-judicial supervision.</p> <p>The "<i>juge d'application des peines</i>" shall summon the sentenced person with a view to notifying him his obligations.</p> <p>He may modify, at any time, the obligations imposed on the sentenced person.</p> <p>He can use means of constraint against the sentenced person (summons, etc.) and has some of powers of investigation (bank requisitions, etc.)</p>
<p>Authority responsible in case of infringement</p>	<p>In case of non-compliance of the measures of supervision, assistance or treatment injunction, the "<i>juge d'application des peines</i>" can at his own initiative or at the request of the public prosecutor order, via motivated decision, the execution of the whole or a part of the imprisonment pronounced by the Court.</p> <p>This decision is taken after holding an adversarial hearing in the presence of the public prosecutor office, the sentenced person and, if necessary, his lawyer.</p> <p>Enforcement of the imprisonment for non-compliance of the obligations of the socio-judicial supervision does not release the sentenced person from the execution of the socio-judicial supervision. If the sentenced person once again breaches his obligations, the "<i>juge d'application des peines</i>" can again order the execution of the imprisonment within the limits initially set by the Court.</p>

<p>CONDITIONAL RELEASE</p>	
<p>Name of the judgement or the</p>	<p><i>La liberation conditionnelle</i> Conditional release</p>

probation decision	
Classification of this judgement or the probation decision	Conditional release
Legal basis of this judgement or the probation decision	Articles 729 to 733 of the Code of Criminal Procedure
Definition of this judgement or the probation decision	Conditional release is a measure of which permits a sentenced person to be released before the end of his sentence and under certain conditions. It serves the rehabilitation of sentenced persons and the prevention of recidivism.
Legal Conditions of this judgement or the probation decision	<p>Conditional release can only be granted after the end of the safety term (period set by law or the Court during which no adjustment of the sentence or home leave is possible).</p> <p>Conditional release can be granted in several cases :</p> <ul style="list-style-type: none"> - When the sentenced person has served one-half of his sentence (two-thirds in case of recidivism) and he has demonstrated serious efforts towards social rehabilitation and when he can prove either the exercise of a professional activity, a training or temporary employment or his regular attendance in teaching or professional training courses, or his essential participation in family life, or his need to undergo medical treatment, or his efforts with regard to compensating his victims, or his involvement in a serious project of integration or rehabilitation - When the sentenced person has more than 70 years and his integration or rehabilitation is ensured (he is taken in charge after leaving the prison in a manner appropriate for his situation...) - When the sentenced person has served one-half of his sentence (two-thirds in case of recidivism) and he is subject to a prohibition to stay in French territory, an escort to the border, an expulsion, an extradition or a European arrest warrant, the conditional release can be granted if this measure is executed. - When the sentenced person serves a sentence less than or equal to four years or for which the duration of the sentence remaining to be served is less than or equal to four years and if the sentenced person exercises parental authority over a child less than ten years old having his lawful residence with this parent. (except in case of recidivism or offence committed against a minor) - When the person was sentenced for a crime or an offence for which socio-judicial supervision is incurred, a psychiatric evaluation pronouncing on the risks of recidivism and the utility of a treatment injunction must be conducted before granting of the conditional release. - When the person was sentenced to life imprisonment, conditional release

can only be granted on the basis of the opinion of a committee (the multidisciplinary safety measures committee), after a period spent in a specialised penitentiary institution (the National Centre of Evaluation of Fresnes) and with a probationary period of at least one year in partial release or placement under electronic monitoring.

There is no possibility of conditional release when the person sentenced for a crime or an offence for which socio-judicial supervision is incurred refuses during his imprisonment to follow the treatment which is proposed to him.

The duration of the conditional release is at least the duration of the part of the sentence which has not been served at the time of the release; this duration can be extended by a maximum period of one year.

Moreover, the "*juge d'application des peines*" may decide that the granting of a conditional release is subject to a prior demonstration that some other kind of execution modality has been successful (partial release, external placement or placement under electronic monitoring). These prior probationary measures are mandatory when the prisoner was sentenced to a safety term of 18 years.

Type of probation measures

Common obligations :

- Obligation to report at specified times to a specific authority: obligation to respond to the summons of the "*juge d'application des peines*" or the designated probation officer.

- Obligation to cooperate with a probation officer: receive his visits and provide him with such information or documents as are necessary to verify his means of existence and the fulfilment of his obligations.

- Obligation for the sentenced person to inform a specific authority of any change of domicile or working place: obligation to notify the probation officer of his changes of employment; obligation to request the authorisation of the "*juge d'application des peines*" before any change of residence or of any travel whose duration should exceed fifteen days and report his return. ; obligation to obtain the authorisation of the "*juge d'application des peines*" for any change of residence and any change of employment of such a nature as to obstruct the execution of the probation.

- Obligation containing limitations on leaving the territory of the executing State: obligation to obtain prior authorisation from the "*juge d'application des peines*" for any travel abroad.

- Obligations to which the sentenced person can be specifically subjected are identical to those of the suspended sentence, with only two additional obligations:

- Obligation to undergo therapeutic treatment or a treatment for addiction : treatment injunction

- Obligation to be submitted to a placement under mobile electronic monitoring: when the custodial sentence imposed is greater than or equal to 7 years, the sentenced person under conditional release can be subject to the obligation to be submitted to a measure of placement under mobile electronic monitoring.

This measure is both an obligation not to enter certain localities, places or areas (article 4 b) and an injunction concerning behaviour (article 4 d).

Indeed, the sentenced person is always obliged to wear an electronic device which permits to determine its location and verify his compliance with the prohibition to stay in certain places. This measure can only be imposed if a psychiatric evaluation conducted by two experts has established that the sentenced person remains potentially dangerous.

<p>Combination of sanctions or measures</p>	<p>The conditional release cannot be pronounced at the same time as any other sentence. On the other hand, the conditional release can be executed at the same time as a socio-judicial supervision, a suspended sentence, suspension with the obligation to fulfil community service...</p>
<p>Authority responsible for taking such a decision</p>	<p>The conditional release is pronounced by the "<i>juge d'application des peines</i>" or the juvenile judge when the duration of custodial sentence initially imposed is less than or equal to 10 years or when remaining the detention period is less than or equal to 3 years.</p> <p>When the custodial sentence initially imposed is of a duration greater than 10 years and the remaining detention period is greater than 3 years, the request for conditional release is granted by the Court competent for the execution of custodial sentence (<i>tribunal de l'application des peines</i>) composed of three judge competent for the execution of custodial sentence (or of three juvenile judges if the prisoner is a minor).</p> <p>The "<i>juge d'application des peines</i>" gathers the elements of information necessary to examine the requests for conditional release, and for this purpose can proceed or have proceeded all necessary examinations, investigations, expert evaluations, requisitions or other useful measures.</p> <p>The decision is pronounced after holding an adversarial hearing in the presence of the sentenced person, if need be his lawyer, and the public prosecutor office.</p> <p>The conditional release decision must specify the starting and ending date of the measure as well as the obligations imposed on the sentenced person.</p>
<p>Authority responsible for supervising</p>	<p>The "<i>juge d'application des peines</i>" is competent to ensure the follow-up of the conditional release. He usually designates the rehabilitation and probation penitentiary service (<i>le service pénitentiaire d'insertion et de probation</i>) to ensure the execution of the probation measures and obligations which are imposed.</p> <p>The "<i>juge d'application des peines</i>" competent is the judge of the lawful residence of the sentenced person.</p> <p>When the conditional released was pronounced by a Juvenile Court, the juvenile judge exercises the functions devolved upon the "<i>juge d'application des peines</i>" until the sentenced person has reached the age of 21. However, due to the personality of the minor or the duration of the sentence pronounced, the juvenile judge can withdraw from the case in favour of the "<i>juge d'application des peines</i>" when the minor has reached the age of 18.</p> <p>The "<i>juge d'application des peines</i>" sets the modalities for the execution of the conditional release.</p> <p>The "<i>juge d'application des peines</i>" shall summons the sentenced person to notify his obligations.</p> <p>He may modify, at any time, the obligations imposed on the sentenced person.</p> <p>He can use means of constraint against the sentenced person (summons, etc.) and disposes of powers of investigation (bank requisitions, etc.)</p>
<p>Authority responsible in case of infringement</p>	<p>In case of disorderly conduct, non-compliance with the probation measures, assistance or treatment injunction, or of commission of a new offence, the "<i>juge d'application des peines</i>" or the Court competent for the execution of custodial sentence (<i>tribunal de l'application des peines</i>) (if the sentence imposed is greater than 10 years and the time remaining to be served is greater than 3 years) at his/its own initiative or at the request of the public prosecutor, can totally or partially revoke the conditional release granted.</p> <p>The measure can be revoked after its expiration when the "<i>juge d'application des peines</i>" was referred or referred himself for this purpose at the latest</p>

within a period of one month after this date.

The "*juge d'application des peines*" can rule in the absence of the sentenced person who is not a prisoner, duly summoned at the declared address, who does not present himself at the adversarial hearing, unless for some legitimate reason.

This decision is taken after holding an adversarial hearing in the presence of the public prosecutor office, the sentenced person and, if need be, his lawyer.

The revocation entails the execution of all or part of the sentence remaining to be served.

2) Probation measures and alternative sanctions (Article 4)

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

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

Preamble:

In French law, it is at the sole discretion of the judge to decide the probation measures that he wishes from among those provided by the law for each type of sentence (described in the response to question 1). This decision is not limited by the nature of the offences committed.

However, in some cases listed below, specific probation measures exist in order to take account of the nature of the offence. Only these latter will be explained in the following table.

Probation measures / alternative sanctions	Explanation
Obligation for the sentenced person to inform a specific authority of any change of residence or working place	Described in the response to question 1
Obligation not to enter certain localities, places or defined areas in the issuing or executing State	<p>Law no. 2010-242 of 10 March 2010 seeking to reduce the risk of criminal recidivism and establishing various provisions of criminal procedure made mandatory (unless contrary decision specifically motivated) the imposition of a prohibition to appear near the domicile of the victim or of the civil party and, if applicable, her working place for any conditional release granted to a prisoner sentenced for an offence for which socio-judicial supervision is incurred.</p> <p>Law no. 2006-399 of 4 April 2006 reinforcing the prevention and repression of violence within couples or committed against minors provided that, in the case of offence committed either against his spouse, his civil partner, or against his children or those of his spouse or his civil partner, the court can impose an obligation to reside outside of the conjugal domicile or the residence of the couple and a prohibition to appear in this domicile or this residence or near these.</p>
Obligation containing	Described in the response to question 1

limitations on leaving the territory of the executing State	
Instructions relating to behaviour, residence, education and training, leisure activities, or containing limitations on or modalities of carrying out a professional activity	In case of offences committed when driving a motorised vehicle, the court may request that the sentenced person complete a road safety awareness training at its own expenses.
Obligation to report at specified times to a specific authority	Described in the response to question 1
Obligation to avoid contact with specific persons	Law no. 2010-242 of 10 March 2010 seeking to reduce the risk of criminal recidivism and establishing various provisions of criminal procedure made mandatory (unless contrary decision specifically motivated) the imposition of a prohibition to appear near the domicile of the victim and, if applicable, her working place for any conditional release granted to a prisoner sentenced for an offence for which socio-judicial supervision is incurred.
Obligation to avoid contact with specific objects, which have been used or are likely to be used by the sentenced person with a view to committing a criminal offence	Described in the response to question 1
Obligation to compensate financially for the prejudice caused by the offence and/or an obligation to provide proof of compliance with such an obligation	Described in the response to question 1
Obligation to carry out community service	Described in the response to question 1
Obligation to cooperate with a probation officer or with a representative of a social service having responsibilities in respect of sentenced persons	Described in the response to question 1.

<p>Obligation to undergo therapeutic treatment or treatment for addiction</p>	<p>French law distinguishes the treatment obligation from the treatment injunction.</p> <p>The treatment obligation means an obligation for the sentenced person to provide proof of his medical treatment to the "<i>juge d'application des peines</i>" or the designated rehabilitation and probation officer.</p> <p>The treatment injunction, which can only be imposed when socio-judicial supervision is incurred, is distinguished from the treatment obligation by the fact that the "<i>juge d'application des peines</i>" designates a doctor who will be responsible for acting as a link between the judicial authority and the attending physician.</p> <p>In this case, the "<i>juge d'application des peines</i>" designates a coordinating doctor who will be in charge of receiving the sentenced person and of inviting him to choose a attending physician. The coordinating doctor in contact with the attending physician will send to the "<i>juge d'application des peines</i>" all of the information necessary for the supervision of the treatment injunction.</p> <p>The attending physician in charge of the medical follow-up of the sentenced person must inform the coordinating doctor of any interruption of the treatment or any difficulties in the execution of the measure. The attending physician is not, in this case, bound by the duty of professional confidentiality.</p> <p>The consent of the sentenced person is not required either for the treatment obligation or the treatment injunction.</p>
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b) In your domestic law are there any probation measures and alternative sanctions which are not covered by Article 4.1?

No

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

The treatment instruction imposed within the framework of the conditional release or the socio-judicial supervision is particularly adapted for the follow-up of sexual delinquents.

3) Electronic monitoring

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

Yes

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

There are two types of electronic monitoring in French law:

- The placement under electronic monitoring (PEM), which is an execution modality of imprisonment;
- The placement under mobile electronic monitoring (PMEM) which can be an obligation of a conditional release measure or of the socio-judicial supervision (see response to the question 1 a).

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

The placement under electronic monitoring (PEM) is exclusively considered as an execution modality

of the custodial sentence, while the PMEM is an execution modality of the conditional release.

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

The placement under mobile monitoring (PMEM) can be an obligation of socio-judicial supervision and of the conditional release, but it is not an autonomous probation measure.

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

The placement under electronic monitoring involves an anklet which is a transmitter that is permanently attached to the ankle of the person under house arrest and which sends signals to a receiver placed at the locality of house arrest established by the judge. This uses GSM.

The placement under mobile electronic monitoring involves an anklet-transmitter worn around the ankle which constantly emits a radio signal captured by a receiver housing worn on the belt during the movements of the person. This uses GPS.

Is Electronic Monitoring dependant on particular conditions?

The placement under electronic monitoring can be imposed as:

- execution modality of a custodial sentence when the sentence imposed or the time remaining to be served is less than or equal to two years (one year case of recidivism). (Articles 723-7 and s. of the Code of Criminal Procedure and 132-26-1 of the Criminal Code).
- probation measure for the conditional release for prisoners whose conviction is accompanied by a safety term greater than fifteen years (Article 720-5 of the Code of Criminal Procedure)
- execution modality of the end of the custodial sentence for the last 4 months of detention or the last two-thirds of the sentence if it is less than 6 months when no sentence adjustment measure was ordered. (Article 723-28 of the Code of Criminal Procedure but application subject to application decrees which have not yet been published).

The placement under mobile electronic monitoring can be imposed as :

- obligation of conditional release, for persons sentenced to a penalty involving deprivation of liberty for a period equal to or greater than 7 years for a crime or an offence for which socio-judicial supervision was incurred (Art. D. 539 of the Code of Criminal Procedure)
- obligation of a socio-judicial supervision, for persons sentenced to a penalty involving deprivation of liberty for a period equal to or greater than 7 years, for acts committed after the entry into effect of the Act of 12 December 2005 (Article 131-36-10 of the Criminal Code).
- obligation of a judicial monitoring measure, for persons sentenced to a penalty involving deprivation of liberty for a period equal to or greater than 7 years for a crime or an offence for which socio-judicial supervision was incurred (Articles 723-29 and 723-30 of the Code of Criminal Procedure).
- obligation of a safety monitoring measure , for persons sentenced to a penalty equal to or greater than 15 years of criminal confinement for a crime for which the safety retention can be decided (Articles 723-38 and 763-8 of the Code of Criminal Procedure).
- obligation of home leave for the persons placed in safety retention (Articles 706-53-21 and R. 53-8-70 of the Code of Criminal Procedure).

The PMEM can be ordered for two years renewable one time for offences and two times for crimes, i.e. a maximum period of four years for the offences and six years for the crimes, however within the limit of the duration of the measures to which it is attached

The PMEM, apart from the cases where it is imposed within the context of a house arrest, presupposes gathering the prior opinion of the multidisciplinary safety measures committee (*la commission pluridisciplinaire des mesures de sûreté*) and having conducted an examination intended to evaluate the dangerousness of the sentenced person and the risk of commission of a new offence. This examination must be performed by two experts, a psychiatrist and a psychologist.

Nevertheless, the prior opinion of the multidisciplinary safety measures committee (*la commission pluridisciplinaire des mesures de sûreté*) is now optional, and no longer obligatory, before the imposition of this measure within the context of a judicial supervision, a socio-judicial supervision or a conditional release.

For the PEM and for the PMEM, a technical feasibility study must be done before granting the measure.

4) Formalities

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

The necessary documents are:

- the judgment
- the probation decision
- the criminal record of the sentenced person
- if applicable, the notification of the obligations
- the medical expertises
- as far as possible, the police investigation and all of the personality elements present in the file