

**Law on Execution of Criminal and Misdemeanor Sanctions
Brcko District of Bosnia and Herzegovina**

Entered into force 1 January 2001.

In accordance with Article 23 of the Statute of the Brcko District of Bosnia and Herzegovina, the Assembly of the Brcko District of Bosnia and Herzegovina at the 10th meeting held on November 02 and 03, 2000, adopts

LAW ON EXECUTION OF CRIMINAL AND MISDEMEANOR SANCTIONS I – GENERAL PROVISIONS Article 1

(1) This Law governs the execution of criminal sanctions pronounced for criminal offenses by the Basic Court of the Brcko District of Bosnia and Herzegovina (hereinafter: the Basic Court) and the Appellate Court of the Brcko District of Bosnia and Herzegovina (hereinafter: the Appellate Court). For the purpose of this Law, the criminal sanctions are penalties, security measures and educational measures.

(2) The sanctions pronounced for misdemeanors shall also be executed in accordance with this Law, unless otherwise stipulated by another law.

Article 2

A person, against whom the criminal sanction is to be executed, shall be deprived of certain right or his rights shall be constrained only to the extent necessary to accomplish the purpose of the sanction pronounced, in accordance with the Law.

Article 3

Unless otherwise stipulated by law, the criminal sanction shall be executed when the decision pronouncing such sanction becomes final and there are no legal impediments for its execution.

Article 4

(1) When conditions for execution of criminal sanction are met, the Basic Court shall undertake necessary actions in order to execute it without delay.

(2) Execution of criminal sanction may be deferred in cases and under conditions stipulated by law.

Article 5

A person against whom the criminal sanction is being executed shall be exempted from paying the costs of execution, except for those costs determined by this Law.

Article 6

Court filings, official actions and decisions in connection with the application of this Law are not subject to any fees.

Article 7

(1) A person who received a prison sentence, or juvenile prison sentence, or an institutional educational measure shall have the choice to serve the former in the penal institutions or the institutions for execution of institutional educational measures in the Federation of BiH or the Republika Srpska, in compliance with their laws.

(2) All issues relevant to execution of criminal sanctions and the conditions under which the persons serve the sentences in the institutions of the Federation of BiH and the Republika Srpska shall be regulated by an Agreement between the Brcko District of Bosnia and Herzegovina (hereinafter: the District) and the Entities.

Article 8

Convicted persons serving a prison sentence, long-term imprisonment, security or educational measure in corresponding institutions in the Entities, shall serve such sanctions under the same conditions and shall have the same rights as other persons serving the sentences, security or educational measures in such institutions, so that they are subject to the provisions of the corresponding Laws on Execution of Criminal Sanctions of the Entities, namely the provisions on: accommodation and hygienic conditions, clothing and food, health care, limitation of freedom of movement and right on contacts, work and compensation for it, rights and privileges, disciplinary liability, on house rules in the institutions as well as other provisions regulating the work and functioning of the institutions for execution of sanctions, security measures and educational measures.

II – EXECUTION OF THE PRISON SENTENCE, LONG TERM IMPRISONMENT AND JUVENILE PRISON SENTENCE 1. General provisionsArticle 9

The purpose of execution of a prison sentence, long-term imprisonment or juvenile prison sentence (hereinafter: prison sentence) is to enable the convicted persons while serving the prison sentence under a regime where modern educational measures are applied, to assume socially acceptable values with an aim to facilitate their adjustment to the life conditions at liberty and to behave in accordance with law and fulfill the civil duties.

Article 10

Convicted persons must be treated in a humane manner, respecting their human dignity and caring for their physical and mental health.

Article 11

Convicted persons, when serving a prison sentence, are entitled to practice their religion, including a special type of feeding.

Article 12

(1)As a rule, convicted persons serve their prison sentence in a group.

(2)When health condition of a convicted person requires so, or when it is stipulated by law, it may be ordered that the convicted person serve his sentence separately from others.

(3)Female and male persons shall serve their prison sentence separately.

(4)As a rule, juveniles shall serve their prison sentence separately from adults.

Article 13

(1)Convicted juveniles shall serve their juvenile prison sentence in special institutions or special departments for juveniles in the institutions of the Entities, where they can stay until they reach the age of 23 and if by then they have not served the full sentence they will be sent to a penal institution for adults.

(2)As an exception to the provision under Paragraph 1 of this Article, a person who has reached the age of 23 may stay in the institution for juveniles or in a special department of the institution for juveniles, if it is necessary in order to enable such person to complete his education or professional training, but not after 25 years of age.

Article 14

In order to encourage personal efforts of convicted persons for their adjustment to the ordinary life at liberty, the convicted persons, who are expected to behave properly at liberty and that they will not be committing criminal offenses, may be released on parole in accordance with this Law.

Article 15

Competent bodies, institutions and other legal persons shall provide convicted persons released from serving a prison sentence with the assistance needed in their easier and faster adjustment to the ordinary life at liberty.

2. Sending to serve the prison sentenceArticle 16

A convicted person shall be sent to serve a prison sentence to a corresponding institution in accordance with the court's final judgment imposing such sentence.

Article 17

The Basic Court shall send the convicted persons to serve the prison sentence.

Article 18

The Basic Court shall undertake necessary measures related to the execution of prison sentence immediately after the decision becomes final.

Article 19

(1) The Basic Court shall summon the convicted person who is at liberty and inform him on the day when he is to report for commencement of the serving of the prison sentence in a certain institution.

(2) Before summoning the convicted person to report for commencement of the serving the sentence, the court shall enable him to declare in which Entity he wants to serve the sentence.

(3) The day of reporting to such institution shall be determined so that the convicted person is given at least 8 (eight) and at most 15 (fifteen) days until the day of reporting for serving the prison sentence.

(4) When announcing the day when the convicted person is to report, the court shall issue him a court order -referral, as well as the ticket if he is supposed to use the means of public transportation.

(5) When sending the convicted person to serve his prison sentence, the court shall at the same time or not later than 3 (three) days thereafter inform the institution where the convicted person is to report to serve the prison sentence and to request that the institution inform the court within 3 (three) days on reporting of the convicted person to serve the prison sentence or inform the court that the convicted person failed to report on the date set to serve the prison sentence.

(6) Along with the court order-referral, the court shall deliver the transcript of the judgment and excerpt from the criminal record.

(7) If the duly instructed convicted person fails to report to the institution within the set deadline, the court shall issue an order to the Police of the Brčko District of Bosnia and Herzegovina (hereinafter: the Police) to escort such person.

(8) For convicted persons who are hiding or who have fled, the court shall pass an order for issuing the wanted circular and shall deliver it to the Police.

(9) Upon arrest, the convicted person shall be escorted to the institution.

(10) The expenses incurred in escorting referred to in Paragraphs 7 and 8 of this Article shall be borne by the convicted person.

Article 20

The day when a convicted person reports to serve the sentence or the day when he has been escorted to the institution shall be taken as the commencement of execution of prison sentence.

Article 21

If a convicted person being sent to serve his prison sentence has underage children or other persons he takes care of, the court shall inform the administrative agency competent for social welfare in the District (hereinafter: social welfare agency) on the matter.

3. Deferring the Execution of SentenceArticle 22

(1) Upon the petition of the convicted person who is at liberty or upon the petition of close members of his family filed with the consent of the convicted, or on proposal of the competent social welfare agency, the execution of prison sentence may be deferred if:

1. such person contracts a serious acute illness;

2. death or serious illness occurs among the close members of family of the convicted person;

3. deferring is needed in order to perform or complete unavoidable field and season's works or works caused by natural disaster or some other cause and family of the convicted person has no other family members capable of work nor can they engage other person to fulfill these duties, due to poor financial situation or other justified reasons;

4. the convicted person is obliged to complete specific work that he has already started and failing to finish such work could cause irreversible and substantial damage;

5. the convicted person needs deferring in order to complete education or pass the exam he was preparing for;

6. the spouse or other members of his household have been sentenced along with the convicted person or they are already serving a sentence and simultaneous serving of the sentence of all these persons can endanger support of the juveniles, sick or elder members of the family household;

7. the convicted person is a woman breast-feeding a child up to one year of age or a pregnant woman;

8. the convicted person is the single supporter of the family and commencement of serving of the prison sentence would endanger supporting the family household.

(2) The execution of the sentence referred to in Item 1, Paragraph 1 of this Article may be deferred while the illness lasts, in cases referred to in Items 2, 3 and 4 up to (3) three months, in cases referred to in Items 5, 6 and 8 up to (6) six months, and in cases referred to in Item 7 until the child reaches (1) one year of age.

Article 23

(1) A petition for deferring the execution of the prison sentence shall be submitted within (3) three days period from the day of issuing the court order, referred to in Paragraph 4, Article 19 of this Law.

(2) If a reason for deferring the execution of the sentence referred to in Items 1 and 2, Paragraph 1 of Article 22 of this Law occurred after the expiration of the deadline, a petition may be submitted up to the day the convicted person has to report in order to serve the sentence.

(3) The petition must include reasons and evidence on facts, which justify the deferring.

(4) The President of the Basic Court shall decide upon the petition on deferring the execution of the sentence and he is obliged to pass the decision within 5 (five) days period from the day of receiving the petition.

(5) Before passing the decision, the President of the Basic Court may perform a necessary examination in order to establish the facts cited in the petition.

(6)TheBasic Courtshall reject by decision the petition which has not been submitted within the specified deadline as well as the petition not including the reasons, evidence and facts.

(7)The execution of the imprisonment sentence shall be deferred until passing of the decision on the petition.

(8)If the petition for deferring has been submitted again stating the same reasons out of which the previous petition was rejected, the President of the Basic Court shall reject such petition by decision.

Article 24

(1)A convicted person shall have the right to file an appeal against the decision rejecting or refusing the petition for deferring the execution of the sentence to the President of the Appellate Court within (3) three days from the day of receiving the decision.

(2)An appeal shall stay the execution of the decision.

(3)The President of the Appellate Court must pass the decision upon the appeal referred to in Paragraph 1 of this Article within 3 (three) days from the day of receiving the appeal and he shall forward the decision to the Basic Court within 5 (five) days from its enactment.

(4)The institution into which the convicted person is being sent shall mandatory be informed on deferring the execution of the sentence.

III –CESSATION OF SERVING PRISON SENTENCE AND TRANSFER1. Cessation of Serving Prison SentenceArticle 25

(1)The cessation of serving a prison sentence may be allowed.

(2)Provisions of Articles 22, 23 and 24 of this Law, shall also be accordingly applied on the cessation of serving a prison sentence.

(3)The cessation of serving a prison sentence shall also be executed in cases when the court orders custody for some other criminal offense.

(4)The President of theBasic Courtshall decide on the cessation of serving the prison sentence by decision.

Article 26

A petition of a convicted person and opinion of the institution shall be submitted to the President of theBasic Courtwithin 15 (fifteen) days.

Article 27

(1)A convicted person may file an appeal against the decision referred to in Article 25 of this Law, to the President of the Appellate Court within 8 (eight) days from the date of receiving the decision.

(2)The period of cessation of serving the sentence shall not be included in time of serving the prison sentence.

Article 28

(1)If during the period of cessation of serving the prison sentence it has been determined that circumstances out of which the cessation had been allowed ceased to exist, or that the cessation had been allowed on the basis of false documents or other evidence, or that the cessation period has not been used for the purpose it was approved for, the decision referred to in Article 25 of this Law shall be revoked and the convicted person shall be ordered to report immediately to continue serving of prison sentence at least 3 (three) days from the day of receiving the decision.

(2)The decision from Paragraph 1 of this Article shall be delivered both to the institution and the convicted person.

(3)If a convicted person fails to report for further serving of a prison sentence within the deadline determined by the decision, provisions referred to in Paragraphs 7-9 of Article 19 of this Law shall apply.

2. Transfer of Convicted PersonsArticle 29

(1)After serving one third of the prison sentence the transfer of the convicted person from one institution to another may be approved upon the petition of the convicted person or on the proposal of the Director of the institution.

(2)The Judicial Commission with the opinion obtained from the institution shall decide on transfer of the convicted person from one institution to another.

(3)If the petition referred to in Paragraph 1 of this Article has been rejected, a new petition may be submitted after the expiration of 6 (six) months from the date of rendering the decision referred to in Paragraph 2 of this Article.

IV – RELEASE ON PAROLE, RELEASE OF CONVICTED PERSONS AND SUPPORT AFTER SERVING OF PRISON SENTENCE1. Release on paroleArticle 30

(1)The Parole Board, shall decide on release on parole of the convicted persons, in accordance with the provisions of the Criminal Code of theBrckoDistrict of Bosnia and Herzegovina (hereinafter: the Criminal Code).

(2)The Mayor of the District with the consent of the District Assembly shall appoint the members of the Parole Board.

(3)The Parole Board shall have a President and four members.

(4)The Parole Board shall be appointed from the representatives of the Appellate Court, Basic Court, Prosecutor's Office of theBrckoDistrict of Bosnia and Herzegovina (hereinafter: the Prosecutor's Office), Judicial Commission of theBrckoDistrict of Bosnia and Herzegovina (hereinafter: the Judicial Commission), Bar Association of theBrckoDistrict of Bosnia and Herzegovina (hereinafter: the Bar Association) and authorized social welfare agency.

(5)The Parole Board shall pass its Rules on Procedures, which shall be published, in the Official Gazette ofBrckoDistrict of Bosnia and Herzegovina.

Article 31

(1)The Parole Board shall decide on release on parole on the basis of the petition of the convicted person or members of his close family, or on the proposal of the Director of the institution.

(2)Petitions or proposals shall be submitted to the Parole Board through the institution.

(3)Along with the petition, the institution shall deliver the data on the achieved success in rehabilitation of the convicted person and other data important for the decision of the Parole Board, as well as the opinion whether the petition is justified or not.

Article 32

(1)The Parole Board may pass a single decision if deciding upon petitions by several convicted persons.

(2)The decision shall be delivered to the institution, on which the convicted person shall be informed in writing.

(3)If parole is granted, theBasic Courtshall be informed on that in writing by the Parole Board.

(4)If the petitioner is a family member, the Parole Board shall inform him on the final ruling.

Article 33

An appeal may not be filed against the decision of the Parole Board nor may an administrative dispute be initiated.

2. RELEASE of CONVICTED PersonsArticle 34

(1)A convicted person shall be released from the institution on the date of expiration of his sentence or on the date his release on parole commences.

(2)If the last day of serving the sentence is a non-working day, the convicted person shall be released on the last working day proceeding that day.

(3)As an exception from provision referred to in Paragraph 2 of this Article, when a fine has been replaced with the prison sentence, release of convicted persons from the institution may, when appropriate, be done on the non-working days.

Article 35

(1)When released from the institution, a convicted person released on parole shall specify the place where he is going to stay during the release on parole. The convicted person shall inform the Police upon the arrival to that place.

(2)If a convicted person released on parole changes place of residence he must inform the Police.

3. Supporting the Person released from Served Prison SentenceArticle 36

If a convicted person needs support after his release, the institution shall duly inform the District social welfare agency.

Article 37

(1)The competent social welfare agency shall, within the limits of its possibilities, provide a convicted person released after serving a prison sentence with the support needed for their easier adaptation to a normal life at liberty, and develop in them a sense of responsibility so that they themselves engage in resolution of their problems.

(2)The support consists particularly of providing a temporary accommodation and food, necessary medical treatment, finding a new environment for the convicted person to live in, finding employment and completing the commenced training as well as providing financial support for basic needs.

Article 38

Representatives of health institutions and social welfare agencies, employment services as well as other interested organizations may visit convicted persons for the purpose of organizing the integration which they need after the release.

V - execution OF SECURITY MEASURES1. Mandatory Psychiatric Treatment and Custody in Medical InstitutionArticle 39

Security measure of mandatory psychiatric treatment and custody in a medical institution shall be executed in a special medical institution established only for that purpose or in a special ward of a medical institution.

Article 40

As an exception to the provision of Article 39 of this Law, the security measure of mandatory psychiatric treatment and custody in a medical institution may be executed in a special ward of a correctional institution.

Article 41

The Basic Court shall send persons for execution of the security measure of mandatory psychiatric treatment and custody in a medical institution.

Article 42

(1) At least once a year, the Basic Court shall request from the medical institution to which a person was sent for mandatory psychiatric treatment and custody a report on the health of that person.

(2) Once the treatment of a person sent to a medical institution for the purpose of execution of the security measure of mandatory psychiatric treatment and custody in a medical institution is finished, the medical institution shall inform the court about it and it may propose release on parole for the person who has not yet served the full prison sentence, in accordance with the provisions of the Criminal Code.

(3) If the court determines that further custody of a person undergoing a security measure of mandatory psychiatric treatment and custody in a medical institution is not necessary, it shall pass a decision on the cessation of the measure, and the medical institution shall, after the receipt of the decision, immediately release the person who was put in the medical institution, and if the person from Article 63 of the Criminal Code is in question, who has not yet served the full prison sentence, the Police shall, upon the request of the court, escort the convicted person to a corresponding institution to serve the sentence.

Article 43

(1) A person against whom a security measure of mandatory psychiatric treatment and custody in a medical institution was pronounced shall be escorted to the medical institution by the Police.

(2) The warrant for escorting the person from Paragraph 1 of this Article shall be issued by the Basic Court.

Article 44

(1) A person against whom the security measure from Article 43 of this Law was pronounced, may remain in custody or at liberty not longer than one month from the day when the court decision becomes final.

(2) If the Basic Court decides to keep in custody the person against whom the security measure was pronounced, pursuant to the provision of Paragraph 1 of this Article, the Basic Court shall pass a special decision, upon a previously obtained opinion of a psychiatrist.

Article 45

The costs of carrying out and executing security measure of mandatory psychiatric treatment and custody in a medical institution shall be provided for in the District budget.

2. Mandatory Psychiatric Treatment at Liberty Article 46

(1) The security measure of mandatory psychiatric treatment at liberty shall be executed in psychiatric medical institutions.

(2) The competent health care organ of the District shall determine in which medical institution the security measure from Paragraph 1 of this Article shall be executed.

Article 47

(1) The Basic Court shall send a person into a medical institution within 8 (eight) days after the judgment pronouncing the measure of mandatory psychiatric treatment at liberty becomes final.

(2) The Basic Court shall at the same time deliver the transcript of the final court decision to the social welfare agency.

Article 48

The medical institution into which a person is being committed for the purpose of mandatory psychiatric treatment at liberty shall have to accept such a person and report on the health thereof on a 3 (three) months basis if the medical institution is

located on the territory of the District and if the medical institution is not located on the territory of the District, the Basic Court shall, at least once in 3 (three) months, request information on the health of that person.

Article 49

The costs of the execution of the security measure of mandatory psychiatric treatment at liberty shall be provided for in the District budget.

3. Mandatory medical Treatment of Drug Addicts and AlcoholicsArticle 50

(1)Security measure of mandatory medical treatment of drug addicts and alcoholics, pronounced along with a mandatory prison sentence shall be executed in a correctional institution where conditions exist for such treatment, or in the medical institution from Article 39 of this Law. After the completion of the treatment, the convicted person whose sentence is still in effect shall be sent to serve the rest of the prison sentence.

(2)If mandatory medical treatment of the convicted person from Paragraph 1 of this Article was not completed before the end of the prison sentence, the institution from which such a person is being released shall accordingly inform the Basic Court, the medical institution from Paragraph 3 of this Article, as well as the social welfare agency in order to organize for the person to be taken over and treated at liberty.

(3)The security measure of mandatory medical treatment of drug addicts and alcoholics, pronounced along with suspended sentence, shall be executed in a medical institution.

(4)In the case of revocation of the suspended sentence, the execution of the security measure of mandatory medical treatment of drug addicts and alcoholics shall be executed or shall be continued under the provisions of Paragraphs 1 and 2 of this Article.

Article 51

(1)A person against whom the security measure of mandatory treatment of drug addicts and alcoholics was pronounced along with a prison sentence, shall be sent to the institution in which this measure is executed.

(2)The sending for the purpose of the execution of the measure from Paragraph 1 of this Article shall be carried out by the court from Article 17 of this Law.

(3)The Judicial Commission shall supervise the execution of the measure from Paragraph 1 of this Article.

Article 52

(1)If the security measure of mandatory medical treatment of drug addicts and alcoholics was pronounced along with suspended sentence, the court shall send the perpetrator of a criminal offense into a designated medical institution where a hospital treatment or treatment in an outpatients' department shall be carried out.

(2)If the perpetrator does not call in to a designated institution for treatment or arbitrarily leaves the commenced hospital treatment or treatment in an outpatients' department, or if he refuses to undergo or evades the treatment by avoiding to take the prescribed therapy, the medical institution shall inform the Basic Court about it.

(3)The Basic Court shall seek information from the medical institution on the achieved success of the treatment at least once in 3 (three) months.

4. Ban on Performing a Profession, Occupation or DutyArticle 53

(1)A final decision pronouncing the security measure banning the performance of a profession, occupation or duty, the Basic Court shall deliver to the enterprise or other legal person where the punished person is employed, the agency competent for issuing licenses or permits for performing a certain profession or independent activity, as well as to the competent agency of the labor inspection.

(2)The judgment from the previous Paragraph shall be delivered to the District Police, or to the Police in the convicted person's place of residence, for the purpose of entering it into the criminal and other records.

Article 54

(1)When the performing of a profession, occupation or duty is subject to licensing by the competent agency, this measure shall be executed by taking away the license or banning the issuance of the license, and publishing of the pronouncement of judgment in the "Official Gazette of theBrckoDistrict of Bosnia and Herzegovina" and in at least one daily newspaper in both the Federation of Bosnia and Herzegovina and theRepublikaSrpska.

(2)The labor inspection executes this measure by undertaking actions which prevent the convicted person from performing a certain profession, occupation or duty.

(3)The labor inspection shall inform theBasic Courton the execution of this measure.

5. Ban on Driving Motor VehiclesArticle 55

TheBasic Courtshall deliver the final decision pronouncing the security measure of ban on driving a motor vehicle to the Police for execution.

Article 56

The execution of the security measure of ban on driving a motor vehicle consists of confiscation of the driving license for driving a motor vehicle of a certain type or category, or in the ban on issuance thereof to the convicted person for a period of time for which this measure was pronounced.

Article 57

The pronounced security measure of ban on driving a motor vehicle shall be entered into the criminal and other records of the police.

Article 58

When a convicted person to whom the security measure of ban on driving a motor vehicle was pronounced, changes place of residence and becomes a resident in one of theBiHEntities, and the time for which this measure was pronounced has not expired, the District Police shall inform the police in the new place of residence accordingly.

6. Confiscation of ObjectsArticle 59

The security measure of confiscation of objects which have been used or intended to be used for the execution of a criminal offense, or objects that appeared as a result of the commission of a criminal offense shall be executed the Basic Court.

Article 60

The money obtained by selling confiscated objects in the procedure of execution of the security measure of confiscating objects shall be the income of the District budget.

7. BANISHMENT OF Foreigners from the CountryArticle 61

(1)TheBasic Courtshall inform the Police on the judgment by which a security measure of banishment of foreigners from the country was pronounced on a foreigner.

(2)If a prison sentence was also pronounced on a foreigner, when the sentence expires or if the convicted foreigner is released on parole, the Police shall be informed accordingly.

(3)The Police shall order an adequate deadline to a foreigner to whom the security measure of banishment from the country was pronounced, within which he is to leave the territory of the District.

(4)If a foreigner, who is a citizen of a neighboring country, does not leave the territory of the District within the deadline, he shall be escorted to the border and handed over to the border officials of the neighboring country.

(5)A foreigner who is not a citizen of a neighboring country or is a stateless person shall reside in the District in a certain place until leaving the territory of the District.

(6)A foreigner shall not leave the place from Paragraph 5 of this Article without the permission of the Police.

Article 62

A foreigner shall be forbidden to enter the territory of Bosnia and Herzegovina while the measure of banishment of foreigners from the country is in force.

Article 63

Apart from the provisions of this Law, in the execution of a security measure of banishment of foreigners from the country, the provisions of the law regulating the issues of movement and residence of foreigners in Bosnia and Herzegovina shall also be applied.

I – EXECUTION OF EDUCATIONAL MEASURES1. General ProvisionsArticle 64

(1)The provisions of this Chapter shall be applied to juvenile perpetrators of criminal offenses to whom an educational measure was pronounced.

(2)The provisions of this Chapter shall also be applied to junior adults to whom the court has pronounced an educational measure as well as to persons who have turned of age in the course of execution of the educational measure.

Article 65

(1)The purpose of the execution of educational measures is to ensure proper development of personality of juvenile perpetrators of criminal offenses by way of protection, supervision, upbringing, education and correction.

(2)In the course of execution of an educational measure the juvenile shall be treated appropriately according to his age, the degree of mental development, abilities and talents.

(3)The conditions for acquiring general and professional education shall be ensured for the juveniles.

Article 66

(1)Parents or guardians, or persons obligated under the law to support a juvenile may fully or partially participate in the costs of accommodation and food of a juvenile in another family, disciplinary center, correctional institution and a special institution and those costs shall be apportioned by the court judgment to the family, or the institution where the educational measure is being applied.

(2)The court that pronounced the educational measure shall determine the amount of costs from Paragraph 1 of this Article.

(3)If an extensive examination is needed of financial state of persons obligated to support the juvenile or of the juvenile's property, in the course of determining the amount of contribution according to the provision of Paragraph 1 of this Article, the court shall pronounce the educational measure and then continue the procedure for determining the amount of the contribution.

(4)At the proposal of the agencies of guardianship, parents, guardian or person obliged by law to take care of a juvenile, or at its own initiative, the court may, due to changed circumstances, in the course of the execution of an educational measure, alter the decision on the amount of contribution to the costs of persons from Paragraph 1 of this Article.

Article 67

(1)TheBasic Courtshall deliver the effective judgment to the social welfare agency for the purpose of execution.

(2)Along with the effective judgment pronouncing the educational measure, the Basic Court shall deliver to the agency from Paragraph 1 of this Article the data on the personality of a juvenile that it obtained in the course of the procedure and that are important for proper execution of the educational measure and particularly: excerpt from birth register, certificate on the completed school year, certificate of a physician, data on earlier commission of criminal offenses and conducted proceedings, results of social and psychological examination and so forth.

Article 68

If the execution of an educational measure could not have been commenced within 30 (thirty) days, the social welfare agency shall inform theBasic Courton the reasons preventing the execution of the educational measure.

Article 69

(1)When the educational measure of sending into a juvenile disciplinary center or an institutional measure has been pronounced, the agency of guardianship shall, within 8 (eight) days at the latest, inform the parents, guardian of the juvenile and the disciplinary center or an institution where the institutional measure is carried out on the day of the commencement of the execution of the educational measure.

(2)The social welfare agency shall deliver to the disciplinary center, or the institution in which the institutional measure is executed, the court decision and all the data it obtained, which are important to determine the manner of treating the juvenile.

2. Disciplinary MeasuresSending to Juvenile Disciplinary CenterArticle 70

(1)Parent, adopted parent or guardian shall ensure that the juvenile regularly visits the disciplinary center.

(2)If the juvenile does not report to the disciplinary center or stops coming regularly, the disciplinary center shall accordingly inform the court and the competent social welfare agency.

Article 71

(1)The educational measure of sending into a juvenile disciplinary center for a specified number of hours during the day shall be executed between8 a.m.and8 p.m.in the juvenile's free time.

(2)The juvenile who was sent to the disciplinary center for a continuous stay of a specified number of days shall continue attending school or going to work, and food and accommodation shall be provided for him in the center.

Article 72

(1)After the execution of an educational measure, theBasic Courtshall request the disciplinary center to deliver the report on the effect of the undertaken measures on the juvenile and on the achieved results of the educational work with the juvenile.

(2)TheBasic Courtshall deliver one copy of the report from Paragraph 1 of this Article to the competent social welfare agency.

(3)When the court decides to put the juvenile under the intensified supervision of the agency competent for social welfare after the educational measure of sending into a juvenile disciplinary center had been executed, the court shall obtain opinions of experts about the juvenile's personality and the result achieved through execution of this measure.

3. MEASURES OF Intensified Supervision a) Intensified Supervision by Parent, Adoptive Parent or Guardian Article 73

The execution of the educational measure of intensified supervision by parent, adoptive parent or guardian shall run from the day when the court decision on the execution of this measure is delivered to a parent, adoptive parent or guardian.

Article 74

(1) A parent, adoptive parent or guardian shall show permanent and full concern for the upbringing of a juvenile, carry out the orders and instructions of the court and the competent social welfare agency and undertake measures that will prevent bad influence on the juvenile.

(2) A parent, adoptive parent or guardian shall enable the competent social welfare agency to check on the execution of this educational measure.

(3) The competent social welfare agency shall inform a juvenile judge of the Basic Court, without delay, on the state and reasons preventing the execution of the pronounced educational measure of intensified supervision of parent, adoptive parent or guardian.

Article 75

(1) A parent, adoptive parent or guardian of a juvenile and the social welfare agency shall inform the court on the course of execution of the educational measure of intensified supervision by parent, adoptive parent or guardian within the deadlines set by the court and at least every 6 (six) months.

(2) If a disagreement occurs between a juvenile's parent, adoptive parent or guardian and the competent agency of social welfare in the course of the execution of the educational measure of intensified supervision of parent, adoptive parent or guardian, the dispute on the manner of execution of this measure shall be resolved by the Basic Court.

b) Intensified Supervision in Another Family Article 76

The choice of family in which to put a juvenile shall be made by the Basic Court on the basis of the previously conducted examination of the juvenile's personality and social-psychological structure of the family with an aim to achieve proper upbringing, correction and proper development of a juvenile.

Article 77

In the course of execution of the educational measure of intensified supervision in another family, a juvenile shall be granted staying in contact with his family unless the Basic Court, upon the proposal of the agency of guardianship, decides otherwise.

Article 78

The provisions of Articles 73 to 75 of this Law shall be applied accordingly also in the case of execution of the measure of intensified supervision in another family.

c) Intensified Supervision of Competent Social Welfare Agency Article 79

(1) After the receipt of court decision pronouncing the educational measure of intensified supervision of competent social welfare agency, the social welfare agency shall appoint an official who shall implement this measure and inform the Basic Court about it.

(2) The official shall take care of a juvenile's education, employment, separating from the environment having the bad influence on him, necessary medical treatment and sorting out the circumstances the juvenile lives in.

(3) The competent social welfare agency shall make a plan of work with the juvenile. The plan of work shall particularly contain the tasks of the official and duties of the juvenile and his parents, adoptive parent or guardian.

(4)The official shall enter into personal contact with a juvenile through conversation, visits and in other appropriate ways, which shall take place at least once in a week.

(5)The judicial bodies, educational and other organizations shall assist and cooperate with the competent social welfare agency in the execution of the educational measure of intensified supervision of competent social welfare agency.

(6)Parents, adoptive parent or guardian of a juvenile shall inform the official of the social welfare agency on the relations and circumstances that bear negatively on the successful execution of the educational measure of intensified supervision of competent social welfare agency.

Article 80

The provisions of Articles 73 to 75 of this Law shall be applied accordingly also to the execution of the educational measure of intensified supervision by competent agency of social welfare.

4. Institutional Measuresa) General ProvisionsArticle 81

Institutional measures shall be executed in an educational institution, correctional institution and other training institution.

Article 82

(1)A competent social welfare agency sends a juvenile, to whom one of the institutional measures was pronounced, into an institution for execution of an institutional measure except unless the parent or guardian has not taken it upon himself to bring in the juvenile.

(2)A competent social welfare agency shall obtain the report on the arrival of a juvenile and the day when the execution of an institutional measure commenced, from the institution where the institutional measure is executed and it shall also inform the court accordingly.

Article 83

If the execution of an institutional measure may not be started or continued because the juvenile is on the run or refuses to be subjected to the institutional measure, the competent social welfare agency shall immediately inform theBasic Courtand the Police.

Article 84

(1)The commencement of an institutional measure may be postponed at the petition of the juvenile, his parents, guardian or the competent social welfare agency, in the manner and under the conditions stipulated in Paragraph 1 of Article 22 of this Law.

(2)A juvenile judge of theBasic Courtshall decide on the postponement of the start of the execution of an institutional measure.

(3)An appeal against the decision rejecting the petition for postponement of execution of an institutional measure shall be filed with the Appellate Court within 3 (three) days from the day of receipt of the first-instance decision.

(4)The juvenile panel of the Appellate Court shall decide upon the appeal within 3 (three) days from the day of the receipt of the appeal.

Article 85

(1)TheBasic Courtmay permit to a juvenile suspension of execution of an institutional measure of up to (3) three months out of specially justified reasons, upon a petition by a juvenile, his parents, or at the request of the competent social welfare agency, or the Head of the institution where the institutional measure is executed.

(2)The execution of an institutional measure shall be suspended to a female juvenile, pregnant woman or woman who has just given birth, if accommodation, support and care are provided for the female juvenile and the child, but the suspension may last at the latest until the child reaches (3) three years of age. TheBasic Courtshall, at the proposal of the competent social welfare body, decide if the continuation the institutional measure is needed any further.

(3)The suspended time shall not be calculated into the time of undergoing the institutional measure.

Article 86

TheBasic Courtmay transfer a juvenile into another institution at the petition of the juvenile, parent, adoptive parent,guardian, institution where the measure is being execution or the competent social welfare agency.

Article 87

A juvenile and his parents, adoptive parent, guardian and the competent social welfare agency shall be informed and included into preparations for releasing a juvenile from an institution where he is subjected to an institutional measure.

Article 88

(1)After the release of the juvenile, the competent social welfare agency shall provide support to the juvenile while it is needed.

(2)The competent social welfare agency, after the release of a juvenile, shall take special care to provide, as needed, temporary accommodation, food, necessary clothing and footwear, medical treatment, choice of appropriate environment, arrangements for completion of education that is in progress as well as the employment for the orphan juvenile, or the one who has problematic family life.

b) Sending into Educational InstitutionArticle 89

The educational measure of sending into an educational institution shall be executed in an educational institution for education of children and youth.

Article 90

(1)A juvenile to whom an educational measure of sending into an educational institution is pronounced, has the same rights and duties as other juveniles put into the educational institution, and shall be granted special attention and be supervised in the manner that makes him no different from other juveniles in the institution.

(2)Only the Head of an educational institution and the teacher entrusted with a juvenile shall learn of the fact that the institutional measure of sending into an educational institution was pronounced to the juvenile.

Article 91

TheBasic Courtor the competent social welfare agency shall request information from an educational institution on the achieved success of an educational measure being applied to a juvenile, at least every (5) five months.

c) Sending to Correctional InstitutionArticle 92

(1)TheBasic Courtsummons a juvenile to whom a measure of sending into a correctional institution was pronounced to report to the correctional institution on a certain day. The day of reporting to the correctional institution shall be determined in such a manner that the juvenile has at least (8) eight days before leaving for the institution.

(2)If a juvenile, although duly summoned, fails to report to the correctional institution of his free will, theBasic Courtshall issue an order to the Police to forcibly escort him to the correctional institution.

(3) If the juvenile is in hiding, or fleeing, the Basic Court shall give an order for issuing a wanted circular and deliver it to the Police to execute.

(4) The forcible escorting of the juvenile cited in Paragraphs 2 and 3 of this Article shall be carried out in a manner that is not detrimental to his dignity and interest.

(5) The Basic Court shall bear the costs of forcible escorting of a juvenile.

Article 93

The Basic Court and the competent social welfare agency shall obtain information from the correctional institution regarding the results of the application of an educational measure of sending into the correctional institution at least every 5 (five) months.

d) Sending into other Training Institution

Article 94

The measure of sending into other training institution shall be executed in appropriate institutions of social care for disabled persons and other physically and mentally handicapped persons, providing mentally and physically handicapped children and youth with accommodation, upbringing and education in specific circumstances, directing and training, as well as health protection and appropriate forms of expert help.

Article 95

When a measure of sending into another institution for training was pronounced instead of the security measure of mandatory psychiatric treatment and custody in a medical institution, the custody of a juvenile in an appropriate institution is ensured, to the needed extent, as well as his treatment under constant supervision of a physician.

Article 96

(1) The Basic Court and the social welfare agency shall request reports on the results of treatment and training of juveniles from a special institution at least every 5 (five) months.

(2) When a juvenile in a special institution turns 18 years of age, the court shall request from that institution a report on the state of the juvenile's health for the purpose of deliberating over his further keeping in the institution or replacement of this institutional measure by another appropriate educational measure.

VII – EXECUTION OF CRIMINAL SANCTIONS FOR MISDEMEANORS

1. execution of fine Article 97

(1) If a convicted person does not pay a fine within a specified deadline, the forced collection shall be executed.

(2) The costs of the forced collection shall be paid by the convicted person.

Article 98

(1) The Basic Court shall, automatically, initiate the procedure for collection of a fine.

(2) With respect to the procedure of forced collection of a fine the provisions of the executive procedure shall apply, unless stipulated otherwise by this Law.

Article 99

The forced collection of a fine shall be performed primarily from the movable assets of the punished person. If the movable asset does not suffice, the collection shall be done from the punished person's real estate that is not exempted from the execution under the provisions of the executive procedure.

Article 100

If the property of the punished person is so diminished due to the execution of forced collection of a fine that the claim under property law of the injured party cannot be granted from it, this claim shall be honored from the collected fine but not exceeding the amount of the fine.

Article 101

(1) If the decision did not determine that the punished legal person or the responsible person pays off the fine in installments, the Basic Court may, upon the request of the punished person, pass such a decision in a special conclusion. In the decision, the Basic Court shall determine the manner and the deadline of payment, which may not exceed (1) one year.

(2) If the punished person to whom the court allowed to pay off the fine in installment rates, does not fulfill his obligations regularly, the court shall revoke its decision on the payment of the fine in installments.

Article 102

At the request of the punished responsible person, the Basic Court may, in justified cases, delay the payment of a fine for (1) one year at the most from the day when the decision becomes final.

Article 103

(1) A fine pronounced to a legal person in a misdemeanor procedure shall be executed through the bank in which the punished person has an account.

(2) The bank shall immediately inform the Basic Court on the executed payment.

2. Execution of Protective Measures Article 104

The provisions of this Law on the execution of security measures shall be accordingly applied also to the execution of protective measures pronounced for misdemeanors, unless stipulated otherwise in this Chapter or a special law.

Article 105

When the protective measure on public announcement of a judgment was pronounced, the Basic Court shall deliver the decision to a daily newspaper, radio or television, or in all these media for the purpose of announcement.

VIII – EXECUTION OF OTHER MEASURES 1. Execution of Custody Article 106

(1) The custody shall be executed by the Department for Custody organized by the Police.

(2) The provisions of the Law on Criminal Procedure of the Brčko District of Bosnia and Herzegovina (hereinafter: the Law on Criminal Procedure) and the provisions of this Law shall be applied in the procedure with the detained persons.

(3) In the Department from Paragraph 1 of this Article, the physical and material security shall be organized and implemented in the same manner as in the institutions of closed type.

(4) Internal organization and the mode of work and functioning of the Department for Custody from Paragraph 1 of this Article, as well as the accommodation and safety of the detained persons shall be regulated by the Book of Rules which is passed by the Chief of Police.

(5)The Judicial Commission shall give its consent to the Book of Rules from Paragraph 4 of this Article.

Article 107

(1)The Department for Custody may only take into custody a detained person for whom the court that passed the sentence on custody issued a written order for the detainee to be taken into custody, with an enclosed decision on determining the custody.

(2)The Department for Custody shall issue a written certificate on taking a detainee into custody, which contains the date and the hour of arrival.

Article 108

After a detainee is taken into custody he shall be instructed on his rights and duties for the period of his custody.

Article 109

Immediately after a detainee is taken into custody, he shall be subjected to a general medical examination. The medical findings shall be entered into the medical records of the detainee.

Article 110

(1)A detainee shall be provided with an accommodation, food, clothing and medical protection as well as with the usage of books, dailies and periodicals and stationery under the same conditions as the convicted persons serving a sentence in the Entities' institutions.

(2)The detainee is allowed to be visited by a representative of the religious community for the purpose of fulfilling his religious and spiritual needs, only in the time and under the conditions determined by the court conducting the proceedings.

Article 111

(1)The detainee who is allowed to work has the right on earnings and other rights related to work.

(2)The Judicial Commission shall prescribe the conditions under which the detained persons can work.

Article 112

(1)The detained person may be temporarily taken out of prison and escorted to other authorities only upon the order of the court conducting the proceedings against that detained person.

(2)In the course of taking the detained person out of prison and escorting him the necessary security measures shall be taken in order to prevent flight, or other prohibited actions by the detained person or by other persons towards the detained persons.

Article 113

If in the course of custody, the detained person commits a disciplinary offense, the Department of Custody shall inform the court conducting the proceedings on this.

Article 114

(1)Measures of compulsion shall be applied on the detained person when it is necessary to prevent: flight, physical assault on the employees of the Department for Custody, detained person or other person, inflicting injury to other person, self-inflicting of injuries and causing material damage, as well when it is necessary to prevent or break the resistance of the detained person in the course of execution of the lawful order by an authorized official.

(2)The provisions referred to in Articles 29 and 30 of the Law on Police of theBrckoDistrict of Bosnia and Herzegovina shall be accordingly applied on the procedure of use, type and manner of execution of the measures of compulsion.

Article 115

(1)On the use of measures of compulsion Head of the Department for Custody shall inform the Chief of Police, who shall especially assess the justifiability of the use of firearms.

(2)The court conducting the proceedings shall, without delay, be informed on the use of measures of compulsion.

(3)The court referred to in Paragraph 2 of this Article shall also be informed in the case of flight of the detained person.

Article 116

(1)With an aim to directly seize a detained person who fled in the course of escorting procedure, an authorized official of the Police may enter into someone's apartment and other premises even without a search warrant and, if need be, conduct a search to the extent necessary for finding a person fleeing.

(2)Search warrant shall be required if authorized official has lost contact to escaped person.

(3)An authorized official is entitled to use a means of transportation and a means of communication which are available in order to take hold of the person referred to in Paragraph 1 of this Article, as well as to transport and aid a person injured during the action.

(4)An authorized official shall issue a certificate on the use of the means from the previous Paragraph to the holder thereof for the purpose of reimbursement of expenses and other damages.

Article 117

The release of a detained person from the Department for Custody shall be done on the basis of the decision revoking the custody passed by the court conducting the proceedings and of the warrant for release from custody.

Article 118

(1)Before release form custody a detained person shall be examined by a physician.

(2)If the detained person is seriously ill at the time of release, or is unable to travel due to an illness, the Department for Custody shall put that person into a medical institution for treatment.

Article 119

(1)When a detained person is being released from custody shall be issued a release certificate which shall, among other things, state the time of the release.

(2)All objects and personal belongings kept within the Department for Custody shall be handed over to the detained person when he is being released.

(3)If a detained person possessesneither underwear, clothing or footwear, nor the means to obtain them,he shall be supplied with underwear, clothing and footwear.

Article 120

The court conducting the proceedings and the President of theBasic Courtwho supervises the detained persons shall be informed immediately on the death of a detainee in order to conduct further proceedings.

Article 121

The President of the Basic Court shall supervise the detainees.

Article 122

The Book of Rules on Internal Order for the execution of custody shall be passed by the Judicial Commission.

2. Confiscation of Property Gain Article 123

The provisions of this Law regarding enforcement of fines shall also be accordingly applied to the confiscation of property gain obtained by committing a criminal offense or a misdemeanor.

IX – PENAL PROVISIONS Article 124

A convicted or punished foreigner shall be punished for a misdemeanor with a fine in the amount of 1,000 to 5,000 KM if:

1. he fails to leave the territory of the District or refuses to reside in the place designated for him to reside in until leaving the territory (Paragraphs 4 and 5 of Article 61);

2. he fails to abide by the provision of Article 56 of this Law.

Article 125

(1) A convicted person to whom a security measure of mandatory medical treatment of drug addicts and alcoholics was pronounced shall be punished for a misdemeanor with a fine of 500 to 1,000 KM, if he fails to report to a medical institution, or evades a treatment by avoiding to take the prescribed therapy, or leaves the commenced hospital treatment or treatment in an outpatients' department, or a convicted person who, after the release from a certain institution for execution of a prison sentence does not continue the mandatory medical treatment that is deemed by the assessment of the institution (Paragraph 2 of Article 50 and Paragraph 2 of Article 52).

(2) If the person from Paragraph 1 of this Article subjects to mandatory treatment, the pronounced fine, if it had not already been enforced, may be canceled.

Article 126

A convicted person who fails to report to the Police within (3) three days from the day of release, upon being released on parole from the serving of a sentence, shall be punished for misdemeanor with a fine from 500 to 1,000 KM (Article 35).

Article 127

(1) A convicted person who violates ban on performing of a profession, occupation and duty shall be punished with a fine from 1,000 to 5,000 KM (Paragraph 1 of Article 53).

(2) An enterprise or other legal person shall be punished with a fine from 1,000 to 5,000 KM if it enables performing of a profession, occupation or duty to a person against whom this measure has been pronounced.

(3) A responsible person in a legal person shall be punished for a misdemeanor referred to in Paragraph 2 of this Article with a fine from 500 to 2,500 KM.

Article 128

A fine ranging from 250 to 1,000 KM shall be pronounced for a misdemeanor to a parent or guardian who unjustifiably fails to:

1. provide regular attendance of a juvenile in a disciplinary center (Article 70);
2. follow orders and instructions of the court and competent social welfare agency (Article 74);
3. bring a juvenile on a certain day to an institution where an institutional measure is to be executed (Article 82).

Article 129

(1) A fine ranging from 1,000 to 5,000 KM shall be pronounced to a legal person punished for a misdemeanor if it engages in a business activity that was prohibited to it.

(2) A responsible person in a legal person shall also be punished with a fine ranging from 500 to 2,500 KM for a misdemeanor from Paragraph 1 of this Article.

X – TRANSITIONAL AND FINAL PROVISIONS Article 130

The Judicial Commission shall pass regulations for which the powers have been vested in it by this Law within (3) three months from the date that this Law comes into the effect.

Article 131

The Law on Execution of Criminal Sanctions of the Federation of Bosnia and Herzegovina ("The Official Gazette of the FBiH", No. 44/98) and the Law on Execution of Criminal Sanctions of Republika Srpska ("The Official Gazette of the Republika Srpska", No. 27/93 and 16/95) shall cease to be valid on the territory of the District on the day of commencement of application of this Law.

Article 132

Convicted persons who commenced serving a prison sentence before this Law commences to apply shall continue serving the prison sentence in the institution in which they commenced serving the sentence.

Article 133

This Law shall enter into force 8 (eight) days after its publication in "The Official Gazette of the Brcko District of Bosnia and Herzegovina" and its application shall commence on January 1, 2001.