

**PROBATION TERMS
TERMS OF IMPLEMENTATION**

DRAFT CRIMINAL CODE	CURRENT CRIMINAL CODE
<p>Art. 91: Terms of probation under surveillance</p> <p>(1) The court can assert the probation under supervision under the following conditions:</p> <p>a) Sentence, including for multiple infractions, is maximum 3 years prison time.</p> <p>b) The felon has never been convicted to prison penalty more than 1 year, except cases provisioned in art. 41, or for which it intervened the redemption or for which the redemption deadline was reached.</p> <p>c) the felon agreed on volunteering with no remuneration in community service.</p> <p>d) depending on the felon, his behaviour prior to the crime, his efforts concerning the diminish or expelling the consequences of the crime, as well as his redemption chances, <i>the court appreciates that the execution of the penalty is sufficient and even without its execution, the convict will not commit other crimes</i>, yet it is necessary supervising his behaviour for a determined period of time.</p> <p>(2) At the time the prison time penalty is accompanied by fine penalty according to art. 62, the fine payment is to be carried out even if is declared the probation sentencing.</p> <p>(3) The probation sentencing cannot be conveyed if:</p> <p>a) the penalty applied is <i>solely</i> the fine;</p> <p>b) Penalty implementation was initially postponed, but subsequently the postponement was revoked.</p> <p>c) the felon avoided the criminal pursuit or the trial, or he tried to obstruct the truth discovery or the identifying and holding accountable of the instigator or the participants.</p>	<p>Art. 81. –</p> <p>The court can assert the probation applied to a natural person for a certain time period, under the following conditions:</p> <p>a) Sentence is maximum 3 years prison time or fine.</p> <p>b) The felon has never been convicted to a prison penalty for longer than 6 months, except cases provisioned in art. 38.</p> <p>c) it is considered that the purpose of the penalty can be reached even without its execution.</p> <p>The probation sentencing can be granted even in case of multiple infractions, if the penalty consists of prison time of maximum 2 years and the conditions provisioned in par. 1, line b) and c).</p> <p>The probation sentence does not entail the execution of safety measures and civil obligations provisioned in the conviction decision.</p>

(4) The submission of de facto reasons which determined the probation sentencing is mandatory, as well as warning the convict upon his future behaviour and the consequences he would be exposed to in case of committing crimes or not observing the surveillance measures or not executing the inferred obligations during the surveillance duration.

Art. 92: The surveillance term

(1) *The duration of probation under surveillance represents the surveillance term for the convict and it ranges from 2 up to 4 years, without the possibility of being shorter than the period of the applied penalty.*

(2) The surveillance term is calculated beginning from the date when the decision regarding the sentence was declared definitive.

(3) During the surveillance term, the convict must abide to the surveillance measures and fulfil the obligations established by the court.