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The Norwegian Prison Act

of 12 December 1958 No 7
with later alterations

CENTRAL PRISON ADMINISTRATION
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The Prison Act

Chapter I. Administrative provisions

§ 1. The Prison Service Administration is in charge of the professional administration of the Prison Service. The King issues instructions concerning the execution of the duties of the Prison Service Administration.

Unless there are provisions to the contrary, the decisions mentioned in this Act are taken by the Prison Service Administration. The Prison Service Administration may delegate to the governor of a Prison Service Institution to take such decisions, except for decisions in accordance with § 12, the second sentence of the third paragraph of § 16, § 26 subsection 5, the second paragraph of § 35, § 36, the second sentence of the second paragraph of § 40, and § 44.

§ 1 a. The Public Administration Act is applicable to matters dealt with in pursuance of this Act where nothing else follows from the provisions in the second to the eighth paragraph or is established in accordance with these provisions.

If it is claimed that an official is disqualified, he decides the question himself, but, if he finds reason to, he may ask his immediate superior.

Another inmate may not be used as a proxy. It may be decided that the proxy shall not be present during conversations with the inmate.

When it is necessary for practical reasons, and regard for information concerning the question does not indicate the contrary, decisions concerning the inmate may be taken without prior notice, pursuant to the first and second paragraphs of § 16 of the Public Administration Act. In cases concerning disciplinary penalties according to § 26, or confiscation according to the second paragraph of § 30, a statement shall be obtained from the inmate.

The inmate does not have the right to acquaint himself with a document in the case, and may not demand a reason for the decision insofar as the document or the reason contains anything which it is thought inadvisable, out of regard for

the inmate himself or his relations to persons close to him, for him to get to know. With regard to reasons in other circumstances, the second paragraph of § 24 of the Public Administration Act applies. In certain cases the King may decide that the reason for a decision may not be demanded.

Treatment of the matter, including the decision and the communication of the decision to the inmate, may be oral when this is preferable for practical reasons. The information mentioned in the third paragraph of § 27 of the Public Administration Act may be contained in general rules which are given to the inmate.

Complaints relating to decisions taken by the governor of an institution are heard by the Prison Service Administration. Decisions by the Prison Service Administration may be appealed to the King, but there is no appeal against decisions concerning complaints. The King may issue regulations governing the treatment of complaints.

The King and the Prison Service Administration can on their own initiative, and irrespective of the time limits in the third paragraph of § 35 of the Public Administration Act, change decisions taken by subordinate agencies to which this Act gives authority, except decisions concerning disciplinary penalties and confiscation.

§ 2. Institutions in the Prison Service are directed by a governor appointed by the King.

Officially appointed judges, senior officials or officials of the prosecuting authority, and governors of other Prison Service institutions, are obliged to accept appointments as governors.

The King may decide that a governor shall administer several institutions in a certain district.

§ 3. Direct supervision of female inmates shall be carried out by women.

§ 4. Institutions as decided by the King shall have Institution Boards. The Board shall deal with the matters pertaining to it according to the Act or according to special rules. The governor is a member of the Board and presides at its meetings. The King decides the composition of the remainder of the Board.

§ 5. Institutions as decided by the King shall have a Board of Supervisors to supervise the institution and the treatment of the inmates according to specific rules. The Board shall consist of a judge and at least three other members. There shall be both men and women on the Board. At special institutions for women the Board shall include at least two women.

The King appoints the members of the Board and such deputies for them as may be necessary, and decides who is to be chairman and deputy chairman. The appointments are for two years. Members of the Board may be given reasonable payment for their work.

The King may take decisions concerning supervision of institutions which do not have special Boards of Supervisors.

§ 6. A person appointed to the Prison Service must be a Norwegian citizen, of temperate habits and otherwise of good character. He must be at least 21 years of age, and able to produce a medical certificate stating that he has no physical defect or illness which can be thought likely to impede him in the execution of his duties.

The King may decide that no one over the age of 35 may be given permanent appointment to certain posts.

The King may make exceptions to the provisions mentioned concerning citizenship and age limits.

The King issues specific rules concerning the training of Prison Service officers, including rules relating to a special probationary period.

An officer who has taken the compulsory training course is duty bound to serve in the Prison Service for at least a year after the completion of his training.

An officer may in the interests of the service be temporarily or permanently transferred to duties at another institution in the Prison Service.

A senior official or officer may not without special permission have other paid public or private employment or be engaged in private business.

§ 7. Anyone serving in the Prison Service is pledged to professional secrecy, subject to specific rules, concerning anything he may learn in the course of his duties concerning the service, the institutions and the inmates. Violation is

punishable according to the provisions concerning civil servants in the Penal Code.

Chapter II. Committal to Prison Service institutions

§ 8. Prison Service institutions comprise prisons, security institutions, and other institutions placed under Prison Service administration in accordance with decisions by the King.

The King issues specific rules concerning the facilities and installations of the institutions. Certain institutions or sections of them may on the King's decision be left without special security installations (open institutions).

§ 9. Those persons shall be placed in prisons who are to serve sentences of imprisonment or custodia honesta or military confinement who have been arrested or taken into custody on charges of punishable offences, or who for other reasons are to be detained in prison; cf., however, the first and last paragraphs of § 10.

Prisons may be for both men and women, but in larger prisons there shall if possible be a separate section for women. If circumstances render it advisable, there should be a separate prison for women.

Men who have been sentenced to long terms of imprisonment should preferably be placed in prisons specially intended for them.

When urgently necessary, persons who have been arrested or imprisoned and who are to appear before a court, the police, or other public authorities, or are to be placed in an institution, may for a short time be placed in a police cell or in other premises in police custody instead of in prison.

§ 10. Those persons are to be placed in security institutions whom it has been decided pursuant to § 39, subsection 1 (a) of the Penal Code to place under security **measures** at a Prison Service institution. The same applies to **persons** who are to be kept in preventive detention pursuant to § 39 a of the Penal Code, provided that it is not found necessary for special reasons to place the person concerned in prison.¹⁾

Persons who have been remanded in custody may according to specific rules be placed in security institutions to undergo

1) Preventive detention pursuant to § 39 a is no longer in current use.

such examination by experts as the court has ordered or as follows from statutory law.

§ 11. When sentenced persons are placed in various institutions according to §§ 9 and 10, particular regard must be had to the person's age, criminal history, potential and abilities, receptiveness to training and influence, and to the nature of the offence. Efforts should be made to place sentenced persons who suffer from psychic or physical defects, or who for other reasons need special care, in institutions where the necessary treatment can be provided.

Sentenced persons who appear suitable for placing in less restricted conditions can be placed in open institutions (cf. the second paragraph of § 8) when it is thought that this may promote their adjustment to society and there are no special reasons not to do so.

§ 12. When it is found appropriate because of his health, mental state, capacity for work, adaptability, or other special reasons, a person serving a prison sentence may be transferred to a security institution, nursing or health institution, or other institution offering treatment for the remainder of his term of punishment.

Chapter III. Treatment of persons serving sentences of imprisonment or other deprivation of liberty

§ 13. When nothing else is stated, the provisions in this chapter apply to inmates undergoing deprivation of liberty, security measures, or preventive detention in Prison Service institutions. 1)

§ 14. Inmates shall be treated firmly and seriously and in such a way as to promote their chances of adapting to society. Harmful effects of loss of freedom shall as far as possible be prevented or counteracted.

§ 15. According to specific rules, an inquiry into the inmate's personal and social circumstances shall be conducted as soon as possible after his committal

§ 16. As far as space permits and no special reasons prevent it, inmates shall be in single cells at night.

According to specific rules, inmates may be together

1) See Note to § 10.

during the day under necessary supervision.

Where communal treatment can not be applied or is not found appropriate, inmates shall be treated in single cells. No inmate may be kept in solitary confinement for over a year without permission from the Prison Service Administration.

Inmates in solitary confinement shall be visited each day by officers of the institution.

§ 17. Inmates shall be given suitable work. Inmates serving short sentences of deprivation of liberty need not be set to work in cases when it would be particularly difficult to find an occupation for them.

Inmates are obliged to do the work they are given.

In the choice of work, regard must be had to the ability and skills of the inmate and to his opportunities for training and occupation after release.

With necessary supervision, inmates may be given work outside the institution.

In special cases and where there is no reason to fear abuse, an inmate may according to specific rules be permitted to work for an employer outside the institution.

§ 18. According to specific rules, inmates are to be paid for the work they do. Pay may be per day or at piece-work rates.

Inmates who are prevented from working for health reasons may be given a small daily allowance.

With the consent of the inmate, the governor may decide to devote the pay to helping the inmate's family or to paying compensation to the victim of the punishable offence. In cases of special need, the pay may also be spent for the benefit of the inmate's family or of the victim without the inmate's consent.

The governor may decide to use pay in compensation for damage done intentionally or through gross negligence by the inmate while in the institution or temporarily absent from it.

The inmates may according to specific rules use their pay in whole or in part for useful purposes or to purchase articles they have use for.

The inmates have no right to pay which has not been given them to dispose of freely.

§ 19. When it is found appropriate, inmates shall be given

training and instruction. They shall be given the opportunity to study, read, or otherwise occupy themselves outside working hours.

To the extent compatible with good order, and if it is no inconvenience to the institution, inmates shall be enabled to obtain or in special cases be permitted to receive books, periodicals, newspapers and other material which can occupy and entertain them profitably.

§ 20. Every institution in the Prison Service shall have the services of a priest.

§ 21. The inmates shall be given necessary medical care. They are obliged to allow a doctor to examine and treat them according to specific rules, cf. § 32.

§ 22. Inmates who work indoors shall as far as possible be allowed to spend at least an hour each day out of doors. On Sundays and holidays inmates shall as far as possible be allowed to spend a longer time out of doors.

Where there are suitable facilities, inmates should be allowed to engage in physical training and sports.

§ 23. According to specific rules, inmates shall be allowed to receive visits from their nearest relatives and other persons with whom it is important for them to have contact.

Visits may be refused when there is special reason to believe that they may have unfortunate effects. This also applies to visits from the inmate's nearest relatives.

Inmates may refuse to receive visits from others than persons in the service of the institution or who have been admitted to the institution on official business.

Visits from other persons than those mentioned in the third paragraph shall normally take place in the presence of an institution officer.

§ 24. The provisions in the first and second paragraph of § 23 apply correspondingly to letters.

Letters to and from the inmate shall generally be read by the person authorized by the institution to do so before being delivered or sent.

If the governor decides that a letter written by an inmate ought not to be sent, he shall keep the letter and notify the inmate.

If the governor finds that a letter sent to the inmate should not be delivered to him, he shall return it to the sender. In special cases he may keep the letter. If the sender is not known, he may destroy the letter. In general he shall notify both the sender and the inmate that the letter is not being delivered to the inmate. The latter should also be acquainted with those parts of the letter which it will do him no harm to know.

§ 25. The inmates have the right to send written applications or complaints to the competent authority.

If an inmate wishes to speak to a representative of the authority concerned, the institution shall inform the authority of this:

Letters to the Ministry of Justice or the Prison Service Administration or to the Board of Supervisors of the Institution are if they are handed in sealed excepted from the provision in the second paragraph of § 24.

§ 26. When an inmate in the course of his term in an institution is guilty of breaches of order and discipline or otherwise of bad behaviour, the following disciplinary penalties may be imposed, in addition to a warning, exclusion from teaching, and withdrawal of privileges:

1. Reprimand
2. Exclusion from work for up to 14 days.
3. Confiscation of credited pay.
4. Solitary confinement for up to one month.
5. Deprivation of liberty for up to one month, not to count as part of the term of punishment served. This penalty may only be imposed on inmates serving prison sentences. Punishment is suspended for the period of the penalty. If this penalty is imposed more than once, the total time must not exceed three months.

Several of the penalties mentioned may be imposed together.

Penalties as mentioned may also be imposed if the inmate during a temporary absence from the institution or while being transported to and from the institution is guilty of offences as mentioned in the first paragraph.

§ 27. The governor decides on the imposition of penalties according to § 26, subsections 1-4.

According to circumstances, the opinion of the institution doctor should be obtained before a decision is taken concerning a penalty.

Where there is an Institution Board, the question of a penalty according to § 26, subsections 2-5, is to be put to the Board before a decision is taken.

All cases of penalties imposed according to § 26, subsections 2-4, shall immediately be notified to the Prison Service Administration.

When circumstances make it particularly desirable, a judicial inquiry may be requested.

The decision to impose a penalty is recorded in a journal of penalties together with the reasons why the penalty was imposed.

§ 28. Decisions to impose penalties shall be implemented without delay unless there are particular reasons to prevent this.

When it is considered appropriate, the decision to impose a penalty according to § 26, subsections 2-5, may stipulate that the execution of the penalty shall be postponed for a certain period, but not longer than 3 months. If the inmate commits another offence for which a penalty is imposed on him before the time limit expires, the postponed penalty must also be executed. In the opposite case, it is annulled.

For special reasons, the governor may decide that a penalty imposed according to § 26, subsections 2-4 shall be interrupted or that the penalty shall be remitted in whole or in part. The Prison Service Administration may take a corresponding decision concerning the execution of a penalty according to § 26, subsection 5. If the execution of an interrupted penalty has not been resumed within 3 months, the penalty is revoked.

§ 29. The inmates must not obtain or receive anything other than what is provided for in this Act or established in specific rules.

§ 30. Intoxicating drinks and other intoxicating or narcotic substances in the possession of an inmate at the time of his admission can be confiscated and destroyed.

Objects which have been smuggled or which someone has

attempted to smuggle into the institution, or which have been made or obtained there without the permission of the proper authority, can be confiscated.

Manuscripts or other material written by an inmate during his term in the institution, may be retained in the institution in whole or in part on the decision of the governor, if the writings contain information on fellow-inmates which should not come to the knowledge of other people, if they are indecent, or if there are other special reasons for not releasing them.

§ 30 a. If there is reason to suspect that an inmate has used an intoxicant or a narcotic, the governor may order that he be subjected to a urine test, an exhalation test, or other tests which can be carried out without danger or significant discomfort. As special conditions in the institution indicate, the governor may decide to have random urine tests or general routine inspections of the inmates carried out.

If there are special reasons to suspect that an inmate is concealing an intoxicant or a narcotic in his body, the governor may, after obtaining a doctor's opinion, decide to have him physically examined or to take other steps to find the substance. If it is practically possible to consult the Prison Service Administration, its consent must be obtained. Physical examination may only be carried out by health personnel. If the inmate refuses, the governor can decide to place him in solitary confinement until it can be established whether or not he has substances in his body.

The institution shall keep a record of measures adopted according to the first and second paragraph, and of the reasons and authority for adopting them. Transcripts of the records of measures adopted according to the second paragraph shall be sent to the Prison Service Administration without delay.

There is no appeal against decisions taken by the Prison Service Administration pursuant to this section.

§ 31. To prevent violence or the realization of threats, overcome resistance, prevent escape, or maintain order and safety in the institution, an inmate may, according to specific rules, be placed in a security cell, or other approved means of coercion may be used to the extent thought necessary.

Release on parole is not granted if it is inadvisable under the circumstances or if the inmate's behaviour during deprivation of liberty tells against it.

§ 36. In cases where there are thought to be particular reasons, an inmate who has been sentenced to imprisonment may be released on parole when he has served half of his term of punishment, including any time spent remanded in custody, but not less than 4 months.

§ 37. Repealed.

§ 38. For release on parole, such conditions may be stipulated as are mentioned in subsections 2, 3 litra a-f, 4 and 5 of § 53 of the Penal Code. The inmate shall be given the opportunity to comment on the conditions in advance. The conditions are determined in each case by the authority which decides on the release on parole.

§ 39. For release on parole, a probation period of at least one and at most three years shall be set. If the remaining term of punishment exceeds three years, a probation period of up to five years may be set.

§ 40. Conditions set in accordance with § 38 may, when the parolee's behaviour gives grounds for doing so, be suspended or changed during the probation period, or new conditions may be set. If necessary, the period of probation may be extended within the time limits mentioned in § 39.

If the parolee fails to fulfil the conditions set, subsection 2 of § 54 of the Penal Code applies correspondingly. If sentence is pronounced that remaining punishment is to be executed, release on parole may be granted again. This applies even if the minimum times mentioned in §§ 35 and 36 have not been served as part of the remaining punishment.

§ 41. If the parolee commits a punishable offence during the probation period, and charges are brought or application is made to have the matter tried before the Court of Summary Jurisdiction within six months of the termination of the probation period, the provisions in subsection 3 of § 54 of the Penal Code apply correspondingly when the court passes judgment.

As far as possible, a doctor's opinion should be obtained before means of coercion are used.

Any periods of over 1 month spent in a security cell shall be reported to the Prison Service Administration.

§ 32. An inmate who is ill may be transferred to the Prison Service hospital or to another hospital if suitable treatment for his illness can not be provided in the institution.

If according to a declaration by a competent doctor there is reason to doubt an inmate's sanity, the court in the district where the institution is located may decide to have him placed in an insane asylum for further observation according to the provisions in § 210 of the Criminal Procedures Act.

§ 33. Deprivation of liberty may be interrupted when this is seen to be necessary out of regard for an inmate's health or for other weighty reasons. More specific terms and conditions for interruption may be stipulated.

§ 34. According to specific rules, an inmate may be granted a short period of leave when there are special and weighty reasons for it and when there is no reason to believe that the leave will be abused.

An inmate who is serving a long term of deprivation of liberty may also be granted such leave when it is thought to be particularly helpful in his treatment.

Chapter IV. Provisions concerning release and recommitment

§ 35. An inmate who has been sentenced to imprisonment may be released on parole when he has served two-thirds of his term of punishment, including any time spent remanded in custody, but not less than 4 months. An inmate who has been sentenced to imprisonment for more than 18 years may be released on parole when he has been in prison for at least 12 years.

If a sentenced person who meets the conditions defined in the first paragraph is no longer in prison, it may be decided that the rules for release on probation shall be applied to him, without recommitment to prison.

Release on parole should generally not take place when the remaining term of punishment is less than 30 days.

§ 42-44. Repealed.

§ 45. For special reasons, an inmate may be released a short time before the normal time for his release.

§ 46. The governor shall see to it that the release of inmates who have been deprived of liberty for a long time is prepared for well in advance of their release. To this end he shall contact the labour authorities and authorities and organizations which supervise offenders. Where necessary he shall also contact the Social Welfare Board and other social agencies, or other organizations or private individuals who can help in the particular case to obtain regular working and living conditions for the released person, or take other steps which may assist him to lead a law-abiding life after release.

With regard to inmates who are serving shorter terms, the provisions in the first paragraph apply correspondingly as far as circumstances permit.

§ 47. The provisions in §§ 45 and 46 apply to all categories of inmates mentioned in § 13.

Chapter V. Treatment of other inmates

§ 48. The provisions in this chapter apply to other inmates than those mentioned in § 13, including persons remanded in custody.

§ 49. Inmates must not be subjected to other restrictions than those necessary to achieve the purpose of the imprisonment or to maintain order and security in the institution.

§ 50. Inmates must not be placed together with others without their own consent. The governor may decide to make exceptions to this when conditions of space so require, or if it is thought advisable because of the age, health, or mental condition of the inmate.

§ 51. Inmates have the right to provide themselves with food and equipment for their rooms when this does not conflict with the order and security of the institution.

Inmates have the right to do work which they obtain for themselves and which is compatible with order and security.

Proceeds of the work are the property of the inmate.

If an inmate does not provide himself with work, he shall if he wishes as far as possible be provided with work by the institution. He shall be reasonably paid for the work he does for the institution.

Inmates may be ordered to take part in cleaning and other housework in the institution, and are obliged to comply with rules that are issued in this connection.

§ 52. Subject to the restrictions that follow from § 49, inmates shall be permitted to receive visits and to receive and send letters. When called for, the visit shall take place in the presence of an institution officer, and letters to and from the inmate shall be read before they are delivered or posted.

The provisions in the second and third paragraphs of § 25 and the third and fourth paragraphs of § 24 apply correspondingly.

On the same conditions as mentioned in the first sentence of the first paragraph, inmates may be permitted to receive newspapers and other reading matters and to listen to radio broadcasts.

Decisions pursuant to this section are taken by the governor.

§ 53. An inmate has the right to unsupervised written or oral communication with his appointed defending counsel.

On his request, the inmate shall be given assistance with the writing of letters or applications to his defending counsel or a judge or the prosecuting authorities, and to formulate complaints to a superior authority as mentioned in the third paragraph of § 1.

Employees of the institution or other persons must not be engaged in the investigation of an inmate except as part of an investigation ordered by the court or authorized by statutory law. This does not limit the right of the prosecuting authorities to carry out investigations.

§ 54. In the case of an inmate who is under arrest or has been imprisoned on suspicion of a punishable offence, the court which is dealing with the case may also decide at any time during the investigations that visits may only take place in the presence of an institution officer, and that correspondence may only take place on the conditions mentioned in § 24. The court may also require to see letters to and from the inmate to decide whether

they may be delivered or posted. The court can moreover decide that the inmate shall not be allowed to receive newspapers or listen to radio broadcasts.

The court may refuse the inmate permission to receive any visits, or to receive visits from certain persons, if there is reason to fear because of his behaviour that attempts may be made to impede the investigation in an improper way. The same applies to visits from certain persons whose behaviour gives grounds for such fear. In cases of urgency, the governor of the institution may refuse permission for visits as mentioned in this paragraph until the decision of the court has been obtained.

§ 55. The provisions in the fourth paragraph of § 16, the third paragraph of § 17, the second and fourth paragraphs of § 18, §§ 21, 22 and 25-31, and the first paragraph of § 32 apply correspondingly.

Chapter VI. Miscellaneous provisions

§ 56. The Prison Service Administration issues specific rules relating to the institutions, the service, and the treatment of inmates.

§ 57. Prison Service expenses are met by the government, but cf. §§ 58 and 61.

§ 58. The prison districts are obliged to pay contributions to the Prison Service as hitherto.

The prison districts may demand to replace their annual prison contributions with a once-and-for-all payment of 25 times the annual contribution.

The King may with three years' notice demand such replacement of annual prison contributions as mentioned in the preceding paragraph.

§ 59. With the consent of the Storting, the King may partly or wholly exempt a prison district from payment of contributions as mentioned in § 58, provided the prison district in return makes over to the government its prisons with appurtenant court premises, service accommodation, and other property and furniture or, if such a transfer is not found suitable, pays an appropriate consideration or agrees to some other arrangement which is found to

serve the purpose.

§ 60. The government has freely at its disposal those prisons with appurtenant court premises, service accommodation and other property and furniture in the possession of the prison districts of which the government has taken over the administration, and has the right to make such alterations and build such extensions as it finds appropriate.

§ 61. The King decides what amounts shall be paid for the detention of and catering for debtors who are placed in preventive detention pursuant to § 34 of the Bankruptcy Act or § 256 of the Act relating to Enforcement of Claims.

§ 62. This Act enters into force on 1 April 1959.

From the same date, the following Acts are repealed:

1. The Prison Service and Workhouse Act of 12 December 1903, except that the repeal of § 65 of the Act only enters into force at such time as the King may decide.