APPENDIX K
LAW CONCERNING THE EXECUTION OF PRISON SENTENCES AND MEASURES OF REFORM AND PREVENTION INVOLVING DEPRIVATION OF LIBERTY
THE PRISON ACT (*STRAFVOLLZUGSGESETZ*)

Of 16 March 1976 (Federal Law Gazette (*Bundesgesetzblatt*) 1, p. 581) with subsequent amendments through 29 July 2009.

CONTENTS

PART ONE
SCOPE OF APPLICATION
1. Scope of Application

PART TWO
SERVING OF PRISON SENTENCES

FIRST TITLE
PRINCIPLES
2. Objectives of Confinement
3. Prison Regime
4. Prisoner's Status

SECOND TITLE
PROGRAMMING PRISONER'S TREATMENT
5. Admission Procedure
6. Examination to Determine Treatment, Prisoner's Participation
7. Treatment Program
8. Transfer
9. Transfer to a Socio-Therapeutic Institution
10. Open and Closed Institutions
11. Relaxation of Confinement Conditions
12. Temporary Absence Under Guard for Special Reasons
13. Leave From Custody
14. Conditions, Termination of Relaxation of Confinement Conditions and Leave
15. Preparations for Release
16. Date and Time of Release

THIRD TITLE
PRISON ACCOMMODATIONS AND DIET
17. Accommodation During Work and Leisure Time
18. Accommodation at Night
19. Furnishing of Cell by the Prisoner and Personal Effects
20. Clothing
21. Institutional Diet
22. Purchases

FOURTH TITLE
VISITS, CORRESPONDENCE, AS WELL AS LEAVE, TEMPORARY ABSENCE, AND TEMPORARY ABSENCE UNDER GUARD ON SPECIAL OCCASIONS
23. Principle
24. Right To Have Visitors
25. Prohibition of Visits
26. Visits by Defense Counsels, Attorneys, and Notaries
27. Supervision of Visits
28. Right to Correspondence

29. Censorship of Correspondence
30. Forwarding and Custody of Letters
31. Interception of Letters
32. Telephone Calls and Telegrams
33. Parcels
34. (Rescinded)
35. Leave, Temporary Absence, and Temporary Absence Under Guard for Important Reasons
36. Court Hearings

FIFTH TITLE
WORK, VOCATIONAL TRAINING AND ADVANCED EDUCATION
37. Assignment of Work
38. Classes
39. Private Employment, Activity of Prisoner's Own Choice
40. Certificates
41. Duty To Work
42. Exemption From Duty To Work
43. Wages, Leave for Work and Crediting Time of Exemption Towards the Time of Release
44. Training Grant
45. Compensation for Loss of Earnings
46. Pocket Money
47. House Money
48. Statutory Orders
49. Support
50. Contribution to Detention Costs
51. Transitional Money
52. Prisoner's Own Money

SIXTH TITLE
RELIGION
53. Spiritual Care
54. Religious Activities
55. Ideological Communities

SEVENTH TITLE
HEALTH CARE
56. General Rules
57. Health Checks, Measures for Early Diagnosis of Diseases
58. Treatment of Sick Persons
59. Supply of Medical Aids
60. Medical Care While on Leave
61. Nature and Extent of Benefits
62. Contribution to the Costs of Dentures and Crowns
62a. Suspension of Entitlements
63. Medical Treatment for Social Integration
64. Outdoor Exercise
65. Transfers
66. Notification in Case of Illness or Death

EIGHTH TITLE
LEISURE ACTIVITIES
67. General
68. Newspapers and Periodicals
69. Radio and Television
70. Possession of Articles for Recreational Activities

NINTH TITLE
SOCIAL ASSISTANCE
71. Principle
72. Assistance on Admission to the Institution
73. Assistance During Imprisonment
74. Pre-Release Assistance
75. Release Grant

TENTH TITLE
SPECIAL PROVISIONS FOR FEMALE PRISONERS
76. Maternity Aid
77. Medicines, Dressing Materials, and Drugs
78. Type, Extent and Suspension of Benefits in Case of Pregnancy and Maternity
79. Notification of Birth
80. Mothers With Children

ELEVENTH TITLE
SECURITY AND GOOD ORDER
81. Principle
82. Rules of Conduct
83. Personal Possessions, Prisoner's Own Money
84. Search
85. Secure Custody
86. Identification Measures
86a. Photographs
87. Right To Arrest
88. Special Precautions
89. Solitary Confinement
90. Shackles
91. Order for Special Precautionary Measures
92. Control by Medical Officer
93. Compensation for Expenditures

TWELFTH TITLE
DIRECT FORCE
94. General Conditions
95. Definitions
96. Principle of Proportionality
97. Action Upon Orders
98. Warning
99. General Rules for the Use of Firearms
100. Special Rules for the Use of Firearms
101. Coercive Measures in the Field of Health Care

THIRTEENTH TITLE
DISCIPLINARY ACTION
102. Conditions
103. Types of Disciplinary Action
104. Execution of Disciplinary Action; Suspension on Probation
105. Disciplinary Authority
106. Procedure
107. Medical Officer's Participation

FOURTEENTH TITLE
LEGAL REMEDIES
108. Right of Complaint
109. Request for a Court Decision

110. Competence
111. Parties to Proceedings
112. Time Limit for Filing a Request, Restoration to Former Status
113. Request To Take a Measure
114. Suspension of a Measure
115. Court Decision
116. Appeal on a Point of Law
117. Competence for the Appeal on a Point of Law
118. Form, Time Limit, Grounds
119. Decision on Appeal on a Point of Law
120. Corresponding Application of Other Provisions
121. Costs of Proceedings

FIFTEENTH TITLE
EXECUTION OF SENTENCE AND PRETRIAL CONFINEMENT
122. (Rescinded)

SIXTEENTH TITLE
SOCIO-THERAPEUTIC INSTITUTIONS
123. Socio-Therapeutic Institutions and Divisions
124. Leave in Preparation for Release
125. Admission on Voluntary Basis
126. Subsequent Care
127. (Rescinded)
128. (Rescinded)

PART THREE
SPECIAL PROVISIONS ON THE EXECUTION OF MEASURES OF REFORM AND PREVENTION INVOLVING DEPRIVATION OF LIBERTY

FIRST TITLE
PREVENTIVE DETENTION
129. Objective of Detention
130. Application of Other Provisions
131. Facilities
132. Clothing
133. Activity Chosen by the Prisoner, Pocket Money
134. Preparations for Release
135. Preventive Detention in Confinement Facilities for Women

SECOND TITLE
PLACEMENT IN A PSYCHIATRIC HOSPITAL AND IN AN INSTITUTION FOR TREATMENT OF ALCOHOLICS OR DRUG ADDICTS
136. Placement in a Psychiatric Hospital
137. Placement in an Institution for Treatment of Alcoholics or Drug Addicts
138. Application of Other Provisions

PART FOUR
PRISON AUTHORITIES

FIRST TITLE
CATEGORIES AND FACILITIES OF PENAL INSTITUTIONS
139. Penal Institutions
140. Separate Confinement
141. Differentiation
142. Facilities for Mothers with Children
143. Size and Design of Institutions

144. Size and Layout of Rooms
145. Determination of Capacity
146. Prohibition of Overcrowding
147. Facilities for Release
148. Procurement of Employment, Facilities for Vocational Training
149. Workshops, Vocational Training Facilities
150. Combined Confinement Management

SECOND TITLE
SUPERVISION OF PENAL INSTITUTIONS
151. Supervisory Authorities
152. Plan for Service of Confinement
153. Competence for Transfers

THIRD TITLE
INTERNAL STRUCTURE OF PENAL INSTITUTIONS
154. Cooperation
155. Institutional Staff
156. Head of the Institution
157. Spiritual Care
158. Medical Care
159. Conferences
160. Prisoners' Co-Responsibility
161. Institutional Rules

FOURTH TITLE
ADVISORY COUNCILS
162. Establishment of Advisory Councils
163. Functions of Advisory Councils
164. Authority
165. Observation of Secrecy

FIFTH TITLE
CRIMINOLOGICAL RESEARCH IN PRISON
166. (Untitled)

PART FIVE
EXECUTION OF OTHER MEASURES INVOLVING DEPRIVATION OF LIBERTY IN PENAL INSTITUTIONS, DATA PROTECTION, SOCIAL SECURITY AND UNEMPLOYMENT INSURANCE, FINAL PROVISIONS

FIRST TITLE
SERVICE OF SHORT-TERM MILITARY IMPRISONMENT IN PENAL INSTITUTIONS
167. Principle
168. Accommodation, Visits and Correspondence
169. Clothing, Underclothes and Bedding
170. Purchases

SECOND TITLE
SERVICE OF ARREST FOR CONTEMPT OF COURT, PREVENTIVE DETENTION, COERCIVE DETENTION, ARREST TO ENFORCE A COURT ORDER
171. Principle
172. Accommodation
173. Clothing, Underclothes and Bedding
174. Purchases
175. Work

THIRD TITLE
WAGES FOR WORK IN PENAL INSTITUTIONS FOR JUVENILES AND FOR PRISONERS IN

PRETRIAL CONFINEMENT
176. Penal Institutions for Juveniles
177. Pretrial Confinement

FOURTH TITLE
DIRECT FORCE IN PENAL INSTITUTIONS
178. (Untitled)

FIFTH TITLE
DATA PROTECTION
179. Collection of Data
180. Processing and Utilization
181. Restricted Use for a Specific Purpose
182. Protection of Special Data
183. Protection of Data in Files and Data Files
184. Correction, Deletion and Blocking of Data
185. Information Provided to the Person Concerned, Review of Files
186. Providing Information and Granting Review of Files for Scientific Purposes
187. Application of the Federal Data Protection Law

SIXTH TITLE
ADJUSTMENT OF FEDERAL LAW
188. (Rescinded)
189. Ordinance Concerning Costs in the Field of Administration of Justice

SEVENTH TITLE
SOCIAL SECURITY AND UNEMPLOYMENT INSURANCE
190-195. (Not Translated)

EIGHTH TITLE
RESTRICTION OF BASIC RIGHTS, ENTRY INTO FORCE
196. Restriction of Basic Rights
197. (Rescinded)
198. Entry into Force
199. Transitional Versions
200. Amount of Pay
201. Transitional Provisions for Existing Institutions
202. Prison Sentence and Youth Detention of the German Democratic Republic

---

PART ONE
SCOPE OF APPLICATION

SECTION 1. SCOPE OF APPLICATION
This act shall regulate the serving of sentences to confinement in penal institutions and of measures of reform and prevention involving deprivation of liberty.

PART TWO
SERVING OF PRISON SENTENCES

FIRST TITLE
PRINCIPLES

SECTION 2. OBJECTIVES OF CONFINEMENT
By serving his prison sentence, the prisoner shall be enabled to lead a life of social responsibility in the future without committing criminal offenses (objective of confinement). Serving of the prison sentence also serves to protect the general public from further criminal offenses.

SECTION 3. PRISON REGIME

(1) Life in penal institutions shall be similar to normal living conditions to the extent possible.

(2) Any detrimental effects of confinement shall be counteracted.

(3) Confinement shall be oriented to help the prisoner to reintegrate himself into life at liberty.

SECTION 4. PRISONER'S STATUS

(1) The prisoner shall participate in the formulation of his treatment program and in achieving the objectives of confinement. His willingness to do so shall be developed and encouraged.

(2) The prisoner shall be subject to the restrictions of his liberty provided for in this act. Unless the act contains a special provision, only such restrictions may be imposed on him as are indispensable to maintain security or to avert a serious disturbance of good order of the penal institution.

SECOND TITLE
PROGRAMMING PRISONER'S TREATMENT

SECTION 5. ADMISSION PROCEDURE

(1) No other prisoners may be present during the process of admittance.

(2) The prisoner will be informed of his rights and obligations.

(3) The prisoner will undergo a medical examination promptly after his admission and be introduced to the head of the institution or the head of the reception unit.

SECTION 6. EXAMINATION TO DETERMINE TREATMENT, PRISONER'S PARTICIPATION

(1) After the admission procedure, information shall be obtained about the prisoner's personality and background. This may be dispensed with if it appears to be unnecessary in view of the period of imprisonment.

(2) The examination shall extend to all facts that are relevant to a purpose-oriented treatment of the prisoner while serving his sentence and for his integration into society after his release. In case of prisoners who were convicted for a criminal act pursuant to sections 174 through 180 or 182 of the Criminal Code (*Strafgesetzbuch*), it shall be seriously considered if a transfer of the prisoner to a socio-therapeutic institution is advisable.

(3) The treatment program shall be discussed with the prisoner.

SECTION 7. TREATMENT PROGRAM

(1) A treatment program will be set up based upon the results of the examination (sec 6).

(2) The treatment program shall at least contain information about the following treatment measures:

1. Detention in a closed or open institution;

2. Transfer to a socio-therapeutic institution;

3. Assignment to groups with shared accommodation and treatment groups;

4. Work, vocational training, or advanced vocational training;

5. Participation in educational activities;

6. Special measures of assistance and treatment;

7. Relaxation of confinement conditions; and

8. Measures necessary to prepare release.

(3) The treatment program shall be commensurate with the prisoner's development and with further results of the study of his personality. For this purpose, adequate periods of time shall be provided in the treatment program.

(4) In case of prisoners who were convicted for a criminal act pursuant to sections 174 through 180 or 182 of the Criminal Code to more than 2 years of imprisonment a decision about a transfer to a socio-therapeutic institution shall be newly considered every six months.

SECTION 8. TRANSFER

(1) Notwithstanding the plan for serving of confinement, the prisoner may be transferred to another institution competent for execution of confinement if—

1. The prisoner's treatment or his social integration after release will be promoted thereby; or

2. This is necessary for organizational reasons or for any other important reasons.

(2) The prisoner may, for important reasons, be transferred to another confinement facility.

SECTION 9. TRANSFER TO A SOCIO-THERAPEUTIC INSTITUTION

(1) A prisoner shall be transferred to a socio-therapeutic institution if he was convicted to more than two years of imprisonment for a criminal act pursuant to sections 174 through 180 or 182 of the Criminal Code, and if treatment in a socio-therapeutic institution pursuant to section 6, paragraph (2), sentence 2, or section 7, paragraph (4), is advisable. The prisoner shall be moved back if the purpose of the treatment cannot be achieved due to reasons to be found in his personality.

(2) Other prisoners may be transferred to a socio-therapeutic institution subject to their consent if the special therapeutic methods and social aids of that institution are advisable for their reintegration into society. Such transfer requires the consent of the head of the socio-therapeutic institution.

(3) Sections 8 and 85 remain unaffected.

SECTION 10. OPEN AND CLOSED INSTITUTIONS

(1) A prisoner shall, with his consent, be committed to an open institution or unit if he meets the special requirements for such treatment and, in particular, if there is no risk that he might evade serving his prison sentence or abuse the conditions in an open institution to commit criminal offenses.

(2) Otherwise, prisoners shall be committed to closed institutions. A prisoner may also be committed to a closed institution or be retransferred to such an institution if this is necessary for his treatment.

SECTION 11. RELAXATION OF CONFINEMENT CONDITIONS

(1) In order to relax the conditions of confinement, the prisoner may, in particular, be allowed to—

1. Regularly perform work outside the institution under the supervision of a prison officer (outside work) or without such supervision (release for employment outside of prison); or

2. Leave the institution for a certain period each day under the supervision of a prison officer (temporary absence under guard) or without such supervision (temporary absence).

(2) Such relaxation of confinement may be ordered with the prisoner's consent if there is no risk that he might evade serving his prison sentence or abuse the relaxation of confinement to commit criminal offenses.

SECTION 12. TEMPORARY ABSENCE UNDER GUARD FOR SPECIAL REASONS
A prisoner may be temporarily taken out under guard even without his consent if this is necessary for special reasons.

SECTION 13. LEAVE FROM CUSTODY

(1) A prisoner may be granted leave from custody for up to 21 calendar days per year. Section 11, paragraph (2), shall apply accordingly.

(2) Leave should, as a rule, not be granted until the prisoner has served at least 6 months of his sentence.

(3) A prisoner sentenced to imprisonment for life may be granted leave after he has been imprisoned for 10 years, including any preceding pretrial confinement or any other deprivation of liberty, or after he has been transferred to an open institution.

(4) Prisoners who are eligible for committal to an open institution but are kept in a closed institution for special reasons may be granted leave in accordance with the rules applicable to serving of the sentence in open institutions.

(5) The execution of the sentence is not interrupted by leave.

SECTION 14. CONDITIONS, TERMINATION OF RELAXATION OF CONFINEMENT CONDITIONS, AND LEAVE

(1) The head of the institution may impose conditions on the prisoner in connection with relaxation of confinement and leave.

(2) He may revoke relaxation of confinement and leave if—

1. As a result of the circumstances that have subsequently arisen, he would be justified in refusing such measures,

2. The prisoner abuses the measures, or

3. The prisoner fails to comply with the conditions.

He may cancel relaxation and leave taking effect in the future if the prerequisites for their being granted have not been fulfilled.

SECTION 15. PREPARATIONS FOR RELEASE

(1) The conditions of confinement shall be relaxed (sec 11) to prepare for the release.

(2) The prisoner may be transferred to an open institution or unit (sec 10) if this serves the preparation of his release.

(3) Within 3 months prior to the release, special leave for up to 1 week may be granted for preparing the release. Section 11, paragraph (2), section 13, paragraph (5), and section 14 shall apply accordingly.

(4) Prisoners who are on release for employment outside of prison (sec 11, para (1), no. 1) may be granted special leave for up to 6 days per month within 9 months prior to their release. Section 11, paragraph (2), section 13, paragraph (5), and section 14 shall apply accordingly. Paragraph (3), sentence 1, shall not apply.

SECTION 16. DATE AND TIME OF RELEASE

(1) On the last day of his term of confinement, the prisoner should be released as early as possible, in any event during the morning.

(2) If the term of confinement ends on a Saturday or Sunday, an official holiday, the first working day after Easter or Pentecost, or on a day within the period between 22 December and 2 January, the prisoner may be released on the working day preceding such day or period, provided that this is reasonable in view of the length of the sentence served and will not hinder post confinement support.

(3) Release may take place up to 2 days earlier, if there are compelling reasons showing that this is necessary for the prisoner's social integration.

THIRD TITLE
PRISON ACCOMMODATIONS AND DIET

SECTION 17. ACCOMMODATION DURING WORK AND LEISURE TIME

(1) Prisoners shall work together. The same shall apply to vocational training, advanced vocational training, as well as work-therapeutic and other activities during working hours.

(2) The prisoners may spend their leisure time together with the other prisoners. For participation in joint events the head of the institution may set up special rules depending on the conditions in the institution regarding available space, staff, and organization.

(3) Joint accommodation during working hours and leisure time may be restricted if—

1. A detrimental influence on other prisoners might result,

2. A prisoner is examined in accordance with section 6, but not longer than 2 months,

3. Security or good order of the institution so requires, or

4. The prisoner gives his consent.

SECTION 18. ACCOMMODATION AT NIGHT

(1) During the night the prisoners shall be lodged alone in their cells. Joint accommodation is permissible if a prisoner is in need of help or if there is danger to a prisoner's life or health.

(2) In open institutions prisoners may, with their consent, be accommodated together during the night if no detrimental influence results. In closed institutions joint accommodation at night shall be permissible only temporarily and for compelling reasons, apart from the cases referred to in paragraph (1).

SECTION 19. FURNISHING OF CELL BY THE PRISONER AND PERSONAL EFFECTS

(1) The prisoner shall be allowed to furnish his cell with articles of his own to a reasonable extent. Photographs of closely related or befriended persons and souvenirs of personal value may be retained by him.

(2) Devices and articles may be prohibited if they make the cell hard to survey or jeopardize security or the good order of the institution in any other way.

SECTION 20. CLOTHING

(1) The prisoner shall wear prison clothing. For leisure time he shall be given special overclothes.

(2) The head of the institution shall allow the prisoner to wear his own clothing when he is taken out under escort, unless there is a risk that he might escape. The head may also give such permission on other occasions, provided the prisoner sees to cleaning, repairs, and regular change at his own expense.

SECTION 21. INSTITUTIONAL DIET
Composition and nutritional value of the food at the institution are controlled by medical officers. On orders from a medical officer, special food shall be allowed. Provision will be made for a prisoner to obey religious instructions with regard to the consumption of food.

SECTION 22. PURCHASES

(1) The prisoner shall be allowed to buy food and luxuries as well as cosmetics from his house money (sec 47) or from his pocket money (sec 46) out of an assortment offered through the institution. The institution shall provide an assortment which takes into account the prisoners' wishes and needs.

(2) Articles which jeopardize security or good order of the institution may be excluded from purchase. On orders from a medical officer, a prisoner may be forbidden either entirely or to a certain extent to buy specific food and luxuries if there is a risk that they might seriously impair his health. In hospitals and sick wards, the purchase of specific food and luxuries may, on orders from a medical officer, be generally restricted or forbidden.

(3) If, through no fault of his own, a prisoner has no house or pocket money he shall be permitted, to a reasonable extent, to use his own money for purchases.

FOURTH TITLE
VISITS, CORRESPONDENCE AS WELL AS LEAVE, TEMPORARY ABSENCE AND TEMPORARY ABSENCE UNDER GUARD ON SPECIAL OCCASIONS

SECTION 23. PRINCIPLE
The prisoner shall have the right to communicate with persons outside the institution under the scope of the provisions of this act. Contact with persons outside the institution shall be encouraged.

SECTION 24. RIGHT TO HAVE VISITORS

(1) The prisoner shall be allowed to have visitors at regular intervals. The total period shall be at least 1 hour per month. Everything else in that connection shall be governed by institutional rules.

(2) Additional visits should be permitted if they improve the prisoner's treatment or social integration or if they serve personal, legal, or business matters that cannot be dealt with by the prisoner in writing, be looked after by third persons, or postponed until the time of the prisoner's release.

(3) For reasons of security a visit may be made dependent on the visitor being searched.

SECTION 25. PROHIBITION OF VISITS
The head of the institution may prohibit visits—

1. If security or good order of the institution would be jeopardized;

2. By visitors who are not relatives of the prisoner within the meaning of the Criminal Code, if it is to be feared that they might have a detrimental influence on the prisoner or hamper his social integration.

SECTION 26. VISITS BY DEFENSE COUNSELS, ATTORNEYS, AND NOTARIES
Visits by defense counsels as well as by attorneys or notaries on legal matters concerning the prisoner shall be permitted. Section 24, paragraph (3), shall apply accordingly. Inspection of the contents of documents and other records brought along by the defense counsel shall not be permitted. Section 29, paragraph (1), sentences 2 and 3, remain unaffected.

SECTION 27. SUPERVISION OF VISITS

(1) Visits may be supervised for reasons of treatment or to maintain security or good order of the institution unless facts exist in a specific case which make supervision unnecessary. The conversation may only be monitored if this is necessary in a specific case for any of the above reasons.

(2) A visit may be terminated if, in spite of a warning, visitors or prisoners violate any of the provisions of this act or any orders given based on this act. A warning shall not be given when it is absolutely necessary to terminate the visit immediately.

(3) Visits by defense counsels shall not be supervised.

(4) Articles may only be handed over in the course of a visit upon permit. This shall neither apply to any papers and other documents handed over in the course of a defense counsel's visit nor to papers and other documents handed over in the course of a visit by an attorney or notary in order to dispose of a legal matter concerning the prisoner; in case of a visit by an attorney or notary handing over of documents may be subject to a permit for reasons of security or good order of the institution. Section 29, paragraph (1), sentences 2 and 3, remain unaffected.

SECTION 28. RIGHT TO CORRESPONDENCE

(1) The prisoner has the right to send and receive letters without restriction.

(2) The head of the institution may forbid correspondence with specific persons if—

1. The security or good order of the institution would be jeopardized, or

2. In case of persons who are not relatives of the prisoner within the meaning of the Criminal Code, there is danger that such correspondence might have a negative effect on the prisoner or hamper his social integration.

SECTION 29. CENSORSHIP OF CORRESPONDENCE

(1) The prisoner's correspondence with his defense counsel is not subject to censorship. If the serving of the prison sentence is based on an offense under section 129a, also in conjunction with section 129b, paragraph (1), of the Criminal Code, section 148, paragraph (2), and section 148a of the Code of Criminal Procedure (*Strafprozessordnung)* shall apply accordingly; this does not apply if the prisoner is committed to an open confinement facility or if he has been granted relaxation of confinement conditions pursuant to section 11, paragraph (1), number 1 or 2, second half of sentence, or leave pursuant to section 13 or 15, paragraph (3), and no reason exists which would authorize the head of the institution to revoke or withdraw the relaxation or leave pursuant to section 14, paragraph (2). Sentence 2 also applies if a prison sentence for a criminal act pursuant to section 129a, also in conjunction with section 129b, paragraph (1), of the Criminal Code must be served by the prisoner directly following the conviction which is the basis for the execution of the prison sentence.

(2) The prisoner's letters to parliamentary bodies of the Federation and of the *Länder* and their members shall neither be subject to censorship provided that the letters are addressed to such parliamentary bodies and the sender is stated properly. The same applies to letters sent to the European Parliament and its members, the European Court of Human Rights, and the European Commission for Human Rights, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, and the Federal and *Länder* commissioners for data protection. Correspondence from the agencies designated in sentences 1 and 2 which are addressed to the prisoner shall not be censored if the identity of the sender is established beyond doubt.

(3) Other correspondence may be subject to censorship for reasons of treatment or of security or good order of the institution.

SECTION 30. FORWARDING AND CUSTODY OF LETTERS

(1) The prisoner shall send and receive his letters through the penal institution, except as otherwise provided.

(2) Incoming and outgoing letters shall be forwarded without delay.

(3) The prisoner shall keep incoming letters in his custody unsealed, except as otherwise provided; he may keep them sealed together with his personal effects.

SECTION 31. INTERCEPTION OF LETTERS

(1) The head of the institution may intercept letters if—

1. The objectives of the confinement or the security or good order of the institution would otherwise be jeopardized,

2. In view of their contents, forwarding them would constitute an offense subject to penalty or an administrative fine,

3. They contain grossly incorrect or grossly distorting descriptions of the conditions at the institution,

4. They contain serious insults,

5. They might jeopardize the social integration of another prisoner, or

6. They are written in a secret code, illegible, unintelligible, or written in a foreign language without any compelling reason.

(2) Outgoing letters which contain incorrect statements may be accompanied by an official letter if the prisoner insists on dispatch.

(3) If a letter has been intercepted, the prisoner shall be informed thereof. Intercepted letters shall be returned to the sender or, if this is impossible or inadvisable for special reasons, be kept in official custody.

(4) Letters whose censorship is barred pursuant to section 29, paragraphs (1) and (2), may not be intercepted.

SECTION 32. TELEPHONE CALLS AND TELEGRAMS

The prisoner may be given permission to make long distance calls or dispatch telegrams. The provisions concerning visits shall apply accordingly with regard to long distance calls and the provisions concerning correspondence shall apply accordingly to telegrams. If monitoring of the telephone conversation is necessary, the person calling the prisoner shall be informed of the intended monitoring immediately after the connection was made either by the prison authority or the prisoner. The prisoner shall be informed in due time prior to the telephone call of the intended monitoring and the duty to inform the caller pursuant to sentence 3.

SECTION 33. PARCELS

(1) The prisoner may receive parcels containing food and luxuries three times a year at reasonable intervals. The prison authority may determine the date and maximum quantities for each consignment and for individual commodities. Approval is required for the receipt of further parcels or parcels with different contents. With regard to articles which are barred, section 22, paragraph (2), shall apply accordingly.

(2) Parcels shall be opened in the prisoner's presence. Articles which are barred may be stored with his personal effects or be returned to the sender. Articles which may cause injury to persons or damage to property when dispatched or stored may be destroyed. The prisoners shall be informed of the measures taken pursuant to this paragraph.

(3) The receipt of parcels may be forbidden temporarily if this is necessary because of jeopardy to security or good order of the institution.

(4) The prisoner may be given permission to dispatch parcels. The prison authority may check their contents for reasons of security or good order of the institution.

SECTION 34. (RESCINDED)

SECTION 35. LEAVE, TEMPORARY ABSENCE, AND TEMPORARY ABSENCE UNDER GUARD FOR IMPORTANT REASONS

(1) The head of the institution may grant a prisoner temporary absence or leave for up to 7 days if there is an important reason; leave for any important reason other than critical illness or the death of a relative shall not exceed 7 days per year. Section 11, paragraph (2), section 13, paragraph (5), and section 14 shall apply accordingly.

(2) Any leave granted pursuant to paragraph (1) shall not be counted as regular leave.

(3) If no temporary absence or leave can be granted for any of the reasons set forth in section 11, paragraph (2), the head of the institution may have the prisoner taken out under guard. Any expense for this shall be borne by the prisoner. The entitlement shall not be enforced if this would hamper treatment or social integration.

SECTION 36. COURT HEARINGS

(1) The head of the institution may grant a prisoner temporary absence or leave for the purpose of attending a court hearing if it can be assumed that he will answer the summons and that there is no danger that he escapes or abuses such opportunity (sec 11, para (2)). Section 13, paragraph (5), and section 14 shall apply accordingly.

(2) When a prisoner has been summoned to appear before a court and no temporary absence or leave is granted, the head of the institution shall, with the prisoner's consent, have him taken out under guard to appear before the court, provided that this is not outweighed by the danger that he may escape or abuse the opportunity (sec 11, para (2)). Upon request of a court, the head of the institution shall have the prisoner brought before the court, provided an order to bring the prisoner before the court has been issued.

(3) The prison authority shall inform the court of the steps that have been taken.

FIFTH TITLE
WORK, VOCATIONAL TRAINING AND ADVANCED EDUCATION

SECTION 37. ASSIGNMENT OF WORK

(1) The main aim of work, work-therapeutic occupation, vocational training, and advanced education is to impart to the prisoner skill and knowledge to be able to earn a livelihood after his release or to preserve or promote such skill and knowledge.

(2) The prison authority should assign to the prisoner economically productive work, taking into account his abilities, skill, and inclinations.

(3) Prisoners with an aptitude should be given an opportunity for vocational training, advanced vocational training, retraining for a new job, or participation in other activities of vocational training or advanced education.

(4) When a prisoner who is fit for work cannot be given any economically productive work or an opportunity to participate in any of the programs referred to in paragraph (3), he shall be assigned another reasonable form of activity.

(5) If a prisoner is unable to perform economically productive work he shall be assigned an activity of a therapeutic nature.

SECTION 38. CLASSES

(1) For prisoners with the necessary aptitude who failed to complete their secondary school education, arrangements shall be made for the attendance of classes in the subjects taught at secondary schools or classes corresponding to those of a special school for mentally retarded or handicapped children. For vocational training, vocational school classes shall be provided; this shall apply also to advanced vocational training, if the type of measure so requires.

(2) Classes shall take place during working hours.

SECTION 39. PRIVATE EMPLOYMENT, ACTIVITY OF PRISONER'S OWN CHOICE

(1) The prisoner shall be allowed to engage in employment, vocational training, advanced vocational training outside the institution in connection with private employment if this serves the aim of teaching, preserving, or promoting skill and knowledge for earning a livelihood after release within the scope of the treatment program and if this is not outweighed by the purpose of the confinement. Section 11, paragraph (1), number 1, and paragraph (2), as well as section 14 shall remain unaffected.

(2) The prisoner may be allowed to take up an activity of his own choice.

(3) The prison authority may demand that any remuneration be remitted to it so that it can be credited to the prisoner's account.

SECTION 40. CERTIFICATES
A document certifying the completion of vocational training or advanced education shall not disclose the participant's confinement.

SECTION 41. DUTY TO WORK

(1) The prisoner shall be obliged to perform the work assigned to him, which should be commensurate with his physical abilities, or any work-therapeutic or other activity which he is able to perform based upon his physical condition. He may be obliged to perform some auxiliary work in the institution for up to 3 months per year and, if he consents, for a longer period. Sentences 1 and 2 shall not apply to prisoners who are older than 65 years nor to expectant or nursing mothers as far as statutory provisions prohibiting employment in order to protect gainfully-employed mothers exist.

(2) Participation in any of the programs referred to in section 37, paragraph (3), shall require the prisoner's consent. Such consent shall not be withdrawn at an inopportune time.

(3) Employment in an enterprise run by a private contractor (sec 149, para (4)) shall require the prisoner's consent. Withdrawal of such consent shall not become effective until the job can be taken over by another prisoner or, at the latest, after 6 weeks.

SECTION 42. EXEMPTION FROM DUTY TO WORK

(1) When a prisoner has been engaged in any of the activities assigned in accordance with section 37 or has performed some auxiliary work in accordance with section 41, paragraph (1), sentence 2, for a period of 1 year, he may claim exemption from the duty to work for 18 working days. Credit shall be given for any period during which the prisoner was prevented from working due to illness, but not for more than 6 weeks a year.

(2) Except when granted because of a critical illness or the death of a relative, any leave from prison (secs 13 and 35) shall be taken into account in the period of exemption to the extent to which it falls within working hours.

(3) During the period of exemption payment of the earnings last paid to the prisoner shall be continued.

(4) Any leave regulations applying to an employment outside the institution shall remain unaffected.

SECTION 43. WAGES, LEAVE FOR WORK, AND CREDITING TIME OF EXEMPTION TOWARDS THE TIME OF RELEASE

(1) Work of a prisoner is recognized by payment of a wage and by granting exemption from work, which may also be used as leave from confinement (leave for work) or which may be credited against the time of release.

(2) A prisoner performing work assigned to him, engaging himself in any other occupation, or performing auxiliary work in accordance with section 41, paragraph (1), sentence 2, shall be paid a wage. The assessment of such wage shall be based on the rate defined in section 200 of the reference value pursuant to section 18 of the Fourth Book of the Code of Social Law (*Sozialgesetzbuch*) (basic wage). One daily rate is the two-hundred-and-fiftieth part of the basic wage; the wage may be assessed at an hourly rate.

(3) The wage may be divided in pay grades according to the prisoners' efficiency and the type of work. It shall not be lower than 75 percent of the basic wage, unless the prisoner's output fails to comply with the minimum requirements.

(4) When a prisoner engages himself in a work-therapeutic activity assigned to him, he shall be paid a wage when this is appropriate in view of the nature of his activity and his output.

(5) The prisoner shall be informed of the wage rate in writing.

(6) If the prisoner has performed an assigned job pursuant to section 37 or an auxiliary task pursuant to section 41, paragraph (1), sentence 2, for a period of 2 months in a row, he will be granted an exemption from work for 1 working day upon his request. The provision of section 42 shall remain unaffected. The period pursuant to sentence 1 shall be suspended by periods of times during which the prisoner is prevented from performing his work through no fault of his own, due to an illness, temporary

absence and temporary absence under guard, leave from confinement, exemption from the duty to work or other reasons he is not responsible for. Employment periods of less than 2 months shall not be considered.

(7) The prisoner may request that the exemption pursuant to paragraph (6) be granted as leave from confinement (leave for work). Section 11, paragraph (2), section 13, paragraphs (2) through (5), and section 14 apply accordingly.

(8) Section 42, paragraph (3), shall apply accordingly.

(9) If the prisoner does not put in a request pursuant to paragraph (6), sentence 1, or paragraph (7), sentence 1, or if the exemption cannot be granted in accordance with paragraph (7), sentence 2, the prison authority shall credit the exemption pursuant to paragraph (6), sentence 1, against the time of release of the prisoner.

(10) Crediting pursuant to paragraph (9) is excluded if—

1. The prisoner serves a life sentence or is held in preventive custody and a date of release has not been determined,

2. In case of a suspension on probation of the remaining prison sentence or preventive custody, crediting is no longer possible because of the time period left between a decision by the court and the release,

3. This is ordered by the court, because in case of a suspension of a prison sentence or preventive custody on probation, the living conditions of the prisoner or the presumed effects of a suspension on the prisoner require execution of the sentence by a certain point in time,

4. Pursuant to section 456a, paragraph (1), of the Code of Criminal Procedure an execution will be refrained from,

5. The prisoner is released from confinement by way of clemency.

(11) If crediting pursuant to paragraph (10) is excluded, the prisoner shall receive, at his release as compensation for his work pursuant to paragraph (2), an additional 15 percent of the pay granted to him pursuant to paragraphs (2) and (3) or of the training grant granted to him pursuant to section 44. The entitlement is due at the time of release; prior to release the entitlement is not interest-bearing, not assignable, and not inheritable. A prisoner who cannot be granted crediting pursuant to paragraph (10), number 1, shall receive the compensation payment already after serving ten years of imprisonment of a life sentence or preventive custody as part of his own money (sec 52), unless he was released prior to that point in time; section 57, paragraph (4), of the Criminal Code applies accordingly.

SECTION 44. TRAINING GRANT

(1) When a prisoner takes part in vocational training, advanced vocational training, or attends classes and when he is exempt from the duty to work for such purpose, he shall be paid a training grant as granted to unconfined persons for such purpose, unless he is entitled to payments for his living. The lower priority of social assistance under section 2, paragraph (2), of the Twelth Book of the Code of Social Law shall not be affected.

(2) For the assessment of the training grant, section 43, paragraphs (2) and (3), shall apply accordingly.

(3) When a prisoner attends classes on an hourly or daily basis or participates in any other measures assigned pursuant to section 37, paragraph (3), during working hours, he shall be paid a training grant equal to the wages he would otherwise have been paid.

SECTION 45. COMPENSATION FOR LOSS OF EARNINGS

(1) When a prisoner who is fit for work cannot be assigned any work or any activity within the meaning of section 37, paragraph (4), for more than 1 week, for any reason not inherent in his person, he shall be paid compensation for loss of earnings.

(2) When a prisoner, after having started work or any other activity, is prevented from performing such work or activity due to illness and without any fault of his own for more than 1 week, he shall likewise be paid compensation for loss of earnings.

The same shall apply to prisoners who have been paid a training grant pursuant to section 44 or compensation for loss of earnings under paragraph (1).

(3) Expectant mothers who do not perform any work or who are not engaged in any activity within the meaning of section 37 shall be paid compensation for loss of earnings during the last 6 weeks preceding childbirth and until the expiration of 8 weeks after birth or up to 12 weeks if they give birth to a child prematurely or to two or more children.

(4) The compensation for loss of earnings shall not be lower than 60 percent of the basic wage under section 43, paragraph (1), unless the prisoner had failed to earn the minimum wage set forth in section 43, paragraph (2), prior to the unemployment or illness.

(5) Notwithstanding the provisions of paragraph (3), compensation for loss of earnings shall be granted for a maximum period of 6 weeks per year. Further compensation for loss of earnings shall not be paid until the prisoner has again been paid wages for work or a training grant for at least 1 year.

(6) Insofar as a prisoner receives temporary allowance in accordance with section 566, paragraph (2), of the *Reich* Insurance Ordinance (*Reichsversicherungsordnung*), the entitlement to compensation for loss of earnings shall be suspended.

SECTION 46. POCKET MONEY

When, due to old age or infirmity, a prisoner no longer works or is not or no longer granted any compensation for loss of earnings, he shall be paid a reasonable amount of pocket money if he is in need. The same shall apply to prisoners who are not paid any wages for an activity under section 37, paragraph (5).

SECTION 47. HOUSE MONEY

(1) Of his income regulated in this law the prisoner may use three/sevenths per month (house money) and the pocket money (sec 46) for purchases (sec 22, para (1)) or for other purposes.

(2) For prisoners who are privately employed (sec 39, para (1)) or who are permitted to perform an activity of their own choice (sec 39, para (2)), a reasonable amount of their earnings shall be assessed as house money.

SECTION 48. STATUTORY ORDERS

For the implementation of sections 43 through 45 the Federal Ministry of Justice (*Bundesministerium der Justiz*) shall be authorized to issue statutory orders concerning wage rates, in agreement with the Federal Ministry for Economy and Technology (*Bundesministerium für Wirtschaft und Technologie*) and the consent of the Federal Council (*Bundesrat*).

SECTION 49. SUPPORT

(1) An amount for support payable by the prisoner under a statutory obligation to pay support shall be paid out of his earnings to the person entitled or to a third person upon the prisoner's request.

(2) If, after deduction of the house money and the amount for support, the prisoner's earnings are not sufficient to pay the contribution to detention costs, support shall be paid only up to the amount that cannot be garnished in accordance with section 850c of the Code of Civil Procedure (*Zivilprozessordnung*). For the purpose of assessing the amount payable pursuant to sentence 1, the number of persons entitled to support shall be reduced by one.

SECTION 50. CONTRIBUTION TO DETENTION COSTS

(1) As part of the costs in connection with the enforcement of the legal consequences of an offense (sec 464a, para (1), sent 2, of the Code of Criminal Procedure) the confinement facility imposes a contribution to detention costs on the prisoner. Such contribution will not be imposed if the prisoner—

1. Receives earnings under this Law, or

2. Cannot perform any work without any fault on his part, or

3. Does not work because he is not required to work.

If the prisoner, who either cannot perform any work without any fault on his part for more than one month, or does not work because he is not required to perform any work, has any income attributable to this period of time, he must pay the contribution to detention costs for this period of time up to the amount of earnings accrued during that time. The prisoner shall be left an amount which corresponds to the average wage paid in the confinement facilities of the *Länder.* The claim shall not be asserted if this is necessary to support the prisoners' integration into society.

(2) The contribution to detention costs shall be assessed in the amount determined as average value of the payments in kind pursuant to section 17, paragraph (1), number 4, of the Fourth Book of the Code of Social Law. The Federal Ministry of Justice determines the average amount for each calendar year in accordance with the evaluations of payments in kind applicable on 1 October of the preceding year, separately for the area stipulated in Article 3 of the Unification Treaty (*Einigungsvertrag*) and the area to which the Prison Act (*Strafvollzugsgesetz*) was applicable already before the unification became effective, and shall publish it in the Federal Gazette. In case the prisoner pays for his own board, the amounts allocated for board shall be deleted. The determined capacity regarding the number of prisoners determines the value for lodging. The contribution to detention costs may also be assessed on the basis of that part of the earnings which is not subject to attachment, however, it may not be charged against the house money and the claims of dependents entitled to support payments.

(3) In the *Land* Berlin, the average amount applicable for the area stipulated in Article 3 of the Unification Treaty shall uniformly apply.

(4) The opportunity to perform an activity of the prisoner's own choice (sec 39, para (2)) may depend upon the prisoner's advance payment of a contribution to detention costs in the amount of the rate stipulated in paragraph (2) once a month.

(5) By means of statutory order, the governments of the *Länder* may determine other responsible agencies for the assessment of the contribution to detention costs. Also in such a case, the contribution to detention costs remains a fee for the administration of justice; sections 109 through 121 shall apply accordingly to the court proceedings.

SECTION 51. TRANSITIONAL MONEY

(1) The earnings regulated in this act and the earnings of those prisoners who work under a private contract of employment (sec 39, para (1)) or who are permitted to perform an activity of their own choice (sec 39, para (2)) shall be used to compile a fund of transitional money which is meant to ensure that the prisoner and the persons entitled to be supported by him have the necessary means of subsistence for the first 4 weeks after his release from prison.

(2) Transitional money shall be paid to the prisoner when he is released from prison. The prison authority may remit the entire amount or a part of it to the probation officer or to an agency engaged in the care of released prisoners, who will determine in what manner the money shall be paid to the prisoner within the first 4 weeks after his release. The probation officer and the agency engaged in the care of released prisoners are obliged to keep the transitional money separate from their own assets. With the prisoner's consent, the transitional money may be remitted to the person entitled to support.

(3) The head of the institution may allow transitional money to be used for expenditures serving the prisoner's integration into society.

(4) The entitlement to transitional money is not subject to garnishment. If it does not reach the amount determined in paragraph (1), the portion of the prisoner's own money making up the difference to the full amount of transitional money shall neither be subject to garnishment. Any cash of the released prisoner to whom money has been paid based upon entitlements which are unattachable pursuant to sentence 1 or 2 shall not be subject to attachment for a period of 4 weeks from the date of release from prison to the extent to which it corresponds to that portion of the entitlements for the time between garnishment and the expiration of the 4 weeks.

(5) Paragraph (4) shall not apply to an attachment based upon claims for support designated in section 850d, paragraph (1), sentence 1, of the Code of Civil Procedure. However, so much money shall be left to the released prisoner as he requires for his essential subsistence and for the fulfillment of his other statutory maintenance obligations for the time from the attachment until the expiration of 4 weeks after his release from prison.

SECTION 52. PRISONER'S OWN MONEY
Any earnings of the prisoner that are not used as house money, contribution to detention costs, contribution to support, or transitional money shall be credited to the prisoner's own money.

SIXTH TITLE
RELIGION

SECTION 53. SPIRITUAL CARE

(1) The prisoner shall not be denied religious care by a spiritual advisor of his religious community. At his request he shall be assisted in contacting a spiritual advisor of his religious community.

(2) The prisoner shall be allowed to have basic religious writings in his possession. He may be deprived of them only in the event of gross abuse.

(3) The prisoner shall be allowed, to a reasonable extent, to keep articles for religious use.

SECTION 54. RELIGIOUS ACTIVITIES

(1) The prisoner shall have the right to attend worship services and other religious activities of his denomination.

(2) The prisoner shall be admitted to worship services or to religious activities of another religious community if the religious advisor agrees to it.

(3) The prisoner may be excluded from attending worship services or other religious activities when this is required by overriding reasons of security or good order; prior to such exclusion the religious advisor shall be heard.

SECTION 55. IDEOLOGICAL COMMUNITIES
For members of ideological communities, sections 53 and 54 shall apply accordingly.

SEVENTH TITLE
HEALTH CARE

SECTION 56. GENERAL RULES

(1) Care shall be taken for the prisoner's physical and mental health. Section 101 shall remain unaffected.

(2) The prisoner shall support all measures necessary for the protection of health and hygiene.

SECTION 57. HEALTH CHECKS, MEASURES FOR EARLY DIAGNOSIS OF DISEASES

(1) Prisoners who have completed 35 years of age are entitled to a health check every 2 years for the early diagnosis of diseases, in particular cardio-vascular and kidney diseases as well as diabetes.

(2) Once a year prisoners are entitled to one examination for the early diagnosis of cancer. Women from their twentieth year of age at the earliest and men from their forty-fifth year of age at the earliest.

(3) For the medical examination designated in paragraphs (1) and (2), it is required that—

1. The diseases can be effectively treated,

2. The pre-stage and early stage of these diseases can be discovered by diagnostic methods,

3. The symptoms of the disease can be determined beyond doubt by medical-technical methods and devices,

4. A sufficient number of doctors and facilities is available in order to thoroughly diagnose and treat the discovered cases of suspected diseases.

(4) Confined women whose children are accommodated together with them in the penal institution are entitled to have the children examined for an early diagnosis of diseases that may endanger a normal physical or mental development of the child to a significant degree until the children have completed six years of age.

(5) Prisoners who are over 14 years but not yet 20 years old may have a dental check-up every 6 months in order to prevent diseases of the teeth. The checks shall include a diagnosis of the gums, advice on causes for diseases and their prevention, diagnostic comparison of dental hygiene, condition of the gums and disposition to caries, motivation and instruction in dental care as well as measures to harden the tooth enamel.

(6) Prisoners are entitled to medical treatment and supply with medication, dressing material, drugs and medical aids if those are necessary to—

1. Eliminate an impairment of health which would probably develop into an illness within a short period of time,

2. Counteract an impairment of a healthy development of a child,

3. Prevent the need of constant care.

SECTION 58. TREATMENT OF SICK PERSONS
Prisoners are entitled to medical treatment if it is necessary to diagnose an illness, to cure it, to prevent its progress or to ease the symptoms. Medical treatment includes in particular—

1. Treatment by a physician;

2. Dental treatment including supply of dentures;

3. Supply of medication, dressing materials, drugs and medical aids;

4. Medical and supplementing measures for rehabilitation purposes as well as tolerance tests and occupational therapy, unless this is counterproductive to the purposes of confinement.

SECTION 59. SUPPLY OF MEDICAL AIDS
Prisoners are entitled to be supplied with eyeglasses and hearing aids, prosthetic appliances, orthopedic and other aids which are necessary in specific cases to ensure the success of medical treatment, or to compensate for a physical handicap, unless this is unreasonable in view of the short term of imprisonment and the aids can be considered as items of daily use. The entitlement shall also cover the necessary alteration, repair and replacement as well as the instruction regarding the use of such aids, unless this has a negative effect on purpose of confinement. A new entitlement to the supply of eyeglasses only exists if the impairment of vision changes by at least 0.5 diopters. An entitlement to contact lenses will only be granted in exceptional cases where cogent medical reasons exist.

SECTION 60. MEDICAL CARE WHILE ON LEAVE
While on leave or being temporarily absent, the prisoner only has a claim against the prison authority for medical treatment and care in the confinement facility responsible for him.

SECTION 61. NATURE AND EXTENT OF BENEFITS
The pertinent provisions of the Social Code and the regulations based thereon shall apply to the nature of health examinations and measures for the early diagnosis of diseases and to the extent of these benefits and the benefits for medical care, including the supply of medical aids.

SECTION 62. CONTRIBUTION TO THE COSTS OF DENTURES AND CROWNS
The judicial administrations of the *Länder* shall determine by general administrative provisions the amounts to be contributed to the cost of dental treatment and dentistry in connection with dentures. They may determine that the entire costs be taken over.

SECTION 62A. SUSPENSION OF ENTITLEMENTS
Entitlement to benefits pursuant to sections 57 through 59 is suspended as long as the prisoner has health insurance because he is in a private employment relationship (sec 39, para (1)).

SECTION 63. MEDICAL TREATMENT FOR SOCIAL INTEGRATION
With the prisoner's consent, the prison authority shall allow medical treatment, particularly operations or prosthetic measures, which promote his social integration. He shall bear part of the costs if this is justified in view of his financial circumstances and if this does not endanger the objective of the treatment.

SECTION 64. OUTDOOR EXERCISE
A prisoner who does not work in the open air shall be given an opportunity to stay outdoors for at least 1 hour per day, weather permitting at the designated time.

SECTION 65. TRANSFERS

(1) A sick prisoner may be transferred to a prison hospital or to any other confinement facility more suitable for his care.

(2) When a prisoner's disease cannot be diagnosed or treated in a penal institution or prison hospital or when it is not possible in a timely manner to transfer him to a prison hospital, he shall be taken to a hospital outside a confinement institution. When the execution of the prison sentence is interrupted while the prisoner is in hospital, the insured person shall be entitled to the necessary benefits in accordance with the provisions of the statutory health insurance.

SECTION 66. NOTIFICATION IN CASE OF ILLNESS OR DEATH

(1) When a prisoner has fallen seriously ill, a close relative of his, a person of his confidence, or his legal representative shall be notified without delay. The same shall apply in case of a prisoner's death.

(2) The prisoner's request to also notify other persons should be honored if possible.

EIGHTH TITLE
LEISURE ACTIVITIES

SECTION 67. GENERAL
The prisoner shall be given an opportunity to engage in leisure activities. He shall be given an opportunity to attend classes, including sports, to attend correspondence courses, to attend courses, and to take part in other activities of advanced education, in hobby groups, discussion groups, and sports events, and go to a library.

SECTION 68. NEWSPAPERS AND PERIODICALS

(1) Through the institution the prisoner shall be allowed to subscribe to newspapers and periodicals to a reasonable extent.

(2) Newspapers and periodicals, whose distribution is subject to a penalty or an administrative fine, shall be excluded. Specific issues or parts of newspapers or periodicals may be withheld from the prisoner if they would considerably jeopardize the objective of confinement or security or good order of the institution.

SECTION 69. RADIO AND TELEVISION

(1) The prisoner shall be allowed to listen to the institution's radio program and watch television together with others. The program should be selected in such a way that wishes and needs for political information, education, and entertainment will reasonably be taken into consideration. Radio and television programs may temporarily be switched off or individual prisoners may be forbidden to listen or watch if this is indispensable to maintain security or good order in the institution.

(2) Prisoners may be allowed to have their own radio and television sets under the prerequisites of section 70.

SECTION 70. POSSESSION OF ARTICLES FOR RECREATIONAL ACTIVITIES

(1) The prisoner shall, to a reasonable extent, be permitted to possess books and other articles on advanced education or for recreational purposes.

(2) This shall not apply when the possession, making available, or use of such articles would—

1. Be subject to a penalty or an administrative fine; or

2. Jeopardize the objective of the confinement, security, or good order of the institution.

(3) Permission may be revoked under the prerequisites of paragraph (2).

NINTH TITLE
SOCIAL ASSISTANCE

SECTION 71. PRINCIPLE
The prisoner may avail himself of the social assistance of the institution in order to solve his personal problems. The assistance shall be designed to enable the prisoner to settle and regulate his affairs himself.

SECTION 72. ASSISTANCE ON ADMISSION TO THE INSTITUTION

(1) On his admission to the institution, the prisoner shall be assisted in taking the necessary measures for needy relatives and in securing his property outside the institution.

(2) The prisoner shall be given advice on the continuation of social security payments.

SECTION 73. ASSISTANCE DURING IMPRISONMENT
The prisoner shall be supported in his endeavors to exercise his rights and duties, in particular to exercise his voting right, to support dependents, and to settle any damage caused by his offense.

SECTION 74. PRE-RELEASE ASSISTANCE
In order to prepare his release, the prisoner shall be given advice regarding the settlement of his personal, financial, and social affairs. Such advice shall include providing the names of the agencies responsible for social benefits. The prisoner shall be assisted in finding employment, housing, and personal assistance for the time after his release.

SECTION 75. RELEASE GRANT

(1) When the prisoner's own funds are not sufficient, the institution shall give him a grant for his travel expenses and a transitional grant and, if necessary, adequate clothing.

(2) For the assessment of the amount of the transitional grant, the length of confinement, the prisoner's personal engagement in his work and the economy with which he spent his own money and his house money during his term of confinement shall be taken into consideration. Section 51, paragraph (2), sentences 2 and 3, shall apply accordingly. The entire transitional grant or a part thereof may be remitted to the person entitled to support.

(3) The entitlement for a grant to travel expenses and the money actually paid for travel expenses shall be exempt from attachment. Section 51, paragraph (4), sentences 1 and 3, and paragraph (5), shall apply accordingly as to the claim for transitional grant and for any cash after payment of such transitional grant to the prisoner.

TENTH TITLE
SPECIAL PROVISIONS FOR FEMALE PRISONERS

SECTION 76. MATERNITY AID

(1) When a female prisoner is pregnant or has recently given birth to a child, due regard shall be given to her state of health. The provisions of the Maternity Protection Act (*Gesetz zum Schutze der erwerbstätigen Mutter*) relating to the layout of the work place shall be applied accordingly.

(2) During her pregnancy and while and after giving birth, the prisoner shall be entitled to medical care and assistance by a midwife in the penal institution. Medical care during pregnancy shall particularly include examinations to diagnose pregnancy and preventive medical examinations including medical laboratory tests.

(3) For childbirth the pregnant woman shall be taken to a hospital outside the confinement facility. If this is not advisable for special reasons, childbirth shall take place in a penal institution with a maternity ward. Assistance by a midwife and, if necessary, by a physician shall be given.

SECTION 77. MEDICINES, DRESSING MATERIALS, AND DRUGS
In the case of pregnancy-related problems and in connection with childbirth, medicines, dressing materials and drugs shall be supplied.

SECTION 78. TYPE, EXTENT, AND SUSPENSION OF BENEFITS IN CASE OF PREGNANCY AND MATERNITY
Sections 60, 61, 62a, and 65 shall apply accordingly to the benefits pursuant to sections 76 and 77.

SECTION 79. NOTIFICATION OF BIRTH
When the office of vital statistics is notified of the birth, no mention shall be made of the penal institution as the place of the child's birth or the relation of the notifying person to the institution or of the mother's confinement.

SECTION 80. MOTHERS WITH CHILDREN

(1) If a female prisoner's child has not yet reached compulsory school age it may, with the consent of the person entitled to determine the child's place of abode, be housed in the penal institution with its mother, provided this would be the best for the child's welfare. Prior to such step, the youth office shall be consulted.

(2) Housing shall be made available at the expense of the person responsible for the child's support. Assertion of the claim for the refund of costs may be disregarded if this would jeopardize the joint housing of mother and child.

ELEVENTH TITLE
SECURITY AND GOOD ORDER

SECTION 81. PRINCIPLE

(1) The prisoner's sense of responsibility for an orderly community life in the institution shall be promoted and encouraged.

(2) The duties and restrictions imposed on the prisoner in order to maintain security and good order of the institution shall be chosen in such a manner that they are in a reasonable proportion to their purpose and do not affect the prisoner more and longer than necessary.

SECTION 82. RULES OF CONDUCT

(1) The prisoner shall obey the institutional rules regarding the daily schedule (workhours, leisure time, rest periods). He shall not disturb orderly community life by his behavior towards the institutional staff or other prisoners or persons.

(2) The prisoner shall obey orders from the institutional staff even if he feels aggrieved by them. He is not allowed to leave an area allocated to him without permission.

(3) He shall keep his cell and the articles given to him by the institution in good order and handle them with care.

(4) The prisoner shall report without delay any circumstances which may be a danger to the life, or a significant danger to the health of a person.

SECTION 83. PERSONAL POSSESSIONS, PRISONER'S OWN MONEY

(1) The prisoner shall be allowed to keep in his possession or accept only those articles which are given to him by the prison authority or with its consent. Without such consent he shall be allowed to accept articles of minor value from another prisoner, however, the prison authority may make acceptance and possession of such articles also subject to its consent.

(2) Articles which the prisoner has brought with him into the institution and which he is not allowed to keep in his possession shall be retained for him if this is possible in view of nature and volume. Money shall be credited to his account as

his own money. The prisoner shall be given an opportunity to dispatch such belongings which he will not need during imprisonment and for his release or to use his own money freely, unless it will be required as transitional money.

(3) If a prisoner refuses to remove from the institution any property which he has brought with him into the institution and which, due to its nature and volume, cannot be retained, the prison authority is authorized to have such articles removed from the institution at the prisoner's expense.

(4) The prison authority may destroy or render unserviceable any records and other objects disclosing information about the security measures of the institution.

SECTION 84. SEARCH

(1) The prisoner, his belongings, and the cells may be searched. Male prisoners may only be searched by men; female prisoners may only be searched by women. Their sense of shame shall be respected.

(2) A search of the body connected with stripping shall be permissible only when there is imminent danger or upon orders from the head of the institution in an individual case. In case of male prisoners it may only be carried out in the presence of men, in case of female prisoners it may only be carried out in the presence of women. It shall be carried out in a closed room. Other prisoners shall not be present.

(3) The head of the institution may issue a general order to the effect that prisoners be searched in accordance with paragraph (2) upon admission to the institution, after contacts with visitors, and after each absence from the institution.

SECTION 85. SECURE CUSTODY

A prisoner may be transferred to an institution more suitable for his secure custody if there is an increased danger of escape or if his behavior or condition constitutes a danger to the security or good order of the institution in any other way.

SECTION 86. IDENTIFICATION MEASURES

(1) For confinement security, the following identification measures shall be authorized:

1. Taking finger and palm prints,

2. Taking photographs with the knowledge of the prisoner,

3. Ascertaining external physical characteristics,

4. Taking measurements.

(2) The identification data obtained by these measures shall be included in the prisoner's personal file. They may also be kept in criminal investigation registers. The data collected pursuant to paragraph (1) may only be processed and used for the purposes designated in paragraph (1), section 87, paragraph (2), and section 180, paragraph (2), number 4.

(3) Persons who have been subjected to identification measures in accordance with paragraph (1) may request that the identification data obtained be destroyed after their release from imprisonment, with the exception of photographs and the description of physical characteristics, as soon as the execution of the judicial decision on which imprisonment was based has been completed. They shall be informed about this right when identification measures are taken, and on their release.

SECTION 86A. PHOTOGRAPHS

(1) Notwithstanding section 86, photographs of the prisoners may be taken to maintain security and order in the confinement facility and they may be stored together with the names of the prisoners and their date and place of birth. These photographs may only be taken with the knowledge of the prisoners.

(2) The photographs may only be—

1. Used by prison personnel if an establishment of identity is necessary within the scope of their duties,

2. Transferred—

a. To Federal and *Länder* police enforcement authorities if this is necessary to ward off imminent danger to substantial legal interests inside the facility,

b. In accordance with section 87, paragraph (2).

(3) The photographs shall be destroyed or deleted after the prisoners' release from prison or after they were transferred to another facility.

SECTION 87. RIGHT TO ARREST

(1) A prisoner who has escaped or otherwise absents himself from the penal institution without permission may be arrested by the prison authorities or upon their instructions and be returned to the institution.

(2) Data collected in accordance with section 86, paragraph (1), and collected in accordance with sections 86a and 179 necessary for identification and arrest may be transferred to the enforcement and prosecuting authorities to the extent this is required for searching and arrest of an escaped prisoner or prisoner absent from the confinement facility without permission.

SECTION 88. SPECIAL PRECAUTIONS

(1) Special precautionary measures may be ordered against a prisoner if, in view of his conduct or on account of his mental state, there is an increased danger of escape or a danger of violent attacks against persons or property or the danger of suicide or self-injury.

(2) The following measures shall be authorized as special precautions:

1. Deprivation or withholding of objects,

2. Observation during nighttime,

3. Segregation from other prisoners,

4. Deprivation or restriction of outdoor exercise,

5. Detention in a specially secured cell containing no dangerous objects, and

6. Shackles.

(3) Measures under paragraph (2), numbers 1 and 3 through 5, shall likewise be permissible when the danger of a prisoner being freed or a considerable disturbance of the good order of the institution cannot be avoided or eliminated in any other way.

(4) On the occasion of temporary absence under guard or when the prisoner is brought before a court or being transported, the use of shackles shall also be permissible if, for any reasons other than those referred to in paragraph (1), there is an increased risk that the prisoner might escape.

(5) Special precautionary measures shall be continued only as long as this is required by their purpose.

SECTION 89. SOLITARY CONFINEMENT

(1) Continuous segregation of a prisoner (solitary confinement) is only authorized if it is unavoidable for reasons inherent in the prisoner's person.

(2) Solitary confinement for more than 3 months in one year shall require the consent of the supervisory authority. This period is not interrupted by the fact that the prisoner attends worship services or takes part in outdoor exercise.

SECTION 90. SHACKLES
As a rule prisoners may only be shackled on their hands and feet. In the prisoner's interest, the head of the institution may order a different mode of shackling. The shackles shall temporarily be loosened when this is necessary.

SECTION 91. ORDER FOR SPECIAL PRECAUTIONARY MEASURES

(1) Special precautionary measures shall be ordered by the head of the institution. In case of imminent danger, other prison officers may also order such measures temporarily. The decision of the head of the institution shall be obtained without delay.

(2) When a prisoner is under medical treatment or observation or when his mental state is the reason for such measure, the medical officer shall be heard in advance. If this is not possible because of imminent danger, his opinion shall be obtained without delay.

SECTION 92. CONTROL BY MEDICAL OFFICER

(1) When a prisoner is detained in a specially secured cell or shackled (sec 88, para (2), nos 5 and 6), the medical officer shall visit him as soon as practicable and, if possible, daily thereafter. This shall not apply when a prisoner is shackled for the purpose of temporary absence under guard or when he is brought before a court or being transported (sec 88, para (4)).

(2) The medical officer shall be consulted regularly as long as a prisoner is deprived of daily outdoor exercise.

SECTION 93. COMPENSATION FOR EXPENDITURES

(1) The prisoner is obliged to compensate the prison authority for any expenditure caused by him through intentional or grossly negligent self-injury or injury to another prisoner. Claims under other statutory provisions shall remain unaffected.

(2) When such claims are asserted, that portion of the house money (sec 47) exceeding the minimum amount may also be used.

(3) The claims referred to in paragraph (1) may be asserted by regular recourse to the courts.

(4) A set-off or enforcement of the claims referred to in paragraph (1) shall be waived if this would hamper the prisoner's treatment or social integration.

TWELFTH TITLE
DIRECT FORCE

SECTION 94. GENERAL CONDITIONS

(1) The staff of penal institutions shall be allowed to use direct force when they are properly carrying out penal duties or precautionary measures and the desired objective cannot be attained in any other way.

(2) Direct force may be used against persons who are no prisoners if they undertake to free prisoners or to unlawfully enter the institutional premises or when they are found on such premises without permission.

(3) The right to use direct force as established in other provisions shall remain unaffected.

SECTION 95. DEFINITIONS

(1) Direct force is the impact on persons or property by physical force, the devices used to apply it and by weapons.

(2) Physical force is any direct physical impact on persons or property.

(3) Devices to apply physical force are, in particular, shackles.

(4) Weapons are officially authorized striking weapons and firearms, as well as irritants.

SECTION 96. PRINCIPLE OF PROPORTIONALITY

(1) From several possible and suitable measures of direct force, those shall be chosen that will presumably least affect the individual and the general public.

(2) Direct force shall not be applied if any damage likely to be caused would obviously be out of proportion to the intended result.

SECTION 97. ACTION UPON ORDERS

(1) When direct force is ordered by a superior or any other authorized person, the prison officers shall be obliged to apply it, unless the order violates human dignity or was not given for official purposes.

(2) The order may not be obeyed if a criminal offense would be committed thereby. If a prison officer obeys it nevertheless, he may only be held responsible if he recognizes or if it is obvious by the circumstances known to him that a criminal offense will be committed thereby.

(3) Any doubts regarding the lawfulness of the order shall be communicated by the prison officer to the person giving the order, provided this is possible under the circumstances. Deviating provisions of the general civil service law concerning the communication of such doubts to a superior (sec 36, paras (2) and (3), of the Law Concerning the Status of Civil Servants (*Beamtenstatusgesetz*)) shall not be applied.

SECTION 98. WARNING

Prior to the application of direct force a warning shall be given. Such warning shall be omitted only if the circumstances do not allow it or when direct force must be used immediately in order to prevent an unlawful act that would constitute a criminal offense or to avert imminent danger.

SECTION 99. GENERAL RULES FOR THE USE OF FIREARMS

(1) Firearms may only be used when other measures of direct force have already failed or do not appear to be successful. They shall be used against persons only when the purpose will not be achieved by the use of weapons against objects.

(2) Firearms may be used by those prison officers only who are designated for this purpose and only to make a person unfit for attack or escape. They shall not be used if third persons who are apparently not involved would very likely be endangered.

(3) Prior to the use of firearms a warning shall be given. A warning shot is also considered to be such warning. Without such warning firearms shall be used only if this is necessary to avert imminent danger to life or limb.

SECTION 100. SPECIAL RULES FOR THE USE OF FIREARMS

(1) Firearms shall be used against prisoners only:

1. If the prisoners fail to lay down a weapon or some other dangerous tool in spite of being repeatedly requested to do so,

2. If the prisoners are mutinous (sec 121 of the Criminal Code), or

3. For the purpose of preventing their escape or to recapture them.

No firearms may be used for the purpose of preventing escape from an open institution.

(2) Firearms may be used against other persons if such persons undertake to free prisoners by force or to enter an institution by force.

SECTION 101. COERCIVE MEASURES IN THE FIELD OF HEALTH CARE

(1) Medical examinations and treatment under coercion as well as forced feeding shall be permissible only in case of danger to life, in case of serious danger to the prisoner's health, or in case of danger to other persons' health; such measures must be

reasonable for the persons concerned and may not involve a serious danger to the prisoner's life or health. The prison authority shall not be required to carry out such measures as long as it can be assumed that the prisoner acts upon his own free will.

(2) For the purpose of health care and hygiene, a coercive physical examination shall be authorized, except in the case of paragraph (1), if it does not involve an operation.

(3) The measures may only be carried out upon orders from and under the control of a physician, except when first aid is rendered in case a medical officer cannot be reached in time and any delay would be life-threatening for the prisoner.

THIRTEENTH TITLE
DISCIPLINARY ACTION

SECTION 102. CONDITIONS

(1) When a prisoner culpably violates any of the obligations imposed on him by or pursuant to this Act, the head of the institution may order that disciplinary action be taken against him.

(2) Disciplinary action shall not be taken if it is sufficient to give the prisoner a warning.

(3) Disciplinary action is also authorized if criminal proceedings or administrative fining proceedings are instituted because of the same misconduct.

SECTION 103. TYPES OF DISCIPLINARY ACTION

(1) The following disciplinary measures are authorized:

1. Reprimand,

2. Restriction or revocation of the right to dispose of the house money and of purchasing privileges for up to 3 months,

3. Restriction of access to or withdrawal of reading materials for up to 2 weeks and of the privilege of listening to the radio or watching television for a period up to 3 months; simultaneous forfeiture, however, only for a maximum period of 2 weeks,

4. Restriction of access to or withdrawal of objects used for activities during leisure time or of participating in joint activities for a period up to 3 months,

5. Segregation during leisure time for a period not exceeding 4 weeks,

6. (Revoked),

7. Deprivation of the assigned work or activity for up to 4 weeks, combined with loss of the earnings governed by this act,

8. Limitation of contact with persons outside the institution to urgent cases for a period not exceeding 3 months,

9. Disciplinary detention for a period not exceeding 4 weeks.

(2) Disciplinary detention may only be imposed for serious or repeated misconduct.

(3) Several disciplinary measures may be combined.

(4) If possible, the measures under paragraph (1), numbers 3 and 8, should be ordered only when the misconduct occurred in connection with the privileges to be restricted or revoked. This shall not apply when they are combined with disciplinary detention.

SECTION 104. EXECUTION OF DISCIPLINARY ACTION; SUSPENSION ON PROBATION

(1) As a rule, disciplinary action shall be executed immediately.

(2) A disciplinary measure may be suspended on probation entirely or in part for a period up to 6 months.

(3) If the right to dispose of house money is restricted or revoked, the house money accruing during such period shall be credited to the transitional money.

(4) When the prisoner's communication with persons outside the institution is restricted, he shall be given an opportunity to notify a person with whom he corresponds or who usually visits him. Correspondence with the recipients referred to in section 29, paragraphs (1) and (2), with courts and judicial authorities in the Federal Republic, as well as with lawyers and notaries in a legal matter concerning the prisoner shall remain unrestricted.

(5) Disciplinary detention shall be executed in solitary confinement. The prisoner may be detained in a special detention room which must meet the requirements of a cell designed for occupation during daytime and at night. Unless ordered otherwise, the prisoner's privileges under sections 19, 20, 22, 37, 38, and 68 through 70 shall be suspended.

SECTION 105. DISCIPLINARY AUTHORITY

(1) Disciplinary action shall be ordered by the head of the institution. When the misconduct is committed en route to another institution for the purpose of transfer, the head of the institution to which the prisoner is transferred shall be competent.

(2) The supervisory authority shall decide in cases where the prisoner's misconduct was directed against the head of the institution.

(3) Disciplinary action against a prisoner ordered while he was in another penal institution or in pretrial confinement shall be executed on request. Section 104, paragraph (2), shall not be affected.

SECTION 106. PROCEDURE

(1) The facts shall be elicited. The prisoner will be heard. The findings shall be recorded in writing; the prisoner's defense shall be noted.

(2) In case of serious disciplinary offenses, the head of the institution will confer with other persons who participate in the prisoner's treatment before making a decision. Before a disciplinary action is ordered against a prisoner who is under medical treatment or against a pregnant woman or a nursing mother, the medical officer of the institution shall be consulted.

(3) The decision shall be disclosed to the prisoner verbally by the head of the institution and be recorded in writing together with a brief justification.

SECTION 107. MEDICAL OFFICER'S PARTICIPATION

(1) Before disciplinary detention is executed, the medical officer shall be consulted. During such detention the prisoner shall be under medical supervision.

(2) Disciplinary detention shall not be executed or shall be interrupted when the prisoner's health is likely to be endangered.

FOURTEENTH TITLE
LEGAL REMEDIES

SECTION 108. RIGHT OF COMPLAINT

(1) The prisoner shall be given an opportunity to address requests, suggestions, and complaints to the head of the institution in matters concerning himself. Regular consulting hours shall be held.

(2) When a representative of the supervisory authority inspects the institution, it shall be ensured that a prisoner can contact him in matters concerning the prisoner himself.

(3) The possibility of lodging a disciplinary complaint shall not be prejudiced thereby.

SECTION 109. REQUEST FOR A COURT DECISION

(1) A measure regulating individual matters in the field of penal execution may be contested by requesting a court decision. The request may also include imposition of the obligation to order a measure that was refused or omitted.

(2) The request for a court decision shall be authorized only if the applicant claims that his rights were infringed by the measure or by its refusal or omission.

(3) *Land* law may provide that such request may be filed only upon termination of preceding administrative proceedings.

SECTION 110. COMPETENCE

The court competent for the execution of the sentence in whose district the prison authority concerned has its seat shall decide upon the request. The competence of that court shall not be affected by the decision made in prior administrative proceedings in accordance with section 109, paragraph (3).

SECTION 111. PARTIES TO PROCEEDINGS

(1) Parties to the court proceedings are the—

1. Applicant;

2. Prison authority that has ordered the contested measure or that has refused or omitted to take the requested measure.

(2) In proceedings before the Superior State Court (*Oberlandesgericht*) or the Federal Supreme Court (*Bundesgerichtshof*) the competent supervisory authority shall be the party to the proceedings described in paragraph (1), number 2.

SECTION 112. TIME LIMIT FOR FILING A REQUEST, RESTORATION TO FORMER STATUS

(1) The request shall be filed within 2 weeks after service or written notification of the measure or its refusal either in writing or to be recorded by the court registry. When prior administrative proceedings have to be conducted (sec 109, para (3)), the period shall start to run upon service or written notification of the notice of objection.

(2) When the applicant was prevented from observing the time limit through no fault of his own, he shall, upon request, be granted restoration to former status.

(3) The request for restoration to former status shall be made within 2 weeks after the obstacle has been removed. The facts submitted in substantiation of the request shall be shown prima facie at the time when the request is filed or in the course of the proceedings concerning the request. The omitted legal act shall be remedied within the period allowed for filing a request. When this has been done, restoration to former status may be granted even in the absence of a request.

(4) If one year has elapsed since the end of the filing period that was not observed, the request for restoration to former status is no longer admissible, unless it was impossible to file the request before the expiration of the 1 year period due to force majeure.

SECTION 113. REQUEST TO TAKE A MEASURE

(1) When the applicant objects to the omission of a measure, the request for a court decision can only be filed after 3 months have elapsed since the request for the measure to be taken, unless an earlier invocation of the court is required on account of special circumstances of the case.

(2) When there is sufficient justification for the fact that the requested measure has not yet been taken, the court shall stay the proceedings until a certain period fixed by the court has expired. Such period may be extended. If the requested measure is taken within the prescribed period, the lawsuit shall be deemed to be disposed of with regard to the merits of the case.

(3) The request pursuant to paragraph (1) is permissible only within 1 year after the request for the measure to be taken, unless it was not possible to file such request before the expiration of the 1-year period due to force majeure or it was omitted due to special circumstances of the specific case.

SECTION 114. SUSPENSION OF A MEASURE

(1) The request for a court decision has no suspensive effect.

(2) The court may suspend the execution of the contested measure if there is danger that the realization of a right of the requestor may be frustrated or rendered much more difficult and if this is not contrary to an overriding interest in immediate execution of the measure. The court may also issue a temporary injunction; section 123, paragraph (1), of the Administrative Court Rules (*Verwaltungsgerichtsordnung*) shall apply accordingly. The decisions are not subject to appeal; they may be modified or set aside by the court at any time.

(3) The request for a decision in accordance with paragraph (2) is permissible already before a request for a court decision is filed.

SECTION 115. COURT DECISION

(1) The court shall decide the matter without a hearing by way of a court order (*Beschluss*). The court order briefly sums up the position of the stage of the proceedings according to its essential contents. For the details reference shall be made to documents kept in the court files which shall be designated accurately as to their origin and date, in case they appropriately reflect the position of the stage of the proceedings. The court may refrain from stating the reasons for the decision if it follows the rationale of the appealed decision and indicates this accordingly in its decision.

(2) When the measure is unlawful and any of the applicant's rights have been infringed thereby, the court shall rescind the measure and, in case of prior administrative proceedings, the notice of objection. If the measure has already been executed, the court may also order that, and in what manner, the execution must be annulled by the prison authority, provided the matter is ready for decision.

(3) If, prior thereto, the matter has been disposed of because the measure was withdrawn or in any other way, the court shall state, upon request, that the measure was unlawful if the applicant has a justified interest in such a statement.

(4) When the refusal or omission of the measure is unlawful and any of the applicant's rights have been infringed thereby, the court shall state that the prison authority is obliged to execute the requested official act provided the matter is ready for decision. Otherwise, the court shall state that the authority is obliged to notify the applicant considering the legal view taken by the court.

(5) If the prison authority is authorized to exercise discretion, the court shall also examine whether the measure or its refusal or omission is unlawful because the statutory limits of discretion have been exceeded or the discretion has been exercised in a way that is incompatible with the purpose of the authorization to exercise discretion.

SECTION 116. APPEAL ON A POINT OF LAW

(1) The decision by the court competent for the execution of the sentence may be appealed if it is necessary to ensure reconsideration for the improvement of the law, or to ensure uniform court rulings.

(2) The appeal on a point of law may be founded only on the allegation that the decision is based on a violation of the law. The law shall be considered violated if a legal norm was not applied or not properly applied.

(3) The appeal on a point of law shall have no suspensive effect. Section 114, paragraph (2), shall apply accordingly.

(4) The provisions of the Code of Criminal Procedure concerning appeal apply accordingly to the appeal on a point of law, unless otherwise provided in this act.

SECTION 117. COMPETENCE FOR THE APPEAL ON A POINT OF LAW

A criminal division of that Superior State Court in whose district the court competent for the execution of the sentence has its seat will decide the appeal on a point of law.

SECTION 118. FORM, TIME LIMIT, GROUNDS

(1) The appeal on a point of law shall be filed with the court whose decision is appealed within 1 month after service of the court's decision. Within that same period also a statement shall be made regarding extent to which the decision is appealed and its rescission is requested. The grounds for such request shall be specified.

(2) The grounds shall indicate whether the decision is appealed as a result of a procedural defect or because of a violation of some other statutory provision. In the former case, the facts constituting the defect shall be stated.

(3) The requestor as the appellant can only do this with a document signed by an attorney or if it is recorded by the clerk of the court.

SECTION 119. DECISION ON APPEAL ON A POINT OF LAW

(1) The criminal division shall decide the matter without an oral hearing by way of a court order.

(2) Its review shall be limited to the motions and, as far as the appeal is based on procedural defects, only those facts that are stated in the grounds given for the appeal on a point of law.

(3) No reasons shall be required for an order dismissing the appeal if the criminal division unanimously holds that the appeal is not permissible or obviously unfounded.

(4) If the appeal is held to be well-founded, the appealed decision shall be set aside. The criminal division may decide in lieu of the court competent for the execution of the sentence if the matter is ready for decision. Otherwise, the matter shall be referred back to the court competent for the execution of the sentence for a new decision.

(5) The criminal division's decision shall be final.

SECTION 120. CORRESPONDING APPLICATION OF OTHER PROVISIONS

(1) Unless otherwise provided in this act, the provisions of the Code of Criminal Procedure shall apply accordingly.

(2) The provisions of the Code of Civil Procedure shall apply accordingly to the granting of legal aid.

SECTION 121. COSTS OF PROCEEDINGS

(1) The decision terminating the proceedings shall designate who is responsible for the costs of the proceedings and the necessary expenses.

(2) When an applicant is unsuccessful or withdraws his request, he shall pay the costs of the proceedings and the necessary expenses. When the matter has been disposed of prior to a decision in accordance with paragraph (1) in a manner other than by withdrawal of the request, the court shall exercise its judicial discretion as to payment of costs of the proceedings and necessary expenses.

(3) Paragraph (2), sentence 2, shall not apply in the case of section 115, paragraph (3).

(4) Otherwise, sections 464 through 473 of the Code of Criminal Procedure shall apply accordingly.

(5) For the costs of the proceedings pursuant to sections 109 et seq., a portion of the house money (sec 47) exceeding three times the daily rate of the basic pay pursuant to section 43, paragraph (2), may be used.

FIFTEENTH TITLE
EXECUTION OF SENTENCE AND PRETRIAL CONFINEMENT

SECTION 122. (RESCINDED)

SIXTEENTH TITLE
SOCIO-THERAPEUTIC INSTITUTIONS

SECTION 123. SOCIO-THERAPEUTIC INSTITUTIONS AND DIVISIONS

(1) For the execution of detention pursuant to section 9, socio-therapeutic institutions, separate from other penal institutions, shall be provided.

(2) Socio-therapeutic divisions may also be established in other confinement facilities for special reasons. The provisions governing the socio-therapeutic institutions apply accordingly to these divisions.

SECTION 124. LEAVE IN PREPARATION FOR RELEASE

(1) The head of the institution may grant special leave up to 6 months to a prisoner in order to prepare his release. Section 11, paragraph (2), and section 13, paragraph (5), apply accordingly.

(2) The person granted leave shall be given instructions for his leave. He may in particular be ordered to subject himself to the care of a person designated by the institution and, at regular intervals, return to the institution for a short time.

(3) Section 14, paragraph (2), applies accordingly. The leave shall be revoked if this proves to be necessary for the treatment of the prisoner.

SECTION 125. ADMISSION ON VOLUNTARY BASIS

(1) A former prisoner may temporarily be readmitted to a socio-therapeutic institution upon his request if the objective of his treatment is endangered and a stay in the institution is justified for such reason. The admission may be terminated at any time.

(2) Measures of execution shall not be enforced by direct force against the person admitted.

(3) Upon his request such person shall be released immediately.

SECTION 126. SUBSEQUENT CARE
The number of qualified personnel for the socio-therapeutic institution shall be determined in such a way as to ensure care following release of the prisoners if such care cannot be provided by other agencies.

SECTION 127. (RESCINDED)

SECTION 128. (RESCINDED)

PART THREE
SPECIAL PROVISIONS ON THE EXECUTION OF MEASURES OF REFORM AND PREVENTION INVOLVING DEPRIVATION OF LIBERTY

FIRST TITLE
PREVENTIVE DETENTION

SECTION 129. OBJECTIVE OF DETENTION
The person under preventive detention shall be securely detained for the protection of the general public. He shall be helped to integrate himself into life at liberty.

SECTION 130. APPLICATION OF OTHER PROVISIONS
Unless provided otherwise hereinafter, the provisions concerning the execution of prison sentences (secs 3 through 126 and 179 through 187) shall apply accordingly to preventive detention.

SECTION 131. FACILITIES
The facilities of preventive detention institutions, in particular of the detention rooms, and special measures for promotion and care are meant to help the detainee to organize his life in the institution reasonably and to protect him from adverse effects caused by long-term deprivation of liberty. His personal needs shall be taken into consideration as far as possible.

SECTION 132. CLOTHING
The detainee shall be allowed to use his own clothing, underclothes, and bedding unless this is inadvisable for security reasons and provided that the detainee sees to the cleaning, repair, and regular change of such clothes at his own expense.

SECTION 133. ACTIVITY CHOSEN BY THE PRISONER, POCKET MONEY

(1) The detainee shall be allowed to be gainfully employed if this serves the objective of imparting, maintaining, or promoting qualifications for employment after release.

(2) Pocket money (sec 46) shall not be less than three times the daily rate of the basic pay pursuant to section 43, paragraph (2), per month.

SECTION 134. PREPARATIONS FOR RELEASE
In anticipation of and preparation for release, the conditions of detention may be relaxed and special leave for a period up to 1 month may be granted. Section 124 remains unaffected for persons detained in a socio-therapeutic institution.

SECTION 135. PREVENTIVE DETENTION IN CONFINEMENT FACILITIES FOR WOMEN
Preventive detention of a woman may be executed in a confinement facility for women if such institution is equipped for preventive detention.

SECOND TITLE
PLACEMENT IN A PSYCHIATRIC HOSPITAL AND IN AN INSTITUTION FOR TREATMENT OF ALCOHOLICS OR DRUG ADDICTS

SECTION 136. PLACEMENT IN A PSYCHIATRIC HOSPITAL
Treatment of the detainee in a psychiatric hospital is determined by medical considerations. As far as possible, the detainee should be cured or his health condition improved to such an extent that it is no longer dangerous. He shall be given the necessary supervision, care, and treatment.

SECTION 137. PLACEMENT IN AN INSTITUTION FOR TREATMENT OF ALCOHOLICS OR DRUG ADDICTS
The objective of the detainee's treatment in an institution for alcoholics or drug addicts shall be to cure his addiction and to correct the abnormal attitude at the root of this addiction.

SECTION 138. APPLICATION OF OTHER PROVISIONS

(1) Placement in a psychiatric hospital or in an institution for alcoholics or drug addicts shall be governed by *Land* law unless otherwise provided by Federal law. Section 51, paragraphs (4) and (5), as well as section 75, paragraph (3), apply accordingly.

(2) Section 50 applies accordingly for assessment of the costs for placement under the proviso that in the cases of section 50, paragraph (1), sentence 2, received earnings are replaced by performance of assigned work or offered work, and in the cases of section 50, paragraph (1), sentence 4, the committed person must be left an amount commensurate with the cash amount given to a recipient of social assistance for his personal use who lives in an institution and who pays a part of his placement costs. For the evaluation of an activity as work the special conditions of confinement for the execution of certain measures must be taken into account. The execution authority shall be responsible for the imposition of costs; other responsible authorities can be determined by the *Land* governments through statutory orders. The costs are imposed as fee for the administration of justice.

(3) Sections 109 through 121 apply accordingly for the court proceedings.

PART FOUR
PRISON AUTHORITIES

FIRST TITLE
CATEGORIES AND FACILITIES OF PENAL INSTITUTIONS

SECTION 139. PENAL INSTITUTIONS
Prison sentences and preventive detention shall be executed in institutions under the control of the judicial administrations of the *Länder* (penal institutions).

SECTION 140. SEPARATE CONFINEMENT

(1) Preventive detention shall either be served in separate facilities or in separate units in a penal institution designed for the service of prison sentences.

(2) Women shall be detained separately from men in special confinement facilities for women. For special reasons, separate units for women may be provided in institutions for men.

(3) Separate placement in accordance with paragraphs (1) and (2) may be refrained from in order to enable a prisoner to participate in measures of treatment in any other institution or unit.

SECTION 141. DIFFERENTIATION

(1) For the service of prison sentences, facilities shall be made available in different institutions or units, in which treatment adapted to the different needs of prisoners is ensured.

(2) Closed institutions provide for a secured confinement; open institutions have no or only limited precautions against escape.

SECTION 142. FACILITIES FOR MOTHERS WITH CHILDREN
Penal institutions for women shall have facilities where mothers can be accommodated with their children.

SECTION 143. SIZE AND DESIGN OF INSTITUTIONS

(1) Penal institutions shall be designed in such a manner that treatment adapted to the needs of the individual prisoner is guaranteed.

(2) The penal institutions shall be organized in such a manner that the prisoners can be combined into manageable groups for care and treatment.

(3) No more than 200 places should be planned for socio-therapeutic institutions and for penal institutions for women.

SECTION 144. SIZE AND LAYOUT OF ROOMS

(1) Rooms in which prisoners spend the night and their leisure time as well as community rooms and visiting rooms shall be comfortable or otherwise equipped consistent with their purpose. They shall have a sufficient volume of air and, for reasons of health, have sufficient heating and ventilation, floor space, and size of windows.

(2) The Federal Ministry of Justice is authorized to determine, by statutory order subject to the consent of the *Bundesrat,* the details regarding the volume of air, ventilation, floor space, size of windows as well as heating and furnishing of the rooms.

SECTION 145. DETERMINATION OF CAPACITY
The supervisory authority shall determine the capacity of each institution in such a way that adequate accommodation during the night (sec 18) is guaranteed. It shall be taken into account that a sufficient number of places for work, training, and advanced education as well as a sufficient number of rooms for religious care, leisure activities, sports, therapeutic measures, and visits are available.

SECTION 146. PROHIBITION OF OVERCROWDING

(1) The capacity of detention rooms regarding the number of persons may not be exceeded.

(2) Exceptions to this rule shall be permissible only temporarily and with the consent of the supervisory authority.

SECTION 147. FACILITIES FOR RELEASE
For the purpose of preparing for release, open facilities shall be attached to closed institutions, or separate open institutions shall be established.

SECTION 148. PROCUREMENT OF EMPLOYMENT, FACILITIES FOR VOCATIONAL TRAINING

(1) In cooperation with the associations and agencies of industry and economy, the prison authority shall see to it that each prisoner who is fit for work can engage in some economically profitable activity and endeavor to promote and advise him in job-related matters and to arrange for employment.

(2) The prison authority shall ensure through appropriate organizational measures that the Federal Employment Agency can perform its duties regarding job counseling, arrangement of vocational training, finding of employment.

SECTION 149. WORKSHOPS, VOCATIONAL TRAINING FACILITIES

(1) In the institutions, provisions shall be made for the necessary workshops for the work to be assigned in accordance with section 37, paragraph (2), as well as for the necessary facilities for vocational training (sec 37, para (3)) and for work-therapeutic activity (sec 37, para (5)).

(2) The workshops and other facilities referred to in paragraph (1) shall be adjusted to the conditions outside of confinement facilities. The provisions on occupational safety and accident prevention shall be observed.

(3) Vocational training and work-therapeutic activity may also take place in suitable privately-run establishments.

(4) In the workshops and other establishments run by private enterprises, the technical and special instruction may be assigned to members of such enterprises.

SECTION 150. COMBINED CONFINEMENT MANAGEMENT
For the penal institutions referred to in sections 139 through 149, the *Länder* can establish agencies for combined confinement management.

SECOND TITLE
SUPERVISION OF PENAL INSTITUTIONS

SECTION 151. SUPERVISORY AUTHORITIES

(1) The *Land* judicial administrations exercise supervision over the penal institutions. They may delegate supervisory powers to prison administration authorities.

(2) Qualified personnel of the supervisory authorities shall be involved in the control of labor issues as well as of social work, advanced education, health care, and other specialist treatment of prisoners; if a supervisory authority has no qualified personnel of its own, advice of experts shall be provided.

SECTION 152. PLAN FOR SERVICE OF CONFINEMENT

(1) The *Land* judicial administration shall regulate the area and scope of administrative responsibility of the penal institutions in a plan for service of confinement.

(2) The plan for service of confinement shall designate those convicted persons who shall be committed to a referral institution (*Einweisungsanstalt*) or unit. A transfer to another confinement facility to continue confinement may be determined based on the need for certain treatment and integration.

(3) In other respects, administrative responsibility shall be determined according to general criteria.

SECTION 153. COMPETENCE FOR TRANSFERS
The *Land* judicial administration may reserve the right to determine any transfers or it may delegate such right to a central agency.

THIRD TITLE
INTERNAL STRUCTURE OF PENAL INSTITUTIONS

SECTION 154. COOPERATION

(1) All members of the prison services shall cooperate and contribute to the performance of prison functions.

(2) There shall be close cooperation with the authorities and agencies engaged in the care of released prisoners, with probation officers, the supervisory agencies for the supervision of conduct, the employment agencies, the social insurance organizations and social assistance agencies, the support organizations of other authorities, and voluntary welfare institutions. Prison authorities should cooperate with persons and associations whose influence may further the prisoner's rehabilitation.

SECTION 155. INSTITUTIONAL STAFF

(1) The functions of confinement facilities shall be performed by prison officers. If there are special reasons, these may be delegated to other institutional staff or to persons working on a part-time basis or under contract.

(2) Commensurate with its function, each institution shall have the necessary number of staff of the different occupational categories, including in particular prison officers, administrative staff, trade instructors, as well as chaplains, medical officers, teachers, psychologists, and social workers.

SECTION 156. HEAD OF THE INSTITUTION

(1) For each penal institution, a senior official shall be appointed full-time head of the institution. If there are special reasons, an institution may be headed by a higher official.

(2) The head of the institution shall represent the institution vis-à-vis the outside. He shall be responsible for the entire penal regime in the institution, unless certain functions have been transferred to and are the responsibility of other prison staff or are a matter of their joint responsibility.

(3) The authority to order a search in accordance with section 84, paragraph (2), special precautions in accordance with section 88, and disciplinary measures in accordance with section 103 may be delegated only with the consent of the supervisory authority.

SECTION 157. SPIRITUAL CARE

(1) Chaplains shall be appointed on a full-time basis or be engaged by contract in agreement with the respective religious community.

(2) When the small number of members belonging to a religious community does not justify religious care pursuant to paragraph (1), religious care shall be permitted in some other way.

(3) With the consent of the head of the institution, the prison chaplains may avail themselves of the services of free religious assistants and engage spiritual advisors from outside the institution for worship services and for other religious activities.

SECTION 158. MEDICAL CARE

(1) Medical care shall be ensured by medical officers employed on a full-time basis. If there are special reasons it may be delegated to physicians working on a part-time or contractual basis.

(2) Sick prisoners shall be nursed by persons who are in the possession of a license under the Nursing Act (*Krankenpflegegesetz*). When such persons as defined in sentence 1 are not available, custodial staff who received additional training in nursing of sick persons may also be employed.

SECTION 159. CONFERENCES
For the purpose of preparing and reviewing the treatment program and for the preparation of important decisions in connection therewith, the head of the institution shall hold conferences with those persons who are substantially involved in the treatment.

SECTION 160. PRISONERS' CO-RESPONSIBILITY
The prisoners and detainees shall be given an opportunity to share in the responsibility for matters of joint interest that, according to their type and the function of the institution are suited for their participation.

SECTION 161. INSTITUTIONAL RULES

(1) The head of the institution shall set up institutional rules. They shall require the consent of the supervisory authority.

(2) The institutional rules shall contain, in particular, the regulations regarding—

1. Visiting hours, frequency and length of visits,

2. Workhours, leisure time, and night's rest, and

3. The opportunity for and submission of requests and complaints or to contact a representative of the supervisory authority.

(3) A copy of the institutional rules shall be made available in each cell.

FOURTH TITLE
ADVISORY COUNCILS

SECTION 162. ESTABLISHMENT OF ADVISORY COUNCILS

(1) Advisory councils shall be established for the penal institutions.

(2) Institutional staff shall not be members of advisory councils.

(3) Details shall be regulated by the *Länder*.

SECTION 163. FUNCTIONS OF ADVISORY COUNCILS
Members of the advisory council shall participate in the organization of the prison regime and in the treatment of prisoners. They shall support the head of the institution by making suggestions and proposals for improvement and shall assist in the prisoners' social integration after release.

SECTION 164. AUTHORITY

(1) The members of the advisory council shall be authorized, in particular, to accept requests, suggestions, and complaints. They may obtain information on accommodation, activities, vocational training, food, medical services and treatment, as well as inspect the institution and its facilities.

(2) The members of the advisory council may visit the prisoners and detainees in their rooms. Interviews and correspondence shall not be monitored.

SECTION 165. OBSERVATION OF SECRECY
The members of the advisory council are obligated to observe strict secrecy outside their official function about matters of a confidential nature, in particular concerning names and personalities of the prisoners and detainees. The same shall apply for the time after their term of office has ended.

FIFTH TITLE
CRIMINOLOGICAL RESEARCH IN PRISON

SECTION 166. (UNTITLED)

(1) It is the task of the criminological research to cooperate with research institutions and further develop on a scientific basis the prison regime, in particular the methods of treatment and to make the results available for the purposes of the administration of criminal justice.

(2) The provisions of section 186 shall apply accordingly.

PART FIVE
EXECUTION OF OTHER MEASURES INVOLVING DEPRIVATION OF LIBERTY IN PENAL INSTITUTIONS, DATA PROTECTION, SOCIAL SECURITY AND UNEMPLOYMENT INSURANCE, FINAL PROVISIONS

FIRST TITLE
SERVICE OF SHORT-TERM MILITARY IMPRISONMENT IN PENAL INSTITUTIONS

SECTION 167. PRINCIPLE
Section 119, paragraphs (5) and (6), of the Code of Criminal Procedure as well as the provisions concerning the service of prison sentences (secs 2 through 121 and 179 through 187) shall apply accordingly to the service of short-term military imprisonment in penal institutions, unless otherwise provided hereinafter. Section 50 shall only apply in the cases of an activity mentioned in section 39.

SECTION 168. ACCOMMODATION, VISITS AND CORRESPONDENCE

(1) Joint accommodation during work, leisure time, and at night (secs 17 and 18) is only authorized with the prisoner's consent. This shall not apply when military disciplinary confinement is served by interruption of a prison sentence or detention in the execution of a measure of reform and prevention involving deprivation of liberty.

(2) The prisoner shall be permitted to receive visitors once a week.

(3) Visits and correspondence shall not be forbidden or monitored unless this is necessary for reasons of security or good order of the institution.

SECTION 169. CLOTHING, UNDERCLOTHES AND BEDDING
The prisoner shall be allowed to use his own clothing, underclothes, and bedding unless this is inadvisable for security reasons and provided that the prisoner sees to cleaning, repair, and regular change at his own expense.

SECTION 170. PURCHASES
The prisoner shall be allowed to buy, within reason, food and luxuries as well as toilet articles through the institution at his own expense.

SECOND TITLE
SERVICE OF ARREST FOR CONTEMPT OF COURT, PREVENTIVE DETENTION, COERCIVE DETENTION, ARREST TO ENFORCE A COURT ORDER

SECTION 171. PRINCIPLE
Section 119, paragraphs (5) and (6), of the Code of Criminal Procedure as well as the provisions concerning the service of prison sentences (secs 3 through 49, 51 through 121, and 179 through 187) shall apply accordingly to the service of judicially ordered arrest for contempt of court, preventive detention, coercive detention, arrest to enforce a court order, unless the nature and purpose of the arrest are contrary to the provisions or unless otherwise provided hereinafter.

SECTION 172. ACCOMMODATION
Joint accommodation during work, leisure time, and at night (secs 17 and 18) shall be permissible only with the prisoner's consent. This shall not apply when such arrest for contempt of court is served by interruption of a prison sentence or commitment to an institution to enforce a measure of reform and prevention involving deprivation of liberty.

SECTION 173. CLOTHING, UNDERCLOTHES AND BEDDING
The prisoner shall be allowed to use his own clothing, underclothes, and bedding unless this is inadvisable for security reasons and provided that the prisoner sees to cleaning, repair, and regular change at his own expense.

SECTION 174. PURCHASES
The prisoner shall be allowed to buy, within reason, food and luxuries as well as toilet articles through the institution at his own expense.

SECTION 175. WORK
The prisoner shall not be obliged to perform any work, activity, or auxiliary task.

THIRD TITLE
WAGES FOR WORK IN PENAL INSTITUTIONS FOR JUVENILES AND FOR PRISONERS IN PRETRIAL CONFINEMENT

SECTION 176. PENAL INSTITUTIONS FOR JUVENILES

(1) If a prisoner in a penal institution for juveniles performs work assigned to him, he shall receive pay assessed in accordance with section 43, paragraphs (1) and (2), notwithstanding the provisions of the Law on the Protection of Young Workers (*Jugendarbeitsschutzgesetz*) concerning piece-work and assembly line work. When he engages in some other activity or auxiliary task assigned to him, he shall receive pay pursuant to sentence 1 if this is appropriate regarding the nature of his activity and his output. Section 43, paragraphs (5) through (11), shall apply accordingly.

(2) Prisoners who are fit for work but cannot be assigned for reasons not inherent in their person, sick prisoners to whom the prerequisites of section 45, paragraph (2), apply, and expectant mothers who do not carry out any work shall be paid compensation for loss of earnings. The amount of such compensation and the time for which it is to be paid shall be determined in accordance with section 45, paragraphs (3) through (6).

(3) A prisoner who through no fault of his own does not receive pay and grant for education and training shall be paid a reasonable amount of pocket money if he is needy.

(4) Otherwise, sections 44 and 49 through 52 shall apply accordingly.

SECTION 177. PRETRIAL CONFINEMENT
When a person held in pretrial confinement performs work, an activity, or auxiliary task assigned to him, he shall be paid wages to be assessed and to be announced in accordance with section 43, paragraphs (2) through (5). In deviation from section 200, the assessment of pay shall be based on 5 percent of the reference amount pursuant to section 18 of the Fourth Book of the Code of Social Law (basic pay). Section 43, paragraphs (6) through (11) shall not apply. Section 176, paragraph (1), sentences 1 and 2, shall apply accordingly to young and adolescent detainees.

FOURTH TITLE
DIRECT FORCE IN PENAL INSTITUTIONS

SECTION 178. (UNTITLED)

(1) Sections 94 through 101 concerning direct force shall, subject to the following paragraphs, apply also to prison officers outside the scope of application of the Prison Act (sec 1).

(2) In the case of youth detention, military disciplinary confinement as well as arrest for contempt of court, preventive detention, coercive detention, arrest to enforce a court order, firearms shall not be used to prevent escape or in order to recapture an escaped detainee (sec 100, para (1), no. 3). This shall not apply if military disciplinary confinement or arrest for contempt of court, preventive detention, coercive detention, arrest to enforce a court order is served in interruption of pretrial confinement, service of a prison sentence, or commitment to an institution to enforce a measure of reform and prevention involving deprivation of liberty.

(3) Particularly in the case of youth imprisonment, *Land* law may provide for further restrictions regarding the right to use firearms.

FIFTH TITLE
DATA PROTECTION

SECTION 179. COLLECTION OF DATA

(1) The prison authority is authorized to collect personal data that is required for the prison sentence it is obligated to execute pursuant to this law.

(2) Personal data shall be collected from the persons concerned. Section 4, paragraphs (2) and (3) and section 13, paragraph (1a), of the Federal Data Protection Law (*Bundesdatenschutzgesetz)* shall apply to the collection of data without participation of the person concerned, collection from other persons or agencies, and to the obligation to notify and inform.

(3) Data on persons who are not prisoners may only be collected from persons or agencies outside the prison authority without their participation, if this data is indispensable for the treatment of a prisoner, the security of the institution, or to ensure execution of a prison sentence, and if the method used to collect them does not infringe interests of the persons concerned which are worthy of protection.

(4) The person concerned shall be informed if and what personal data has been collected on him without his knowledge, unless the purposes designated in paragraph (1) are frustrated thereby. If the data was collected from other persons or agencies, notification may be omitted if the—

1. Data must be kept secret pursuant to a legal provision or due to their type, in particular because of an overriding legal interest of a third person, or

2. Effort of notification is out of proportion in comparison to the protection, and there is no indication that overriding interests worthy of protection of the person concerned are infringed.

SECTION 180. PROCESSING AND UTILIZATION

(1) The prison authority may process and use personal data if this is necessary for the execution of the prison sentence for which it is responsible pursuant to this law. The prison authority may make it a requirement for a prisoner to carry an identity card with photograph, if this is necessary to maintain security and good order in the institution.

(2) Processing and utilization of personal data for other purposes is authorized if it is necessary—

1. To avert activities endangering security, intelligence activities for a foreign power, or attempts within the territorial scope of this law, which, by use of force or preparations directed toward it –

a) Are directed against the free democratic constitution, the existence or security of the Federation or one of the Federal *Länder*,

b) Are aimed at an illegal impairment of the performance of duties of the Federal constitutional organs or those of one of the *Länder* or their members,

c) Jeopardize exterior interests of the Federal Republic of Germany,

2. To avert considerable disadvantages for the welfare of the general public or a danger for public safety,

3. To avert a serious impairment of the rights of another person,

4. To prevent or prosecute criminal acts as well as to prevent and prosecute administrative offenses which jeopardize the security or good order of the institution, or

5. For measures in connection with the execution of a sentence or decisions concerning execution of a sentence.

(3) Processing or utilization of data for other purposes does not exist if it serves judicial remedy pursuant to sections 109 to 121 or the purposes stated in section 14, paragraph (3), of the Federal Data Protection Law.

(4) Personal data may be transferred to the competent public agencies beyond the purposes stipulated in paragraphs (1) and (2) if this is necessary for—

1. Measures of court assistance, youth court assistance, probation assistance or supervision of conduct,

2. Decisions in clemency matters,

3. Statistics for the administration of justice ordered by law,

4. Decisions on benefits which are either cancelled or reduced upon admittance to a confinement facility,

5. Initiation of support measures for dependents (sec 11, para (1), no. 1, of the Criminal Code) of the prisoner,

6. Disciplinary measures of the Federal Armed Forces in connection with the admittance and release of soldiers,

7. Measures concerning legislation on foreigners, or

8. Execution of taxation.

Transfer for other purposes is also authorized if another legal provision provides for it and specifically refers to personal data of prisoners.

(5) Upon written request, the prison authority may inform public or non-public agencies whether a person is imprisoned and if and when he will approximately be released within the period of 1 year if—

1. Such information is necessary for the fulfillment of duties within the scope of responsibility of the public agency, or

2. Non-public agencies show probable cause that they have a legitimate interest in such information and the prisoner has no interest in an exclusion of the data transfer which is worthy of protection.

In addition, the injured person of a criminal offense may be provided information regarding the place of residence after release or the financial conditions of the prisoner upon written request, if disclosure of such information is necessary in order to determine or assert legal claims in connection with the criminal offense. The prisoner shall be heard before the information is provided unless this would frustrate or render it considerably more difficult for the requester to assert his interests and after consideration the interest of the requester outweighs the interest of the prisoner in his prior hearing. If the hearing was not carried out the prison authority will inform the prisoner concerned subsequently that the information was provided.

(6) Files containing personal data may only be provided to other prison authorities, agencies with disciplinary or technical supervisory authority, or authority to give official directions, to courts responsible for decisions concerning confinement, the execution of the prison sentence, and criminal law, as well as to the authorities responsible for the execution of sentences, and prosecuting authorities; providing of such files to other public agencies is authorized if providing of information would require an unreasonable effort and, according to the statement of the agency requesting review of files, would not be sufficient to fulfill the duty. The same applies to the making available of files to the agencies assigned to render expert opinions by the prison authority.

(7) If the personal data that may be transferred pursuant to paragraphs (1), (2), or (4) is combined in the file with other personal data of the person concerned or of a third person in such a way that it cannot be separated at all or only by making an unreasonable effort, transfer of such data is also authorized unless legitimate interests of the person concerned or third persons not to disclose them clearly take precedence; processing or utilization of such data by the recipient is not authorized.

(8) Personal data that became known during monitoring of visits or correspondence or inspection of the contents of parcels may only be processed and used for the purposes listed in paragraph (2), for the court proceedings pursuant to section 109 to 121, in order to maintain security or good order in the institution, or upon hearing of the prisoner for purposes of treatment.

(9) Personal data that was collected in accordance with section 179, paragraph (3), on persons who are no prisoners may only be processed or utilized for collection purposes, for the purposes stipulated in paragraph (2), numbers 1 through 3, or in order to prevent or prosecute serious criminal acts.

(10) Transfer of personal data shall not be made if the restrictions stipulated in section 182, paragraph (2), and section 184, paragraphs (2) and (4) or special legal provisions on utilization conflict with such transfer.

(11) The prison authority is responsible for the permissibility of the data transfer. If the transfer takes place upon request of a public agency, that agency shall bear responsibility. In such a case, the prison authority only checks if the request for transfer lies within the scope of duties of the recipient and paragraphs (8) through (10) do not conflict with the transfer, unless there is a special reason to check authorization of the transfer.

SECTION 181. RESTRICTED USE FOR A SPECIFIC PURPOSE

Personal data transferred by the prison authority may only be processed or used for the purpose they were transferred for. The recipient may only process or use the data for other purposes if the data would have been transferred to him also for those purposes, and if, in case of a transfer to non-public agencies, the prison authority transferring the data gave its approval. The prison authority shall advise the non-public agency of the restricted use for a specific purpose.

SECTION 182. PROTECTION OF SPECIAL DATA

(1) The religious or ideological belief of a prisoner and personal data that was collected on the occasion of medical examinations may not be made generally known in the institution. Other personal data about the prisoner may be generally made known in the institution if this is necessary for an orderly life in prison; section 180, paragraphs (8) through (10), shall remain unaffected.

(2) Personal data that the prisoner confides to one of the persons designated in section 203, paragraph (1), numbers 1, 2, and 5, of the Criminal Code as a secret, or that otherwise has become known about a prisoner, is subject to discretion also vis à vis the prison authority. The persons designated in section 203, paragraph (1), numbers 1, 2, and 5, of the Criminal Code shall disclose information to the prison authority if this is necessary for the fulfillment of the prison authority's duties, or to avert considerable danger to the life or limb of the prisoner or of third persons. The physician is authorized to disclose secrets which became known to him within the scope of general health care if this is necessary for the fulfillment of the prison authority's duties or to avert considerable danger to the life or limb of the prisoner or third persons. Other authorizations to disclose data shall remain unaffected. Prior to the collection of data, the prisoner shall be informed about the authorization to disclose the data pursuant to sentences 2 and 3.

(3) The data disclosed pursuant to paragraph (2) may only be processed or used for the purposes for which they were disclosed or for which such disclosure would have been authorized and only under the same circumstances pursuant to which one of the persons designated in section 203, paragraph (1), numbers 1, 2, and 5, of the Criminal Code would be authorized to use and process them. Under such conditions, the head of the institution may generally authorize an immediate disclosure to certain prison officers.

(4) If physicians or psychiatrists outside the institution are assigned with the examination and treatment of a prisoner, paragraph (2) shall apply accordingly under the proviso that the physician or psychiatrist assigned with the treatment is also authorized to inform the medical officer of the prison or the psychiatrist responsible for the treatment of the patient in the institution.

SECTION 183. PROTECTION OF DATA IN FILES AND DATA FILES

(1) The individual prison officer may only obtain knowledge of the personal data if this is necessary for the fulfillment of his duties or for cooperation pursuant to section 154, paragraph (1).

(2) Files and data files containing personal data shall be protected against unauthorized access and use by the appropriate technical and organizational measures. Medical files and medical records shall be kept separate from other documents and shall

be especially secured. Otherwise, section 9 of the Federal Data Protection Law shall apply to type and scope of precautionary measures.

SECTION 184. CORRECTION, DELETION, AND BLOCKING OF DATA

(1) The personal data stored in the data files shall be deleted at the latest 2 years after the prisoner was released from prison or was transferred to a different confinement facility. The information on last name, first name, maiden name, date of birth, place of birth, date of admittance and release of prisoner may be excepted from this provision until expiry of the required retention period for the prisoner's personal file, to the extent this is necessary to locate the prisoner's personal file.

(2) After a period of 2 years from the date the prisoner was released, personal data in files may be transferred or utilized only if absolutely necessary to—

1. Prosecute criminal acts,

2. Conduct scientific research in accordance with section 186

3. Remove obstacles concerning proof of evidence,

4. Determine, assert or defend legal claims in connection with the execution of a prison sentence.

These restrictions on use cease to have effect if the prisoner is readmitted to serve a prison sentence or the person concerned has given his consent.

(3) For storage of files containing blocked data pursuant to paragraph (2), the following time limits may not be exceeded:

Personal files of prisoners, medical files and medical records	20 years,
Prisoner registration books	30 years.

This does not apply if, based on certain facts it must be assumed that storage for the purposes stated in paragraph (2), sentence 1, continues to be necessary. The time limit for storage starts to run with the calendar year following the year the file was made inactive. Federal and *Länder* regulations concerning archiving shall remain unaffected.

(4) If it is determined that incorrect data has been transferred the recipient shall be informed accordingly, if this is necessary to safeguard interests of the person concerned which are worthy of protection.

(5) Otherwise section 20, paragraphs (1) through (4) and (6) through (8), of the Federal Data Protection Law shall apply to correction, deletion and blocking of personal data.

SECTION 185. INFORMATION PROVIDED TO THE PERSON CONCERNED, REVIEW OF FILES

The person concerned shall be provided information in accordance with section 19 of the Federal Data Protection Law and he shall be granted review of files if providing of information is insufficient to safeguard his legal interests which can only be achieved by such a review. The *Land* commissioner for data protection shall take the place of the Federal commissioner for data protection in section 19, paragraphs (5) and (6), of the Federal Data Protection Law, the respective *Land* authority shall take the place of the highest Federal authority.

SECTION 186. PROVIDING INFORMATION AND GRANTING REVIEW OF FILES FOR SCIENTIFIC PURPOSES

Section 476 of the Code of Criminal Procedure applies accordingly to the providing of information and review of files for scientific purposes.

SECTION 187. APPLICATION OF THE FEDERAL DATA PROTECTION LAW

The provisions of the Federal Data Protection Law concerning public and non-public agencies (sec 2), further definitions (sec 3), obtaining and form of consent of the person concerned (sec 4a, paras (1) and (2)), the secrecy of data (sec 5), mandatory rights of the person concerned (sec 6, para (1)), and the implementation of data protection (sec 18, para (2)) apply accordingly. The data

protection laws of the *Länder* regarding the regulations on damage compensation, criminal acts and administrative fines as well as the provisions on the control by the *Land* commissioners for data protection shall remain unaffected.

SIXTH TITLE
ADJUSTMENT OF FEDERAL LAW

SECTION 188.
(Rescinded)

SECTION 189. ORDINANCE CONCERNING COSTS IN THE FIELD OF ADMINISTRATION OF JUSTICE
(Not translated.)

SEVENTH TITLE
SOCIAL SECURITY AND UNEMPLOYMENT INSURANCE

SECTIONS 190 to195.
(Not translated.)

EIGHTH TITLE
RESTRICTION OF BASIC RIGHTS, ENTRY INTO FORCE

SECTION 196. RESTRICTION OF BASIC RIGHTS
The basic rights specified in Article 2, paragraph (2), sentences 1 and 2 (physical well-being and personal freedom), and Article 10, paragraph (1) (secrecy of mail and telecommunications), of the Basic Law (*Grundgesetz*) are restricted by this law.

SECTION 197.
(Rescinded)

SECTION 198. ENTRY INTO FORCE

(1) Notwithstanding sections 199 and 201, this Law shall enter into force on 1 January 1977, unless otherwise stipulated in paragraphs (2) and (3).

(2) 1. The following regulations shall enter into force on 1 January 1980:

Section 37	– Assignment of Work –
Section 39, paragraph (1)	– Private Employment –
Section 41, paragraph (2)	– Requirement of Consent in Case of Advanced Education –
Section 42	– Exemption from Duty of Work –
Section 149, paragraph (1)	– Workshops, Vocational Training Facilities –
Section 162, paragraph (1)	– Advisory Councils –

2., 3. (Rescinded)

(3) By special Federal law the following regulations will be adjusted to already existing amendments of law and enter into force:

Section 41, paragraph (3)	– Requirement of Consent in Case of Employment in Private Business –
Section 45	– Compensation for Loss of Earnings –
Section 46	– Pocket Money –
Section 47	– House Money –
Section 49	– Support –
Section 50	– Contribution to Detention Costs –
Section 65, paragraph (2), sentence 2	– Health Insurance Benefits in Case of Hospitalization –
Section 93, paragraph (2)	– Use of House Money –
Section 176, paragraphs (2) and (3)	– Compensation for Loss of Earnings and Pocket Money in Penal Institutions for Juveniles

Section 189	– Ordinance on Costs –
Section 190, numbers 1 through 10 and 13 through 18	
Sections 191 through 193	– Social Security –

(4) Regarding the entry into force of section 41, paragraph (3), – Requirement of Consent in Case of Employment in Private Business – a decision will be made by 31 December 1983 and regarding the continued applicability of section 201, number 1 – Commitment to an Open Institution – by 31 December 1985.

SECTION 199. TRANSITIONAL VERSIONS
(Not translated)

SECTION 200. AMOUNT OF PAY
The assessment of pay pursuant to section 43 shall be based on 9 percent of the reference amount pursuant to section 18 of the Fourth Book of the Code of Social Law.

SECTION 201. TRANSITIONAL PROVISIONS FOR EXISTING INSTITUTIONS
The following shall apply to institutions whose establishment was started prior to entry into force of this law:

1. In deviation from section 10, prisoners may be exclusively placed in closed institutions as long as the conditions regarding space, personnel and organization in the institution so require.

2. In deviation from section 17, joint accommodation during work and leisure time may also be limited if and as long as the conditions regarding space, personnel and organization in the institution so require; joint accommodation during work time, however, only until 31 December 1988.

3. In deviation from section 18, prisoners may also be accommodated jointly during night time as long as the conditions regarding space in the institution so require. Joint accommodation of more than eight persons is only authorized until 31 December 1985.

4. In deviation from section 143, paragraphs (1) and (2), confinement facilities shall be designed in such a way to ensure treatment adjusted to the needs of the individual prisoner and that the prisoners can be combined in manageable groups in which they are treated and attended to.

5. In deviation from section 145, the capacity of an institution regarding the number of prisoners may be determined in accordance with numbers 2 and 3.

SECTION 202. PRISON SENTENCE AND YOUTH DETENTION OF THE GERMAN DEMOCRATIC REPUBLIC

(1) The provisions regarding execution of juvenile confinement shall apply to the execution of a prison sentence imposed on juveniles and adolescents in accordance with the Criminal Code of the German Democratic Republic (*Strafgesetzbuch der Deutschen Demokratischen Republik*); the provisions on the execution of youth detention shall apply to the execution of juvenile arrest.

(2) Otherwise, the provisions of the Prison Act regarding the execution of a prison sentence shall apply to the execution of a prison sentence and confinement imposed by final judgment in accordance with the Criminal Code of the German Democratic Republic.