



MINISTÉRIO DA JUSTIÇA
E SEGURANÇA PÚBLICA
Assessoria Especial Internacional

TRADUÇÃO DE LEGISLAÇÃO BRASILEIRA RELACIONADA À ÁREA DE JUSTIÇA E SEGURANÇA PÚBLICA PARA O INGLÊS E O ESPANHOL

Lei nº 7.210, de 11 de julho de 1984.

Institui a Lei de Execução Penal.

VERSÃO EM INGLÊS



Projeto da Assessoria Especial Internacional

Como forma de divulgar o arcabouço legislativo brasileiro a autoridades estrangeiras e a Organismos Internacionais e, ainda, de aprimorar a cooperação internacional, em diversas áreas, a Assessoria Especial Internacional do Ministério da Justiça e Segurança Pública desenvolveu projeto para a compilação e tradução¹, para os idiomas inglês e espanhol, de parte das legislações brasileiras relacionadas às áreas de Justiça e Segurança Pública. A seleção das leis traduzidas ficou a cargo das áreas técnicas do Ministério, levando em consideração, igualmente, trabalhos já realizados por outros órgãos brasileiros, os quais serão disponibilizados como link externo no site da Assessoria Especial Internacional.



¹Traduções não juramentadas ou oficiais.

LAW nº 7,210 OF JULY 11th, 1984.

[\(See Decree nº 6,049 of 2007\)](#)

[\(See Decree nº 7,627 of 2011\)](#)

Establishes the Law of Criminal Enforcement.

[\(See Law nº 13,964, of 2019\) \(Effectiveness\)](#)

The PRESIDENT OF BRAZIL makes known that the National Congress decrees and I sanction the following Law:

TITLE I

Object and Application of the Law of Criminal Enforcement

Art. 1. Criminal enforcement aims to implement the provisions of criminal sentence or decision and provide conditions for the harmonious social integration of the convict and interned.

Art. 2. The criminal jurisdiction of Judges or Courts of Ordinary Justice shall be exercised throughout the National Territory, in the enforcement process, in accordance with this Law and the Brazilian Code of Criminal Procedure.

Sole paragraph. This Law shall also apply to the provisional prisoner and to the convict by Electoral or Military Justice, when collected to an establishment subject to ordinary jurisdiction.

Art. 3. The convict and internee shall be ensured all the rights not reached by the sentence or by law.

Sole paragraph. There shall be no distinction of racial, social, religious, or political nature.

Art. 4. The State shall resort to the cooperation of the community in the enforcement activities of the penalty and security measure.

TITLE II

Convict and Internee

CHAPTER I

Classification

Art. 5. The convict shall be classified, according to their background and personality, to guide the individualization of criminal enforcement.

Art. 6. The classification shall be made by the Technical Classification Commission, which shall draw up the individualizing program of the imprisonment sentence appropriate to the convict or provisional prisoner. [\(Wording established by Law nº 10,792 of 2003\)](#)

Art. 7. The Technical Classification Commission of each establishment shall be chaired by the director and composed of, at least, 2 (two) heads of service, 1 (one) psychiatrist, 1 (one) psychologist, and 1 (one) social worker, when concerning a convicted of imprisonment.

Sole paragraph. In other cases, the Commission shall act before the Court of Enforcement and shall be composed of social service tax officers.

Art. 8. The convicted to imprisonment, in a closed regime, shall be subjected to a criminological examination to obtain the necessary elements for an adequate classification and enforcement individualization.

Sole paragraph. The examination referred to in this article may be submitted to the convicted to imprisonment in a semi-open regime.

Art. 9. The Commission, in the examination to obtain revealing data of the convict's personality, observing the professional ethics and always considering parts or information of the process, may:

I - interview people;

II - request, from offices or private establishments, data and information about the convict;

III - conduct other necessary procedures and examinations.

Art. 9-A. Those convicted of an intentional crime, with serious violence against a person, or for any of the crimes provided for in [article 1 of Law nº 8,072 of July 25th, 1990](#) shall be compulsorily subjected to the identification of the genetic profile, by extraction of DNA - deoxyribonucleic acid, by appropriate and painless technique. [\(Included by Law nº 12,654 of 2012\)](#)

Paragraph 1-A. The regulation should include minimum guarantees of protection of genetic data, observing the best practices of forensic genetics. [\(Included by Law nº 13,964 of 2019\)](#)

Paragraph 2. The federal or state police authority may request the competent judge, in the case of an investigation initiated, access to the database of genetic profile identification. [\(Included by Law nº 12,654 of 2012\)](#)

Paragraph 3. The holder of genetic data must be allowed access to their data contained in the genetic profile banks and to all the documents of the chain of custody that generated this data, so that it can be contradicted by the defense. [\(Included by Law nº 13,964 of 2019\)](#)

Paragraph 4. The convicted of the crimes provided for in the head provision of this article, who has not been subjected to the identification of the genetic profile at the time of entry into the prison establishment must be submitted to the procedure during the execution of the sentence. [\(Included by Law nº 13,964 of 2019\)](#)

Paragraph 5. (VETOED). [\(Included by Law nº 13,964 of 2019\)](#)

Paragraph 6. (VETOED). [\(Included by Law nº 13,964 of 2019\)](#)

Paragraph 7. (VETOED). [\(Included by Law nº 13,964 of 2019\)](#)

Paragraph 8. The refusal of the convict to submit to the genetic profile identification procedure constitutes a serious offense. [\(Included by Law nº 13,964 of 2019\)](#)

CHAPTER II

Assistance

SECTION I

General Provisions

Art. 10. Assistance to prisoners and internees is the duty of the State, aiming to prevent crime and guide the return to coexistence in society.

Sole paragraph. The assistance extends to the egress.

Art. 11. Assistance shall be:

I - material;

II - to health;

III - legal;

IV - educational;

V - social;

VI - religious.

SECTION II

Material Assistance

Art. 12. Material assistance to prisoners and internees shall consist of the provision of food, clothing, and hygienic facilities.

Art. 13. The establishment shall have facilities and services that meet the prisoners in their personal needs, and places intended for the sale of products and objects allowed and not provided by the administration.

SECTION III

Health Assistance

Art. 14. Health assistance of prisoners and internees of a preventive and curative nature shall include medical, pharmaceutical, and dental care.

Paragraph 1. (VETOED).

Paragraph 2. When the criminal establishment is not equipped to provide the necessary medical assistance, it shall be provided in another location, with the authorization of the establishment administration.

Paragraph 3. Woman shall be provided with medical follow-up, especially in the prenatal and postpartum period, extended to the newborn. [\(Included by Law nº 11,942 of 2009\)](#)

SECTION IV

Legal Assistance

Art. 15. Legal assistance is intended for prisoners and internees without financial resources to retain lawyers.

Art. 16. The Units of the Federation must provide integral and free legal assistance services by the Public Defender's Office, inside and outside the criminal establishments. [\(Wording established by Law nº 12,313 of 2010\).](#)

Paragraph 1. The Units of the Federation shall provide structural, personal, and material assistance to the Public Defender's Office, in the exercise of its functions, inside and outside the criminal establishments. [\(Included by Law nº 12,313 of 2010\).](#)

Paragraph 2. All criminal establishments shall have an appropriate place for the Public Defender to attend. [\(Included by Law nº 12,313 of 2010\).](#)

Paragraph 3. Specialized centers of the Public Defender's Office shall be implemented outside the criminal establishments to provide full and free legal assistance to defendants, sentenced in freedom, egresses, and their families, without financial resources to retain a lawyer. [\(Included by Law nº 12,313 of 2010\).](#)

SECTION V

Educational Assistance

Art. 17. Educational assistance shall include school instruction and professional training of prisoners and internees.

Art. 18. Basic education shall be mandatory, integrating into the school system of the Federative Unit.

Art. 18-A. Secondary Education, regular or supplementary, with medium-level general training or professional education, shall be implemented in prisons, in obedience to the constitutional precept of its universalization. [\(Included by Law nº 13,163 of 2015\)](#)

Paragraph 1. The education given to prisoners shall be integrated into the state and municipal education system and shall be maintained, administratively and financially, with the support of the Union, not only with the resources destined for education, but by the state system of justice or penitentiary administration. [\(Included by Law nº 13,163 of 2015\)](#)

Paragraph 2. The education systems shall provide prisoners with supplementary programs in youth and adult education. [\(Included by Law nº 13,163 of 2015\)](#)

Paragraph 3. The Union, States, Municipalities, and the Federal District shall include the care of prisoners in their distance education programs and the use of new teaching technologies. [\(Included by Law nº 13,163 of 2015\)](#)

Art. 19. Vocational education shall be provided at the level of initiation or technical improvement.

Sole paragraph. The convicted woman shall have vocational education appropriate to her condition.

Art. 20. Educational activities may be subject to agreements with public or private entities, which set up schools or offer specialized programs.

Art. 21. In compliance with local conditions, each establishment shall be provided with a library for use by all categories of prisoners, provided with instructional, recreational, and didactic books.

Art. 21-A. The penitentiary census should determine: [\(Included by Law nº 13,163 of 2015\)](#)

I - the level of prisoner education; [\(Included by Law nº 13,163 of 2015\)](#)

II - the existence of programs at the elementary and middle levels and the number of prisoners served; [\(Included by Law nº 13,163 of 2015\)](#)

III - the implementation of vocational programs at the level of initiation or technical improvement and the number of prisoners served; [\(Included by Law nº 13,163 of 2015\)](#)

IV - the existence of libraries and the conditions of their collection; [\(Included by Law nº 13,163 of 2015\)](#)

V - other relevant data for the educational improvement of prisoners. [\(Included by Law nº 13,163 of 2015\)](#)

SECTION VI

Social Assistance

Art. 22. The purpose of social assistance is to support prisoners and internees and prepare them for their return to freedom.

Art. 23. The social assistance service shall:

I - know the results of diagnoses or tests;

II - report, in writing, to the director of the establishment, the problems and difficulties faced by the assisted person;

III - track the result of exit permissions and temporary exits;

IV - promote leisure within the establishment, by available means;

V - promote the orientation of the assisted in the final phase of the sentence and releasing to facilitate their return to freedom;

VI - provide for obtaining documents, Social Security benefits, and accident insurance at work;

VII - to orient and support, when necessary, the family of the prisoner, the internee, and the victim.

SECTION VII

Religious Assistance

Art. 24. Religious assistance, with freedom of worship, shall be provided to prisoners and internees, allowing them to participate in the services organized in the criminal establishment, and possess books of religious instruction.

Paragraph 1. There shall be an appropriate place for religious services within the establishment.

Paragraph 2. No prisoner or internee may be coerced to participate in religious activity.

SECTION VIII

Egress Assistance

Art. 25. Egress assistance consists of:

I - the orientation and support to reintegrate him/her to life in freedom;

II - granting, if necessary, accommodation and food, in an appropriate establishment, for a period of 2 (two) months.

Sole paragraph. The period established in item II may be extended only once, having proven the commitment to obtaining employment with a statement by the social worker.

Art. 26. An egress is considered, for the purposes of this Law:

I - the person definitively released, for a period of one year from the departure from the criminal establishment; and

II - the person released on parole, during the probationary period.

Art. 27. The social assistance service shall collaborate with the egress to obtain work.

CHAPTER III

Work

SECTION I

General Provisions

Art. 28. The work of the convict, as a social duty and condition of human dignity, shall have an educational and productive purpose.

Paragraph 1. Safety and hygiene precautions apply to the organisation and working methods.

Paragraph 2. The work of the prisoner is not subject to the regime of the Consolidation of Labor Laws.

Art. 29. The work of the prisoner shall be remunerated, by prior table, and cannot be less than 3/4 (three quarters) of the minimum wage.

Paragraph 1. The proceeds of the remuneration for work shall aim for:

a) compensation for damages caused by the crime, provided that it is determined judicially and not repaired by other means;

b) assistance to the family;

c) small personal expenses;

d) compensation to the State for the costs incurred in maintaining the convict, in proportion to be fixed and without prejudice to the destination provided for in the preceding subitems.

Paragraph 2. Except for other legal applications, the remaining part shall be deposited for the constitution of savings, in a savings book, which shall be delivered to the convict when released.

Art. 30. Tasks performed as a service to the community shall not be remunerated.

SECTION II

Internal Work

Art. 31. The convicted to imprisonment is obliged to work to the extent of his aptitudes and ability.

Sole paragraph. For the provisional prisoner, the work is not mandatory and can only be performed inside the establishment.

Art. 32. The assignment of the work should consider the qualification, personal condition, and future needs of the prisoner, as well as the opportunities offered by the market.

Paragraph 1. Handicrafts without economic expression should be limited as much as possible, except in tourism regions.

Paragraph 2. Those over 60 (sixty) years of age may apply for occupation appropriate to their age.

Paragraph 3. The sick or physically disabled shall only perform activities appropriate to their condition.

Art. 33. The normal working day shall not be less than 6 (six) or more than 8 (eight) hours, with rest on Sundays and holidays.

Sole paragraph. Special working hours may be assigned to prisoners assigned to the conservation and maintenance services of the criminal establishment.

Art. 34. The work may be managed by a foundation or public company with administrative autonomy, and shall aim at the vocational training of the convict.

Paragraph 1. In this case, the managing entity shall promote and supervise the production, with business criteria and methods, remain in charge of its marketing, and bear expenses, including payment of adequate remuneration. [\(Renumbered by Law nº 10,792 of 2003\)](#)

Paragraph 2. The federal, state, and municipal governments may enter into an agreement with the private initiative, for the implementation of workshops related to sectors of penitentiary support. [\(Included by Law nº 10,792 of 2003\)](#)

Art. 35. The bodies of the direct or indirect government of the Union, States, territories, Federal District, and Municipalities shall acquire, with exemption from public competition, the goods or products of prison labor, whenever it is not possible or recommended to conduct the sale to individuals.

Sole paragraph. All amounts collected from the sales shall revert to the foundation or public company referred to in the previous article or, failing that, the criminal establishment.

SECTION III

External Work

Art. 36. External work shall be admissible for prisoners in closed regime only in service or public works conducted by bodies of direct or indirect government or private entities, provided that precautions are taken against escape and in favor of discipline.

Paragraph 1. The maximum limit of the number of prisoners in the work shall be 10% (ten percent) of the total number of employees.

Paragraph 2. The remuneration of this work shall be the responsibility of the administration body, the entity, or the contractor.

Paragraph 3. The provision of work to the private entity depends on the express consent of the prisoner.

Art. 37. The provision of external work, to be authorized by the administration of the establishment, shall depend on aptitude, discipline, and responsibility, in addition to the minimum fulfillment of 1/6 (one-sixth) of the penalty.

Sole paragraph. The authorization of external work shall be revoked to the prisoner who practices an act defined as a crime, is punished for a serious offense, or presents behavior contrary to the requirements established in this article.

CHAPTER IV

Duties, Rights, and Discipline

SECTION I

Duties

Art. 38. The convict, in addition to the legal obligations inherent to his/her state, shall comply with the rules for the execution of the sentence.

Art. 39. Constitute duties of the convict:

I - disciplined behavior and faithful execution of the sentence;

II - obedience to the server and respect for any person with whom he/she should relate;

III - urbanity and respect in addressing other convicts;

IV - maintain conduct opposite to individual or collective movements of escape or subversion to order or discipline;

V - execution of work, tasks, and orders received;

VI - submission to the disciplinary sanction imposed;

VII - compensation to the victim or its successors;

VIII - compensation to the state, when possible, for the expenses incurred for his/her maintenance, through a proportional discount from the work remuneration;

IX - personal hygiene and cleanliness of the cell or accommodation;

X - conservation of objects for personal use.

Sole paragraph. The provisions of this article shall apply to the provisional prisoner, when applicable.

SECTION II

Rights

Art. 40. All authorities must respect the physical and moral integrity of convicts and provisional prisoners.

Art. 41. Constitute rights of the prisoner:

I - sufficient food and clothing;

II - assignment of work and its remuneration;

III - Social Security;

IV - constitution of savings;

V - proportionality in the distribution of time for work, rest, and leisure;

VI - exercise of previous professional, intellectual, artistic, and sporting activities, provided they are compatible with the execution of the sentence;

VII - material, health, legal, educational, social, and religious assistance;

VIII - protection against any form of sensationalism;

IX - personal and reserved interview with his/her lawyer;

X - visit with his/her spouse, partner, relatives, and friends on specific days;

XI - roll call;

XII - equal treatment, except regarding the requirements of sentence individualization;

XIII - special hearing with the director of the establishment;

XIV - representation and petition to any authority, in defense of rights;

XV - contact with the outside world through written correspondence, reading, and other means of information that do not compromise morals and good customs.

XVI - certificate of penalty to be served, issued annually, under penalty of the responsibility of the competent judicial authority. [\(Included by Law nº 10,713 of 2003\)](#)

Sole paragraph. The rights provided for in items V, X, and XV may be suspended or restricted by a justified act of the director of the establishment.

Art. 42. The provisions of this Section apply to the provisional prisoner and to the one submitted to the security measure, where applicable.

Art. 43. The freedom to hire a doctor of personal trust of the internee or the one undergoing outpatient treatment, by their relatives or dependents, to orient and follow up the treatment is ensured.

Sole paragraph. The differences between the official doctor and the private one shall be resolved by the executing Judge.

SECTION III

Discipline

SUBSECTION I

General Provisions

Art. 44. Discipline consists of collaboration with the order, obedience to the determinations of the authorities and their agents, and work performance.

Sole paragraph. The convicted to imprisonment or restraining of rights and the provisional prisoner are subject to discipline.

Art. 45. There shall be no foul or disciplinary sanction without express and previous legal or regulatory provision.

Paragraph 1. The sanctions may not endanger the physical and moral integrity of the convict.

Paragraph 2. The use of a dark cell is prohibited.

Paragraph 3. Collective sanctions are prohibited.

Art. 46. The convict or denounced shall be made aware of the disciplinary rules at the beginning of the execution of the sentence or imprisonment.

Art. 47. The disciplinary power, in the enforcement of the penalty of imprisonment, shall be exercised by the administrative authority in accordance with the regulatory provisions.

Art. 48. In the enforcement of penalties of restraining of rights, disciplinary power shall be exercised by the administrative authority to which the convict is subject.

Sole paragraph. In serious faults, the authority shall represent the Judge of enforcement for the purposes of article 118, item I, and articles 125, 127, and 181, paragraphs 1, subitem d, and 2 of this Law.

SUBSECTION II

Disciplinary Offenses

Art. 49. Disciplinary offenses are classified into slight, average, and serious. Local legislation shall specify the slight and average offense, as well as the respective sanctions.

Sole paragraph. The attempt shall be punished with the penalty corresponding to the completed offense.

Art. 50. Commits a serious offense the person sentenced to imprisonment who:

I - incites or participates in a movement to subvert order or discipline;

II - escapes;

III - improperly possesses an instrument capable of offending the physical integrity of another;

IV - causes a work accident;

V - fails to comply, in the open regime, with the conditions imposed;

VI - fails to comply with the duties provided for in article 39, items II and V of this Law.

VII - have in their possession, use or supply telephone, radio, or similar device, which allows communication with other prisoners or with the external environment. [\(Included by Law nº 11,466 of 2007\)](#)

VIII - refuse to submit to the genetic profile identification procedure. [\(Included by Law nº 13,964 of 2019\)](#)

Sole paragraph. The provisions of this article shall apply, where appropriate, to the provisional prisoner.

Art. 51. Commits a serious offense the person sentenced to restraining of rights who:

I - unjustifiably fails to comply with the restriction imposed;

II - unjustifiably delays the fulfilment of the obligation imposed;

III - fails to comply with the duties provided for in article 39, items II and V of this Law.

Art. 52. The practice of acts foreseen as an intentional crime constitutes serious offense and, when it causes subversion of the internal order or discipline, shall subject the provisional prisoner, or convict, national or foreign, without prejudice to the criminal sanction, to the differentiated disciplinary regime, with the following characteristics: [\(Wording established by Law nº 13,964 of 2019\)](#)

I - maximum duration of up to 2 (two) years, without prejudice to the repetition of the sanction for new serious offense of the same species; [\(Wording established by law nº 13,964 of 2019\)](#)

II - collection in the individual cell; [\(Wording established by Law nº 13,964 of 2019\)](#)

III - fortnightly visits, of 2 (two) people at a time, to be conducted in facilities equipped to prevent physical contact and the exchange of objects, per person of the family or, in the case of a third party, legally authorized, lasting 2 (two) hours; [\(Wording established by Law nº 13,964 of 2019\)](#)

IV - right of the prisoner to leave the cell for 2 (two) hours daily for sunbathing, in groups of up to 4 (four) prisoners, provided there is no contact with prisoners of the same criminal group; [\(Wording established by Law nº 13,964 of 2019\)](#)

V - interviews always monitored, except those with the prisoner's defender, in facilities equipped to prevent physical contact and the exchange of objects, unless expressly authorized by the court; [\(Included by Law nº 13,964 of 2019\)](#)

VI - supervision of the correspondence content; [\(Included by Law nº 13,964 of 2019\)](#)

VII - participation in judicial hearings preferably by video-conference, ensuring the participation of the defender in the same environment as the prisoner. [\(Included by Law nº 13,964 of 2019\)](#)

Paragraph 1. The differentiated disciplinary regime shall also be applied to provisional or convicted prisoners, national or foreign: [\(Wording established by Law nº 13,964 of 2019\)](#)

I - who present a high risk to the order and security of the criminal establishment or society; [\(Included by Law nº 13,964 of 2019\)](#)

II - for whom there are well-founded suspicions of involvement or participation, in any capacity, in a criminal organization, criminal association, or private militia, regardless of the practice of serious offense. [\(Included by Law nº 13,964 of 2019\)](#)

Paragraph 2. (Repealed). [\(Wording established by Law nº 13,964 of 2019\)](#)

Paragraph 3. If there are indications that the prisoner exercises leadership in a criminal organization, criminal association, or private militia, or that he/she has criminal activity in 2 (two) or more states of the Federation, the differentiated disciplinary regime shall be fulfilled in a federal penitentiary establishment. [\(Included by Law nº 13,964 of 2019\)](#)

Paragraph 4. In the case of the previous paragraphs, the differentiated disciplinary regime may be extended successively for periods of 1 (one) year, there being indications that the prisoner: [\(Included by Law nº 13,964 of 2019\)](#)

I - continues to present a high risk to the order and security of the criminal establishment or society; [\(Included by Law nº 13,964 of 2019\)](#)

II - maintains links with criminal organizations, criminal associations, or private militia, also considering the criminal profile and the role played in the criminal group, the lasting operation of the

group, the supervenience of new criminal cases, and the results of penitentiary treatment. [\(Included by Law nº 13,964 of 2019\)](#)

Paragraph 5. In the case provided for in paragraph 3 of this article, the differentiated disciplinary regime must have high internal and external security, especially regarding the need to avoid contact of the prisoner with members of his/her criminal organization, criminal association, or private militia, or rival groups. [\(Included by Law nº 13,964 of 2019\)](#)

Paragraph 6. The visit referred to in item III of the head provision of this article shall be recorded in audio or audio and video system and, with judicial authorization, monitored by a penitentiary officer. [\(Included by Law nº 13,964 of 2019\)](#)

Paragraph 7. After the first 6 (six) months of differentiated disciplinary regime, the prisoner who does not receive the visit referred to in item III of the head provision of this article may, after prior appointment, have telephone contact, which shall be recorded, with a person of the family, 2 (two) times a month and for 10 (ten) minutes. [\(Included by Law nº 13,964 of 2019\)](#)

SUBSECTION III

Sanctions and Rewards

Art. 53. Constitute disciplinary sanctions:

I - verbal warning;

II - reprimand;

III - suspension or restriction of rights (article 41, sole paragraph);

IV - isolation in the cell, or in an appropriate location, in establishments that have collective housing, observing the provisions of article 88 of this Law.

V - inclusion in the differentiated disciplinary regime. [\(Included by Law nº 10,792 of 2003\)](#)

Art. 54. The sanctions of items I to IV of article 53 shall be applied by reasoned act of the director of the establishment and that of item V, by prior and reasoned order of the competent judge. [\(Wording established by Law nº 10,792 of 2003\)](#)

Paragraph 1. The authorization for the inclusion of the prisoner in the disciplinary regime shall depend on a detailed application drawn up by the director of the establishment or other administrative authority. [\(Included by Law nº 10,792 of 2003\)](#)

Paragraph 2. The judicial decision on the inclusion of prisoners in a disciplinary regime shall be preceded by a manifestation by the Public Prosecutor's Office and the defense and delayed for a maximum period of fifteen days. [\(Included by Law nº 10,792 of 2003\)](#)

Art. 55. The rewards aim to recognize good behavior in favor of the convict, his/her collaboration with the discipline, and his/her dedication to work.

Art. 56. The following are rewards:

I - a praise;

II - the granting of benefits.

Sole paragraph. Local legislation and regulations shall establish the nature and form of granting of benefits.

SUBSECTION IV

Application of Sanctions

Art. 57. The nature, motives, reasons, and circumstances of the fact, and the offender and his/her time in prison shall be considered in the application of disciplinary sanctions. [\(Wording established by Law nº 10,792, of 2003\)](#)

Sole paragraph. The penalties provided for in items III to V of article 53 of this Law apply to serious offenses. [\(Wording established by Law nº 10,792 of 2003\)](#)

Art. 58. The isolation, suspension, and restraining of rights may not exceed thirty days, except for the possibility of a differentiated disciplinary regime. [\(Wording established by Law nº 10,792 of 2003\)](#)

Sole paragraph. Isolation shall always be communicated to the enforcement Judge.

SUBSECTION V

Disciplinary Procedure

Art. 59. After performing a disciplinary offense, the procedure for its determination should be instituted, according to the regulation, ensuring the right of defense.

Sole paragraph. The decision shall be justified.

Art. 60. The administrative authority may decree the preventive isolation of the offender for up to ten days. The inclusion of the prisoner in the differentiated disciplinary regime, in the interest of discipline and the investigation of the fact, shall depend on the order of the competent Judge. [\(Wording established by Law nº 10,792 of 2003\)](#)

Sole paragraph. The time of isolation or preventive inclusion in the differentiated disciplinary regime shall be computed to the period of compliance with the disciplinary sanction. [\(Wording established by Law nº 10,792 of 2003\)](#)

TITLE III

Bodies of Criminal Enforcement

CHAPTER I

General Provisions

Art. 61. The following are bodies of criminal enforcement:

I - National Council for Criminal and Penitentiary Policy;

II - Court of Enforcement;

III - Public Prosecutor's Office;

IV - Penitentiary Council;

V - Penitentiary Departments;

VI - Patronage;

VII - Community Council; and

VIII - The Public Defender's Office. [\(Included by Law nº 12,313 of 2010\).](#)

CHAPTER II

National Council for Criminal and Penitentiary Policy

Art. 62. The National Council for Criminal and Penitentiary Policy, based in the Capital of the Republic, is subordinate to the Ministry of Justice.

Art. 63. The National Council of Criminal and Penitentiary Policy shall be composed of 13 (thirteen) members appointed by an act of the Ministry of Justice, among professors and professionals in the field of Criminal, Criminal Procedure, Penitentiary Law and related sciences, as well as representatives of the community and ministries of the social field.

Sole paragraph. The term of office of the members of the Council shall be 2 (two) years, renewed 1/3 (one third) in each year.

Art. 64. The National Council for Criminal and Penitentiary Policy, in the exercise of its activities, at the federal or state level, shall:

I - propose criminal policy guidelines on the prevention of crime, the administration of Criminal Justice, and the enforcement of sentences and security measures;

II - contribute to the elaboration of national development plans and suggest the goals and priorities of the criminal and penitentiary policy;

III - promote the periodic evaluation of the criminal system to adapt to the needs of the Country;

IV - stimulate and promote criminological research;

V - develop the national penitentiary program for training and improvement of the employee;

VI - propose rules on the architecture and construction of criminal establishments and shelters;

VII - establish the criteria for the preparation of criminal statistics;

VIII - inspect and monitor criminal establishments and remain informed on the development of criminal enforcement in the states and Federal District through reports of the penitentiary council, requests, visits, or any other means, and propose to the authorities in charge the necessary measures for its improvement;

IX - represent the enforcement Judge or the administrative authority for the initiation of syndication or administrative proceedings, in the event of violation of rules relating to criminal enforcement;

X - represent the competent authority for the interdiction, in whole or in part, of a criminal establishment.

CHAPTER III

Court of Enforcement

Art. 65. Criminal enforcement shall be the responsibility of the Judge indicated in the local law of judicial organization and, in his/her absence, the sentencing Judge.

Art. 66. The enforcement Judge shall:

I - apply a posterior law that in any way favor the convict to the cases tried;

II - declare the punishability extinct;

III - decide on:

a) addition or unification of penalties;

b) progression or regression of regimes;

c) deduction and remission of penalty;

d) conditional suspension of sentence;

e) conditional release;

f) enforcement incidents.

IV - authorize temporary exits;

V - determine:

a) the form of compliance with the restraining of rights and monitor its enforcement;

b) the conversion of the restraining of rights and fine into imprisonment;

c) the conversion of the imprisonment sentence into restraining of rights;

d) the application of the safety measure and the replacement of the penalty for a safety measure;

e) the repeal of the security measure;

f) the suspension of internment and restoration of the previous situation;

g) the execution of a sentence or security measure in another judicial district;

h) the removal of the convict in the case provided for in paragraph 1 of article 86 of this Law.

i) [\(VETOED\)](#); [\(Included by Law nº 12,258 of 2010\)](#)

VI - ensure the correct fulfillment of the penalty and security measure;

VII - monthly inspect the criminal establishments, making arrangements for their proper functioning and promoting, when appropriate, the determination of responsibility;

VIII - interdict, in whole or in part, criminal establishment operating in inadequate conditions or in violation of the provisions of this Law;

IX - compose and install the Community Council.

X - annually issue a certificate of penalty to be served. [\(Included by Law nº 10,713 of 2003\)](#)

CHAPTER IV

Public Prosecutor's Office

Art. 67. The Public Prosecutor's Office shall monitor the enforcement of the sentence and security measure, officiating in the executive process and in the enforcement incidents.

Art. 68. The Public Prosecutor's Office shall also:

I - supervise the formal regulation of the collection and internment guides;

II - require:

- a) all measures necessary for the development of the executive procedure;
 - b) the establishment of incidents of excess or deviation from enforcement;
 - c) the application of the safety measure and the replacement of the penalty for a safety measure;
 - d) the repeal of the security measure;
 - e) the conversion of sentences, the progression or regression in the regimes, and the repeal of the conditional suspension of the sentence and conditional release;
 - f) the suspension of internment and restoration of the previous situation;
- III - interpose decisions made by the judicial authority during the enforcement.

Sole paragraph. The Public Prosecutor's Office shall visit the criminal establishments monthly, registering their presence in an appropriate book.

CHAPTER V

Penitentiary Council

Art. 69. The Penitentiary Council is an advisory body and supervises the sentence enforcement.

Paragraph 1. The Council shall be composed of members appointed by the Governor of the State, the Federal District, and the territories, among professors and professionals in the field of Criminal, Criminal Procedure, and Penitentiary Law and related sciences, as well as representatives of the community. Federal and State legislation shall regulate its operation.

Paragraph 2. The term of office of the members of the Penitentiary Council shall be of 4 (four) years.

Art. 70. The Penitentiary Council shall:

I - issue an opinion on a pardon and commutation of sentence, except for the possibility of request for pardon based on the state of the prisoner's health; [Wording established by Law nº 10,792 of 2003](#)

II - inspect the criminal establishments and services;

III - present a report of the work conducted in the previous year, in the first quarter of each year, to the National Council for Criminal and Penitentiary Policy;

IV - supervise employers and assist egresses.

CHAPTER VI

Penitentiary Departments

SECTION I

National Penitentiary Department

Art. 71. The National Penitentiary Department, subordinate to the Ministry of Justice, is the executive body of the national penitentiary policy and administrative and financial support of the National Council of Criminal and Penitentiary Policy.

Art. 72. The National Penitentiary Department shall:

I - monitor the faithful application of criminal enforcement rules throughout the National Territory;

II - periodically inspect and supervise criminal establishments and services;

III - technically assist the Federative Units in the implementation of the principles and rules established in this Law;

IV - collaborate with Federative Units through agreements, in the implementation of criminal establishments and services;

V - collaborate with the Federative Units to conduct training programs for penitentiary personnel and vocational education of convicts and internees.

VI - establish, through agreements with the Federative Units, the national register of vacancies in local establishments intended for the fulfillment of imprisonment sentences applied by the justice of another Federative Unit, especially for prisoners subject to disciplinary regime. [\(Included by Law nº 10,792 of 2003\)](#)

VII - monitor the sentence enforcement of women benefited by the special progression covered by paragraph 3 of article 112 of this Law, monitoring their social integration and the occurrence of recidivism, specific or not, through periodic evaluations and criminal statistics. [\(Included by Law nº 13,769 of 2018\)](#)

Paragraph 1. The Department shall also coordinate and supervise the federal criminal and internment establishments. [\(Wording established by Law nº 13,769 of 2018\)](#)

Paragraph 2. The results obtained through the monitoring and periodic evaluations provided for in item VII of the head provision of this article shall be used to evaluate the possible needlessness of the closed regime of sentence enforcement for these women in cases of crimes committed without violence or serious threat, depending on the effectiveness of the special progression for the resocialization of women addressed in paragraph 3 of article 112 of this Law. [\(Included by Law nº 13,769 of 2018\)](#)

SECTION II

Local Penitentiary Department

Art. 73. The local legislation may create a Penitentiary Department or similar body, with the tasks it establishes.

Art. 74. The purpose of the Local Penitentiary Department, or similar body, is to supervise and coordinate the criminal establishments of the Federation Unit to which it belongs.

Sole paragraph. The bodies referred to in the head provision of this article shall conduct the monitoring referred to in item VII of the head provision of article 72 of this Law and shall forward to the National Penitentiary Department the results obtained. [\(Included by Law nº 13,769 of 2018\)](#)

SECTION III

Administration and Staff of the Criminal Establishments

Art. 75. The occupant of the post of establishment director shall meet the following requirements:

I - be holder of a higher education diploma of Law, Psychology, Social Sciences, Pedagogy, or Social Services;

II - have administrative experience in the area;

III - have moral idoneity and recognized aptitude for the performance of the function.

Sole paragraph. The director must reside in the establishment, or in the vicinity, and shall devote full time to his/her role.

Art. 76. The Penitentiary Staff shall be organized into different functional categories, according to the needs of the service, with the specification of assignments regarding the functions of direction, leadership, and advice of the establishment and other functions.

Art. 77. The choice of administrative, specialized, technical instruction, and surveillance personnel shall meet the vocation, professional preparation, and personal background of the candidate.

Paragraph 1. The entry of penitentiary staff and the progression or functional ascension shall depend on specific training courses, proceeding to the periodic retraining of the serving staff.

Paragraph 2. Only the work of female personnel is allowed in the establishment for women, except when it concerns specialized technical personnel.

CHAPTER VII

Patronage

Art. 78. Public or private patronage is intended to provide assistance to those in care and to egresses (article 26).

Art. 79. The Patronage shall also:

I - orient those sentenced to restraining of rights;

II - supervise compliance with community service and weekend limitation penalties;

III - collaborate in the supervision of compliance with the conditions of suspension and conditional release.

CHAPTER VIII

Community Council

Art. 80. There shall be, in each judicial district, a Community Council composed of, at least, one representative of commercial or industrial association, one lawyer appointed by the Section of the Brazilian Bar Association, one Public Defender appointed by the General Public Defender, and one social worker chosen by the Sectional Police of the National Council of Social Workers. [\(Wording established by Law nº 12,313 of 2010\).](#)

Sole paragraph. In the absence of the representation provided for in this article, the enforcement Judge shall choose the members of the Council.

Art. 81. The Community Council shall:

I - visit, at least monthly, the criminal establishments of the judicial district;

II - interview prisoners;

III - submit monthly reports to the enforcement Judge and Penitentiary Council;

IV - diligently obtain material and human resources to better assist prisoners or internees, in harmony with the administration of the establishment.

CHAPTER IX

PUBLIC DEFENDER'S OFFICE.

[\(Included by Law nº 12,313 of 2010\).](#)

Art. 81-A. The Public Defender shall ensure the regular execution of the sentence and security measure, officiating, in the executive process and in the enforcement incidents, for the defense of the needy in all degrees and instances, individually and collectively. [\(Included by Law nº 12,313 of 2010\).](#)

Art. 81-B. The Public Defender shall also: [\(Included by Law nº 12,313 of 2010\)](#)

I - request: [\(Included by Law nº 12,313 of 2010\)](#)

a) all measures necessary for the development of the executive process; [\(Included by Law nº 12,313 of 2010\).](#)

b) the application to the tried cases of subsequent law that in any way favor the convict; [\(Included by Law nº 12,313 of 2010\).](#)

c) the declaration of extinction of the punishability; [\(Included by Law nº 12,313 of 2010\).](#)

d) the unification of penalties; [\(Included by Law nº 12,313 of 2010\).](#)

e) the deduction and remission of the penalty; [\(Included by Law nº 12,313 of 2010\).](#)

f) the establishment of incidents of excess or deviation from execution; [\(Included by Law nº 12,313 of 2010\).](#)

g) the application of a security measure and its repeal, as well as the replacement of the penalty by a security measure; [\(Included by Law nº 12,313 of 2010\).](#)

h) the conversion of sentences, the progression in the regimes, the conditional suspension of the sentence, the conditional release, the commutation of sentence, and the pardon; [\(Included by Law nº 12,313 of 2010\).](#)

i) the authorization of temporary exits; [\(Included by Law nº 12,313 of 2010\).](#)

j) the internment, suspension of internment, and the restoration of the previous situation; [\(Included by Law nº 12,313 of 2010\).](#)

k) the fulfillment of a sentence or security measure in another judicial district; [\(Included by Law nº 12,313 of 2010\).](#)

l) the removal of the convict in the case provided for in paragraph 1 of article 86 of this Law; [\(Included by Law nº 12,313 of 2010\).](#)

II - require the annual issuance of the certificate of penalty to be served; [\(Included by Law nº 12,313 of 2010\).](#)

III - interpose appeals to decisions made by the judicial or administrative authority during the execution; [\(Included by Law nº 12,313 of 2010\).](#)

IV - represent the enforcement Judge or the administrative authority for the initiation of syndication or administrative proceedings, in the event of violation of rules relating to criminal enforcement; [\(Included by Law nº 12,313 of 2010\).](#)

V - visit the criminal establishments, making arrangements for the proper functioning, and request, when appropriate, the determination of responsibility; [\(Included by Law nº 12,313 of 2010\).](#)

VI - request the competent authority to interdict, in whole or in part, the criminal establishment. [\(Included by Law nº 12,313 of 2010\).](#)

Sole paragraph. The Public Defender's Office shall periodically visit the criminal establishments, recording their presence in an appropriate book. [\(Included by Law nº 12,313 of 2010\).](#)

TITLE IV

Criminal Establishments

CHAPTER I

General Provisions

Art. 82. The criminal establishments are intended for the convict, the subject of the security measure, the provisional prisoner, and the egress.

Paragraph 1. The woman and the person over sixty years of age shall, separately, be collected at their own establishment, appropriate to their personal condition. [\(Wording established by Law nº 9,460 of 1997\)](#)

Paragraph 2. The same architectural ensemble may house establishments of different destinations provided they are properly isolated.

Art. 83. The criminal establishment should have in its premises, according to its nature, areas and services intended to provide assistance, education, work, leisure, and sports practice.

Paragraph 1. There shall be an installation intended for internship of university students. [\(Renumbered by Law nº 9,046 of 1995\)](#)

Paragraph 2. The criminal establishments intended for women shall have a nursery, where convicts can take care of their children, including breast-feeding them, at least up to 6 (six) months of age. [\(Wording established by Law nº 11,942 of 2009\)](#)

Paragraph 3. The establishments addressed by paragraph 2 of this article must have exclusively female agents in the security of their internal dependencies. [\(Included by Law nº 12,121 of 2009\).](#)

Paragraph 4. Classrooms shall be installed for basic and vocational education programs. [\(Included by Law nº 12,245 of 2010\)](#)

Paragraph 5. There shall be a facility for the Public Defender. [\(Included by Law nº 12,313 of 2010\).](#)

Art. 83-A. Accessory, instrumental, or complementary material activities conducted in criminal establishments may be the object of indirect execution, notably: [\(Included by Law nº 13,190 of 2015\).](#)

I - conservation, cleaning, computer, catering, gatehouse, reception, reprography, telecommunications, laundry, and building, facilities, and internal and external equipment maintenance services; [\(Included by Law nº 13,190 of 2015\).](#)

II - services related to the execution of work by the prisoner. [\(Included by Law nº 13,190 of 2015\).](#)

Paragraph 1. The indirect execution shall be conducted under the supervision and monitoring of the public authority. [\(Included by Law nº 13,190 of 2015\).](#)

Paragraph 2. The services related in this article may include the supply of materials, equipment, machines, and professionals. [\(Included by Law nº 13,190 of 2015\).](#)

Art. 83-B. Are indelible the functions of direction, leadership, and coordination within the criminal system, as well as all activities that require the exercise of police power, and notably: [\(Included by Law nº 13,190 of 2015\).](#)

I - classification of convicts; [\(Included by Law nº 13,190 of 2015\).](#)

II - application of disciplinary sanctions; [\(Included by Law nº 13,190 of 2015\).](#)

III - control of rebellions; [\(Included by Law nº 13,190 of 2015\).](#)

IV - transport of prisoners to organs of the Judiciary, hospitals, and other places outside criminal establishments. [\(Included by Law nº 13,190 of 2015\).](#)

Art. 84. The provisional prisoner shall be separated from the convict by *res judicata* sentence.

Paragraph 1. The provisional prisoners shall be separated according to the following criteria: [\(Wording established by Law nº 13,167 of 2015\).](#)

I - accused for the commission of heinous crimes or equivalent; [\(Included by Law nº 13,167 of 2015\)](#)

II - accused for the commission of crimes committed with violence or serious threat to the person; [\(Included by Law nº 13,167 of 2015\)](#)

III - accused for the commission of other crimes or misdemeanors other than those indicated in items I and II. [\(Included by Law nº 13,167 of 2015\)](#)

Paragraph 2. The prisoner who, at the time of the fact, was an employee of the Criminal Justice Administration shall remain in a separate dependence.

Paragraph 3. The convicted prisoners shall be separated according to the following criteria: [\(Included by Law nº 13,167 of 2015\)](#)

I - convicted of the commission of heinous crimes or equivalent; [\(Included by Law nº 13,167 of 2015\)](#)

II - recidivist offenders convicted of the commission of crimes committed with violence or serious threat to the person; [\(Included by Law nº 13,167 of 2015\)](#)

III - first offender convicted of the commission of crimes committed with violence or serious threat to the person; [\(Included by Law nº 13,167 of 2015\)](#)

IV - others convicted of the commission of other crimes or misdemeanors in a situation other than those provided for in items I, II, and III. [\(Included by Law nº 13,167 of 2015\)](#)

Paragraph 4. The prisoner who has his/her physical, moral, or psychological integrity threatened by living with the other prisoners shall be segregated in his/her own place. [\(Included by Law nº 13,167 of 2015\)](#)

Art. 85. The criminal establishment must have a capacity compatible with its structure and purpose.

Sole paragraph. The National Council of Criminal and Penitentiary Policy shall determine the maximum capacity limit of the establishment, considering its nature and specificities.

Art. 86. Custodial sentences imposed by the Justice of one Federative Unit may be conducted in another unit, in a local establishment or of the Union.

Paragraph 1. The Federal Union may build a criminal establishment in a place far from the conviction to collect convicts, when the measure is justified in the interest of public safety or of the convict him/herself. [\(Wording established by Law nº 10,792 of 2003\)](#)

Paragraph 2. Freedmen or egresses who are engaged in public works or the use of idle land may work in the establishment depending on its nature.

Paragraph 3. The competent Judge shall define the appropriate criminal establishment to house the provisional or convicted prisoner, at the request of the administrative authority, considering the regime and the requirements established. [\(Included by Law nº 10,792 of 2003\)](#)

CHAPTER II

Penitentiary

Art. 87. The penitentiary is intended for those sentenced to imprisonment in a closed regime.

Sole paragraph. The Federal Union, the states, the Federal District, and the territories may build penitentiaries intended exclusively for provisional and convicted prisoners who are in a closed regime,

subject to the differentiated disciplinary regime, in accordance with article 52 of this Law. [\(Included by Law nº 10,792 of 2003\)](#)

Art. 88. The convict shall be housed in an individual cell that shall contain dormitory, sanitary apparatus, and washbasin.

Sole paragraph. The following are basic requirements of the cell unit:

a) healthiness of the environment by competition of aeration, insolation, and thermal conditioning factors adequate to human existence;

b) minimum area of 6.00 m² (six square meters).

Art. 89. In addition to the requirements referred to in article 88, the women's penitentiary shall be equipped with a section for pregnant and parturient women and a daycare center to house children over 6 (six) months and under 7 (seven) years, with the purpose of assisting the helpless child whose guardian is imprisoned. [\(Wording established by Law nº 11,942 of 2009\)](#)

Sole paragraph. Basic requirements of the section and daycare referred to in this article are: [\(Included by Law nº 11,942 of 2009\)](#)

I - care by qualified personnel, according to the guidelines adopted by the educational legislation and in autonomous units; and [\(Included by Law nº 11,942 of 2009\)](#)

II - opening hours that ensure the best assistance to the child and his/her guardian. [\(Included by Law nº 11,942 of 2009\)](#)

Art. 90. The men's penitentiary shall be built at a location far from the urban center, at a distance that does not restrict visitation.

CHAPTER III

Agricultural, Industrial, or Similar Colony

Art. 91. The Agricultural, Industrial, or Similar Colony is intended for serving the sentence in a semi-open regime.

Art. 92. The convict may be housed in a collective compartment, subject to the requirements of subitem "a", sole paragraph, of article 88 of this Law.

Sole paragraph. The following are also basic requirements of collective dependencies:

a) proper selection of prisoners;

b) the maximum capacity limit that meets the objectives of individualization of the penalty.

CHAPTER IV

Housing

Art. 93. Housing is intended for the execution of a custodial sentence, in open regime, and the weekend limitation penalty.

Art. 94. The building should be located in an urban center, separated from other establishments, and characterized by the absence of physical obstacles against escape.

Art. 95. There shall be at least one housing in each region, which must contain, in addition to the rooms to accommodate prisoners, suitable place for programs and lectures.

Sole paragraph. The establishment shall have facilities for the supervision and guidance services of convicts.

CHAPTER V

Observation Centre

Art. 96. The general and criminological examinations shall take place in the Observation Centre, the results of which shall be forwarded to the Technical Classification Commission.

Sole paragraph. Criminological research can be conducted at the Centre.

Art. 97. The Observation Centre shall be installed in an autonomous unit or attached to a criminal establishment.

Art. 98. The examinations may be conducted by the Technical Classification Commission, in the absence of the Observation Centre.

CHAPTER VI

Custody Psychiatric Treatment Hospital

Art. 99. The Custody and Psychiatric Treatment Hospital is intended for persons with criminal capacity and semi-criminal capacity referred to in article 26 and its sole paragraph of the Brazilian Criminal Code.

Sole paragraph. The provisions of the sole paragraph of article 88 of this Law shall apply to the Hospital.

Art. 100. The psychiatric examination and other examinations necessary for treatment are mandatory for all internees

Art. 101. Outpatient treatment, provided for in article 97, second part, of the Brazilian Criminal Code, shall be conducted in the Custody and Psychiatric Treatment Hospital or in another location with adequate medical dependence.

CHAPTER VII

Public Jail

Art. 102. The Public Jail is intended for the collection of provisional prisoners.

Art. 103. Each judicial district shall have at least 1 (one) Public Jail to protect the interest of the Administration of Criminal Justice and the stay of the prisoner in a place close to his/her social and family environment.

Art. 104. The establishment addressed in this chapter shall be installed near the urban center, observing the minimum requirements referred to in article 88 and its sole paragraph of this Law for its construction.

TITLE V

Enforcement of Penalties in Kind

CHAPTER I

Imprisonment

SECTION I

General Provisions

Art. 105. Having a *res judicata* sentence of imprisonment, if the defendant is or will be arrested, the judge shall order the dispatch of collection guide for the execution.

Art. 106. The collection guide, drawn up by the scribe, who shall initial all sheets and sign it with the Judge, shall be sent to the administrative authority responsible for enforcement and shall contain:

I - the name of the convict;

II - his/her civil qualification and the number of the general registration in the official identification body;

III - the entire content of the complaint and the conviction, as well as the certificate of *res judicata*;

IV - the information regarding his/her background and the degree of Education;

V - the date of termination of the sentence;

VI - other parts of the procedure considered indispensable for proper penitentiary treatment.

Paragraph 1. The Public Prosecutor's Office shall be informed of the collection guide.

Paragraph 2. The collection guide shall be rectified whenever there is a change regarding the beginning of the execution or the length of the sentence.

Paragraph 3. If the convict, at the time of the fact, was an employee of the Administration of Criminal Justice, mention of this circumstance shall be made in the guide, for the purposes of the provisions of paragraph 2, of article 84, of this Law.

Art. 107. No one shall be collected, for the enforcement of imprisonment, without the guide issued by the judicial authority.

Paragraph 1. The administrative authority responsible for the enforcement shall receive the collection guide to add it to the records of the proceedings, and shall inform the convict of its terms.

Paragraph 2. The collection guides shall be recorded in a special book, according to the chronological order of receipt, and attached to the record of the convicted adding, in the course of execution, the calculation of the remissions and other subsequent rectifications.

Art. 108. The convict who suffers mental illness shall be interned in a Custody and Psychiatric Treatment Hospital.

Art. 109. Once the sentence has been served or terminated, the convict shall be released, by order of the Judge, if for another reason he/she is not imprisoned.

SECTION II

Regimes

Art. 110. The Judge shall establish the regime in which the convict shall begin the execution of imprisonment, in the sentence, observing the provisions of article 33 and its paragraphs of the Brazilian Criminal Code.

Art. 111. When there is a conviction for more than one crime, in the same procedure or in different procedures, the determination of the enforcement regime shall consist of the sum or unification of the sentences, observing, where appropriate, the deduction or remission.

Sole paragraph. If convicted in the course of execution, the sentence shall be added to the rest of the one being served, for the determination of the regime.

Art. 112. The imprisonment sentence shall be conducted in a progressive manner, with the transfer to less strict regime, to be determined by the Judge, when the prisoner has served at least: [\(Wording established by Law nº 13,964, of 2019\)](#)

I - 16% (sixteen percent) of the penalty, if the convict is a first offender and the crime has been committed without violence or serious threat to the person; [\(Included by Law nº 13,964 of 2019\)](#)

II - 20% (twenty percent) of the penalty, if the convict is a recidivist offender in a crime committed without violence or serious threat to the person; [\(Included by Law nº 13,964 of 2019\)](#)

III - 25% (twenty-five percent) of the penalty, if the convict is a first offender and the crime has been committed with the use of violence or serious threat to the person; [\(Included by Law nº 13,964 of 2019\)](#)

IV - 30% (thirty percent) of the penalty, if the convict is a recidivist offender in a crime committed with the use of violence or serious threat to the person; [\(Included by Law nº 13,964 of 2019\)](#)

V - 40% (forty percent) of the penalty, if the convict a first offender convicted of the commission of a heinous crime or equivalent; [\(Included by Law nº 13,964 of 2019\)](#)

VI - 50% (fifty percent) of the penalty, if the convict is: [\(Included by Law nº 13,964 of 2019\)](#)

a) a first offender convicted of the commission of a heinous crime or equivalent, resulting in death, prohibited conditional release; [\(Included by Law nº 13,964 of 2019\)](#)

b) convicted of exercising the command, individual or collective, of a structured criminal organization for the commission of a heinous crime or equivalent; or [\(Included by Law nº 13,964 of 2019\)](#)

c) convicted of the crime of organizing a private militia; [\(Included by Law nº 13,964 of 2019\)](#)

VII - 60% (sixty percent) of the penalty, if the convict a recidivist offender convicted of the commission of a heinous crime or equivalent; [\(Included by Law nº 13,964 of 2019\)](#)

VIII - 70% (seventy percent) of the penalty, if the convict is a recidivist offender in a heinous crime or equivalent with a death result, prohibited conditional release. [\(Included by Law nº 13,964 of 2019\)](#)

Paragraph 1. In all cases, the convict shall only be entitled to the progression of the regime if he/she has good prison conduct, proven by the director of the establishment, in compliance with the rules that prohibit the progression. [\(Wording established by Law nº 13,964 of 2019\)](#)

Paragraph 2. The Judge's decision determining the progression of the regime shall always be justified and preceded by the manifestation of the Public Prosecutor's Office and the defender, a procedure that shall also be adopted in the granting of conditional release, pardon, and commutation of penalties, respecting the deadlines provided for in the legislation in force. [\(Wording establishment by Law nº 13,964 of 2019\)](#)

Paragraph 3. In the case of a pregnant woman or a mother or guardian of children or persons with disabilities, the requirements for progression of the regime are, cumulatively: [\(Included by Law nº 13,769 of 2018\)](#)

I - not have committed a crime with violence or serious threat to the person; [\(Included by Law nº 13,769 of 2018\)](#)

II - not have committed the crime against her/his child or dependent; [\(Included by Law nº 13,769 of 2018\)](#)

III - have served at least 1/8 (one eighth) of the sentence in the previous regime; [\(Included by Law nº 13,769 of 2018\)](#)

IV - be a first offender and have good prison behavior, proven by the director of the establishment;
[\(Included by Law nº 13,769 of 2018\)](#)

V - not have integrated criminal organization. [\(Included by Law nº 13,769 of 2018\)](#)

Paragraph 4. The commission of a new intentional crime or serious offense shall entail the revocation of the benefit provided for in paragraph 3 of this article. [\(Included by Law nº 13,769 of 2018\)](#)

Paragraph 5. The crime of drug trafficking provided for in [paragraph 4 of article 33 of Law nº 11,343 of August 23rd, 2006](#) is not considered heinous or equivalent for the purposes of this article. [\(Included by Law nº 13,964 of 2019\)](#)

Paragraph 6. The commission of a serious offense during the execution of imprisonment interrupts the term for obtaining the progression in the regime of execution of the sentence, in which case the restart of the counting of the objective requirement shall be based on the remaining sentence. [\(Included by Law nº 13,964 of 2019\)](#)

Paragraph 7. (VETOED). [\(Included by Law nº 13,964 of 2019\)](#)

Art. 113. The admission of the convict in open regime presupposes the acceptance of his/her program and the conditions imposed by the Judge.

Art. 114. The convicted person can only enter the open regime when he/she:

I - is working or proves the possibility of doing so immediately;

II - presents, through his/her background or result of the examinations undergone, substantiated indications that he/she will adjust, with self-discipline and sense of responsibility, to the new regime.

Sole paragraph. The persons referred to in article 117 of this Law may be exempted from work.

Art. 115. The Judge may establish special conditions for granting an open regime, without prejudice to the following general and mandatory conditions:

I - remain in the designated location, during rest and days off;

II - leave for work and return, at fixed times;

III - not be absent from the city he/she resides, without judicial authorization;

IV - appear in court, to inform and justify his/her activities, when determined.

Art. 116. The Judge may change the conditions established, *ex officio*, at the request of the Public Prosecutor's Office, the administrative authority, or the convict, provided that circumstances so recommend.

Art. 117. The collection of the beneficiary of open regime in private residence shall only be admitted when concerning:

I - convict over 70 (seventy) years of age;

II - convict suffering from serious illness;

III - convict with minor or physically or mentally disabled child;

IV - pregnant convict.

Art. 118. The enforcement of imprisonment shall be subject to the regressive form, with the transfer to any of the strictest regimes, when the convict:

I - commissions a fact defined as intentional crime or serious offense;

II - undergo a conviction for a previous crime, the penalty of which, added to the rest of the sentence in execution, renders the regime unacceptable (article 111).

Paragraph 1. The convict shall be transferred from the open regime if, in addition to the cases referred to in the previous paragraphs, he/she fails to fulfil the purposes of the execution or pay the cumulatively imposed fine.

Paragraph 2. In the cases of item I and the previous paragraph, the convict must be heard in advance.

Art. 119. The local legislation may establish additional rules for the enforcement of imprisonment in an open regime (article 36, paragraph 1, of the Brazilian Criminal Code).

SECTION III

Exit Authorizations

SUBSECTION I

Exit Permission

Art. 120. Convicts serving time in a closed or semi-open regime and provisional prisoners may obtain permission to exit the establishment, by escort, when one of the following events occurs:

I - death or serious illness of spouse, partner, ascendant, descendant, or sibling;

II - need for medical treatment (sole paragraph of article 14).

Sole paragraph. The permission to exit shall be granted by the director of the institution in which the prisoner is serving his/her sentence.

Art. 121. The prisoner's stay outside the establishment shall be for the duration necessary for the purpose of the exit.

SUBSECTION II

Temporary Exit

Art. 122. Convicts serving time in semi-open regime may obtain authorization for temporary exit from the establishment, without direct supervision, in the following cases:

I - family visit;

II - attendance at a vocational supplementary program and instruction of the 2nd degree or higher, in the judicial district of the Execution Sentence;

III - participation in activities that contribute to the return to social life.

Paragraph 1. The absence of direct surveillance does not prevent the use of electronic monitoring equipment by the convict when so determined by the enforcement Judge. [\(Wording established by Law nº 13,964 of 2019\)](#)

Paragraph 2. The convict who is serving a sentence for committing a heinous crime resulting in death shall not be entitled to the temporary exit referred to in the head provision of this article. [\(Included by Law nº 13,964 of 2019\)](#)

Art. 123. The authorization shall be granted by a justified act of the enforcement Judge, after hearing the Public Prosecutor's Office and the prison administration, and will depend on the satisfaction of the following requirements:

I - appropriate behavior;

II - minimum execution of 1/6 (one sixth) of the sentence, if the convict is a first offender, and 1/4 (one fourth), if a recidivist offender;

III - compatibility of the benefit with the goals of the penalty.

Art. 124. The authorization shall be granted for a period not exceeding 7 (seven) days and may be renewed for a further 4 (four) times during the year.

Paragraph 1. When granting temporary exit, the Judge shall impose on the beneficiary the following conditions, among others that he/she considers compatible with the circumstances of the case and the personal situation of the convict: [\(Included by Law nº 12,258 of 2010\)](#)

I - provision of the address where the family to be visited resides or where it can be found during the enjoyment of the benefit; [\(Included by Law nº 12,258 of 2010\)](#)

II - collection to the visited residence during the night period; [\(Included by Law nº 12,258 of 2010\)](#)

III - prohibition of attending bars, nightclubs, and similar establishments. [\(Included by Law nº 12,258 of 2010\)](#)

Paragraph 2. When concerning the attendance to a vocational, high school, or higher education program, the time of departure shall be that necessary for the fulfillment of student activities. [\(Renumbered from the sole paragraph by Law nº 12,258 of 2010\)](#)

Paragraph 3. In other cases, exit permits may only be granted with a minimum period of 45 (forty-five) days between one and the other. [\(Included by Law nº 12,258 of 2010\)](#)

Art. 125. The benefit shall be automatically repealed when the convict commissions a fact defined as an intentional crime, is punished for serious offense, disregards the conditions imposed on the authorization, or reveals low degree of use of the program.

Sole paragraph. The recovery of the right to temporary exit shall depend on the acquittal in the criminal proceedings, the cancellation of disciplinary punishment, or the demonstration of the merits of the convict.

SECTION IV

Remission

Art. 126. A convict serving a sentence in a closed or semi-open regime may remit, by work or study, part of the time of execution of the sentence. [\(Wording established by Law nº 12,433 of 2011\).](#)

Paragraph 1. The time count referred to in the head provision shall be made at the rate of: [\(Wording established by Law nº 12,433 of 2011\)](#)

I - 1 (one) day of penalty every 12 (twelve) hours of school attendance - activity of elementary or middle school, including vocational, or higher education, or professional requalification - divided into, at least, 3 (three) days; [\(Included by Law nº 12,433 of 2011\)](#)

II - 1 (one) day of penalty every 3 (three) days of work. [\(Included by Law nº 12,433 of 2011\)](#)

Paragraph 2. The study activities referred to in paragraph 1 of this article may be conducted in person or by distance learning and must be certified by the competent educational authorities of the courses attended. [\(Wording established by Law nº 12,433 of 2011\)](#)

Paragraph 3. For the purpose of cumulation of cases of remission, the daily hours of work and study shall be defined in such as to be compatible. [\(Wording established by Law nº 12,433 of 2011\)](#)

Paragraph 4. The prisoner unable, by accident, to continue in work or studies shall continue to benefit from remission. [\(Included by Law nº 12,433 of 2011\)](#)

Paragraph 5. The time to be remitted according to the hours of study shall be increased by 1/3 (one third) in the case of completion of elementary or middle school or higher education during the sentence, provided certification by the competent body of the education system. [\(Included by Law nº 12,433 of 2011\)](#)

Paragraph 6. The convict who serves sentence in open or semi-open regime and who enjoys probation may remit, by attending a program of regular education or vocational education, part of the time of execution of the sentence or the probationary period, subject to the provisions of item I of paragraph 1 of this article. [\(Included by Law nº 12,433 of 2011\)](#)

Paragraph 7. The provisions of this article apply to cases of precautionary imprisonment. [\(Included by Law nº 12,433 of 2011\)](#)

Paragraph 8. The referral shall be declared by the executing Judge, after hearing the Public Prosecutor's Office and the defence. [\(Included by Law nº 12,433 of 2011\)](#)

Art. 127. In the case of serious offense, the Judge may repeal up to 1/3 (one third) of the time remitted, observing the provisions of article 57, resuming the count from the date of the disciplinary infringement. [\(Wording established by Law nº 12,433 of 2011\)](#)

Art. 128. The time remitted shall be counted as penalty served for all purposes. [\(Wording established by Law nº 12,433 of 2011\)](#)

Art. 129. The administrative authority shall send monthly to the Court of execution a copy of the record of all convicts who are working or studying, with information about the days of work or hours of school attendance or education activities of each of them. [\(Wording established by Law nº 12,433 of 2011\)](#)

Paragraph 1. The convict authorized to study outside the criminal establishment must prove monthly the attendance and the use of school, by means of a declaration of the respective education unit. [\(Included by Law nº 12,433 of 2011\)](#)

Paragraph 2. The convict shall be given the account of his/her redeemed days. [\(Included by Law nº 12,433 of 2011\)](#)

Art. 130. It is the crime of article 299 of the Brazilian Criminal Code to falsely declare or certify the provision of service for the purpose of instructing a request for remission.

SECTION V

Conditional Release

Art. 131. The conditional release may be granted by the enforcement Judge, given the requirements of article 83, items and sole paragraph, of the Brazilian Criminal Code, after hearing the Public Prosecutor's Office and the Penitentiary Council.

Art. 132. Once the application has been granted, the Judge shall specify the conditions to which the release is subject.

Paragraph 1. The following obligations shall always be imposed on the conditionally released:

a) obtain lawful occupation, within a reasonable time if fit for work;

b) periodically communicate to the Judge his/her occupation;

c) not change the territory of the judicial district of the Court of execution without its prior authorization.

Paragraph 2. The following obligations may also be imposed on the conditionally released, among others:

a) not change residence without communication to the Judge and the authority responsible for the precautionary and protective observation;

b) collect to the residence at a fixed time;

c) not frequent specific places.

d) [\(VETOED\)](#); [\(Included by Law nº 12,258 of 2010\)](#)

Art. 133. If the released person is allowed to reside outside the judicial district of the Court of execution, a copy of the release sentence shall be sent to the Court of the place to which he/she is transferred and to the authority in charge of the precautionary and protective observation.

Art. 134. The released person shall be warned of the obligation to immediately report to the authorities referred to in the previous article.

Art. 135. Once the sentence denigrating the release has been reformed, the records shall be transferred to the Court of execution for the appropriate measures.

Art. 136. Once the benefit is granted, the letter of release shall be sent with the full copy of the sentence in 2 (two) counterparts, one referred to the administrative authority in charge of execution and the other to the Penitentiary Council.

Art. 137. The ceremony of conditional release shall be solemnly held on the day marked by the President of the Penitentiary Council, in the establishment where the sentence is being served, observing the following:

I - the sentence shall be read upon release, in the presence of the other convicts, by the President of the Penitentiary Council or member designated by him/her, or, failing that, by the Judge;

II - the administrative authority shall draw the attention of the released to the conditions imposed in the release sentence;

III - the released shall declare whether it accepts the conditions.

Paragraph 1. A term subscribed by whoever presides over the ceremony and by the released, or someone at his/her request, if he does not know or cannot write, shall be drawn up in an appropriate book.

Paragraph 2. A copy of this term must be sent to the executing Judge.

Art. 138. When the released leaves the criminal establishment, he/she will be given, in addition to the balance of his savings and what belongs to him/her, a notebook, which he/she shall show to the judicial or administrative authority, whenever it is required of him/her.

Paragraph 1. The Notebook shall contain:

- a) the identification of the released;
- b) the printed text of this Chapter;
- c) the conditions imposed.

Paragraph 2. In the absence of a notebook, a safe conduct shall be delivered to the released stating the conditions of release. His/her identification sheet or portrait may be replaced by a description of the signs that can identify him/her.

Paragraph 3. The notebook and safe conduct shall have space to record compliance with the conditions referred to in article 132 of this Law.

Art. 139. The precautionary observation and protection conducted by penitentiary social service, Patronage or Community Council shall have the purpose of:

I - observing the compliance with the conditions specified in the benefit-granting sentence;

II - protecting the beneficiary, guiding him/her in the execution of his/her obligations and assisting him/her in obtaining a labor activity.

Sole paragraph. The entity in charge of the precautionary observation and protection of the released shall present a report to the Penitentiary Council for the purpose of the representation provided for in articles 143 and 144 of this Law.

Art. 140. The repeal of the conditional release shall take place in the cases provided for in articles 86 and 87 of the Brazilian Criminal Code.

Sole paragraph. If the conditional release is maintained, in the event of optional repeal, the Judge must warn the released or aggravate the conditions.

Art. 141. If the repeal is justified by a criminal offense prior to the term of release, the probation period shall be calculated as the time of serving the sentence, and the sum of the time of the 2 (two) sentences shall be allowed for the granting of a new release.

Art. 142. In the case of repeal for another reason, the time in which the person was released shall not be counted in the sentence, nor shall any new release be granted regarding the same sentence.

Art. 143. The repeal shall be decreed at the request of the Public Prosecutor's Office, by representation of the Penitentiary Council, or, *ex officio* by the Judge, after hearing the released.

Art. 144. The judge, *ex officio*, at the request of the Public Prosecutor's Office, the Public Defender's Office, or through representation of the Penitentiary Council, and having heard the released, may modify the conditions specified in the sentence, and the respective decision-making act must be read to the released by one of the authorities or officials indicated in item I of the head provision of article 137 of this Law, observing the provisions of items II and III and paragraphs 1 and 2 of the same article. [\(Wording established by Law nº 12,313 of 2010\).](#)

Art. 145. If the released commissions another criminal offense, the Judge may order his/her imprisonment, after hearing the Penitentiary Council and the Public Prosecutor's Office, suspending the course of conditional release, whose revocation, however, shall be depending on the final decision.

Art. 146. The Judge, *ex officio*, at the request of the interested party, the Public Prosecutor's Office, or by representation of the Penitentiary Council, shall dismiss the imprisonment sentence, if the term of release without repeal matures.

Section VI

Electronic Monitoring

[\(Included by Law nº 12,258 of 2010\)](#)

Art. 146-A. [\(VETOED\)](#); [\(Included by Law nº 12,258 of 2010\)](#)

Art. 146-B. The judge may define the supervision by means of electronic monitoring when: [\(Included by Law nº 12,258 of 2010\)](#)

I - [\(VETOED\)](#); [\(Included by Law nº 12,258 of 2010\)](#)

II - authorize the temporary exit in the semi-open regime; [\(Included by Law nº 12,258 of 2010\)](#)

III- [\(VETOED\)](#); [\(Included by Law nº 12,258 of 2010\)](#)

IV - determine house arrest; [\(Included by Law nº 12,258 of 2010\)](#)

V- [\(VETOED\)](#); [\(Included by Law nº 12,258 of 2010\)](#)

Sole paragraph. [\(VETOED\)](#); [\(Included by Law nº 12,258 of 2010\)](#)

Art. 146-C. The convict shall be instructed about the care he/she must take with the electronic equipment and the following obligations: [\(Included by Law nº 12,258 of 2010\)](#)

I - receive visits from the server responsible for electronic monitoring, respond to their contacts, and comply with their orientations; [\(Included by Law nº 12,258 of 2010\)](#)

II - refrain from removing, violating, modifying, or damaging in any way the electronic monitoring device or allowing others to do so; [\(Included by Law nº 12,258 of 2010\)](#)

III- [\(VETOED\)](#); [\(Included by Law nº 12,258 of 2010\)](#)

Sole paragraph. The proven violation of the obligations provided for in this article may entail, at the discretion of the enforcement Judge, hearing the Public Prosecutor's Office and the defense: [\(Included by Law nº 12,258 of 2010\)](#)

I - the regression of the regime; [\(Included by Law nº 12,258 of 2010\)](#)

II - the repeal of the temporary exit authorization; [\(Included by Law nº 12,258 of 2010\)](#)

III- [\(VETOED\)](#); [\(Included by Law nº 12,258 of 2010\)](#)

IV - [\(VETOED\)](#); [\(Included by Law nº 12,258 of 2010\)](#)

V- [\(VETOED\)](#); [\(Included by Law nº 12,258 of 2010\)](#)

VI - the repeal of house arrest; [\(Included by Law nº 12,258 of 2010\)](#)

VII - written warning for all cases in which the executing Judge decides not to apply any of the measures provided for in items I to VI of this paragraph. [\(Included by Law nº 12,258 of 2010\)](#)

Art. 146-D. The electronic monitoring may be repealed: [\(Included by Law nº 12,258 of 2010\)](#)

I - when it becomes unnecessary or inappropriate; [\(Included by Law nº 12,258 of 2010\)](#)

II - if the accused or convicted violates the obligations to which he/she is subject during his/her term or commits a serious offense. [\(Included by Law nº 12,258 of 2010\)](#)

CHAPTER II

Restraining of Rights Penalties

SECTION I

General Provisions

Art. 147. Once the sentence that applied the restraining of rights is *res judicata*, the enforcement Judge, *ex officio* or at the request of the Public Prosecutor's Office, shall promote the execution, and may, to this end, request, when necessary, the collaboration of public entities or from individuals.

Art. 148. At any stage of the execution, the Judge may, justifiably, change the form of execution of the sentences of provision of services to the community and of weekend limitation, adjusting them to the personal conditions of the convict and to the characteristics of the establishment, the entity, or the community or state program.

SECTION II

Provision of Community Services

Art. 149. The enforcement Judge shall:

I - designate the community or state entity or program, duly accredited or agreed, with which the convict must work free of charge, according to his/her aptitudes;

II - determine the convict's subpoena, informing him/her of the entity, days, and time in which he/she should serve his/her sentence;

III - change the form of execution to adjust it to the changes that occurred in the working day.

Paragraph 1. The work shall last 8 (eight) hours a week and shall be conducted on Saturdays, Sundays, and holidays, or on working days, so as not to prejudice the normal working day, at the times established by the Judge.

Paragraph 2. The execution shall begin from the date of the first appearance.

Art. 150. The entity benefited from the provision of services shall send monthly, to the enforcement Judge, a detailed report of the activities of the convict, as well as, at any time, communication about absence or lack of discipline.

SECTION III

Weekend Limitation

Art. 151. The enforcement Judge shall determine the subpoena of the convict, informing him/her of the place, days, and time in which he/she should serve his/her sentence.

Sole paragraph. The execution shall begin from the date of the first appearance.

Art. 152. Courses and lectures may be offered to the convict during the time of stay, or educational activities may be assigned.

Sole paragraph. In cases of domestic violence against women, the Judge may determine the mandatory attendance of the offender to recovery and re-education programs. [Included by Law nº 11,340 of 2006](#)

Art. 153. The designated establishment shall forward a monthly report to the enforcement Judge, as well as communicate, at any time, the absence or lack of discipline of the convict.

SECTION IV

Temporary Interdiction of Rights

Art. 154. The enforcement Judge shall communicate the competent authority the sentence applied, as determined by the subpoena of the convict.

Paragraph 1. In the case of a penalty of interdiction of article 47, item I, of the Brazilian Criminal Code, the authority must, in 24 (twenty-four) hours counted from the receipt of the official letter, propose an act, from which the execution shall begin.

Paragraph 2. In the cases of article 47, items II and III, of the Brazilian Criminal Code, the Court of execution shall determine the seizure of the documents, which authorize the exercise of the interdicted right.

Art. 155. The authority shall immediately inform the enforcement Judge of the failure to comply with the sentence.

Sole paragraph. The communication provided for in this article may be made by any injured party.

CHAPTER III

Conditional Suspension

Art. 156. The Judge may suspend, for a period of 2 (two) to 4 (four) years, the execution of the imprisonment sentence, not exceeding 2 (two) years, in the manner provided for in articles 77 to 82 of the Brazilian Criminal Code.

Art. 157. The Judge or Court, in the situation determined in the previous article, shall give a justified opinion on the conditional suspension,, in the sentence applying a imprisonment sentence, whether it is granted or denied.

Art. 158. Once the suspension is granted, the Judge shall specify the conditions to which the convict is subject, for the period fixed, beginning from the hearing provided for in article 160 of this Law.

Paragraph 1. The conditions shall be appropriate to the fact and personal situation of the convict, and must be included among them to provide services to the community, or weekend limitation, except in the case of article 78, paragraph 2, of the Brazilian Criminal Code.

Paragraph 2. The judge may, at any time, *ex officio*, at the request of the Public Prosecutor's Office or by a proposal of the Penitentiary Council, modify the conditions and rules established in the sentence, after hearing the convict.

Paragraph 3. The monitoring of compliance with the conditions, regulated in the states, territories, and Federal District by supplementary rules, shall be assigned to the Penitentiary Social Service, Patronage, Community Council, or institution benefited from the provision of services, inspected by the Penitentiary Council, by the Public Prosecutor's Office, or both. The enforcement Judge must fill, by an Act, the lack of the supplementary rules.

Paragraph 4. The beneficiary, when appearing periodically to the supervisory authority to prove compliance with the conditions to which he/she is subject, shall also communicate his/her occupation and the wages or income from which he/she lives.

Paragraph 5. The supervisory authority must immediately communicate to the inspection body, for legal purposes, any fact capable of causing the repeal of the benefit, the extension of the term, or the modification of the conditions.

Paragraph 6. If the beneficiary is allowed to move, communication shall be made to the Judge and the supervisory authority of the place of the new residence, to which the former must report immediately.

Art. 159. When the conditional suspension of the sentence is granted by the Court, it shall establish the conditions of the benefit.

Paragraph 1. The same shall be done when the Court modifies the conditions established in the sentence under appeal.

Paragraph 2. When granting the conditional suspension of the sentence, the Court may confer with the Court of execution the task of establishing the conditions of the benefit, and, in any case, that of conducting the admonition hearing.

Art. 160. After the conviction become *res judicata*, the Judge shall read it to the convict at a hearing, warning him/her of the consequences of a new criminal offense and the failure to comply with the conditions imposed.

Art. 161. If, subpoenaed personally or by notice the defendant does not appear at the admonition hearing, within twenty (20) days, unjustifiably, the suspension shall be ineffective and the sentence shall be immediately executed.

Art. 162. The repeal of the conditional suspension of the sentence and the extension of the period of evidence shall take the form of article 81 and the corresponding paragraphs of the Brazilian Criminal Code.

Art. 163. The conviction shall be recorded, with the note of suspension in a special book of the Court to which the execution of the sentence falls.

Paragraph 1. If the suspension is repealed or the penalty is terminated, the fact shall be confirmed at the margin of registration.

Paragraph 2. The registration and endorsement shall be confidential, except for the purpose of information requested by a judicial body or by the Public Prosecutor's Office, to investigate criminal proceedings.

CHAPTER IV

Penalty of Fine

Art. 164. Having extracted the certificate of the conviction *res judicata*, which shall be valid as a judicial executive title, the Public Prosecutor's Office shall require, in separate documents, the summons of the convict to pay the amount of the fine or name assets for pledge, within 10 (ten) days.

Paragraph 1. Once the term has elapsed without payment of the fine, or the deposit of the respective amount, as many assets as are sufficient to guarantee execution shall be pledged.

Paragraph 2. The appointment of assets for pledge and the subsequent execution shall follow the provisions of civil procedural law .

Art. 165. If the pledge falls on immovable property, the separated records shall be referred to the Civil Court for continuation.

Art. 166. If the pledge falls on other assets, it shall be continued in accordance with paragraph 2 of article 164 of this Law.

Art. 167. The execution of the penalty of fine shall be suspended when the convict has mental illness (article 52 of the Brazilian Criminal Code).

Art. 168. The Judge may determine that the collection of the fine is made at a discount to the salary of the convict, in the cases of article 50, paragraph 1, of the Brazilian Criminal Code, observing the following:

I - the maximum limit of the monthly discount shall be that of the fourth part of the remuneration, and the minimum is of one-tenth;

II - the discount shall be made by order of the competent Judge;

III - the person responsible for the discount shall be ordered to collect the specific amount monthly, until the day fixed by the Judge.

Art. 169. Until the end of the period referred to in article 164 of this Law, the convict may request from the Judge to pay the fine in equal and successive monthly instalments.

Paragraph 1. Before deciding, the Judge may determine steps to verify the real economic situation of the convict and, after hearing the Public Prosecutor's Office, fix the number of benefits.

Paragraph 2. If the convict is not punctual or if the economic situation improves, the Judge, *ex officio* or at the request of the Public Prosecutor's Office, shall revoke the benefit by executing the fine, in the manner provided for in this chapter, or by continuing the execution already begun.

Art. 170. When the penalty of a fine is applied cumulatively with an imprisonment sentence, the first may be charged at a discount to the remuneration of the convict while the second is being served (article 168).

Paragraph 1. If the convict serves the imprisonment sentence or obtains conditional release, without having redeemed the fine, the charge shall be made under the terms of this Chapter.

Paragraph 2. The provisions of the previous paragraph shall apply to cases in which the conditional suspension of the sentence is granted.

TITLE VI

Execution of Security Measures

CHAPTER I

General Provisions

Art. 171. When the sentence that apply security measure becomes *res judicata*, the dispatch guide for execution shall be ordered.

Art. 172. No one shall be admitted to Custody and Psychiatric Treatment Hospital, or submitted to outpatient treatment, for compliance with security measure, without the guide issued by the judicial authority.

Art. 173. The guide for internment of outpatient treatment, drawn up by the scribe, who shall initial all sheets and sign it with the Judge, shall be sent to the administrative authority responsible for enforcement and shall contain:

I - the qualification of the agent and the general registration number of the official identification body;

II - the full content of the complaint and the sentence that has applied the security measure, as well as the certificate of *res judicata*;

III - the date on which the minimum term of internment or outpatient treatment will end;

IV - other parts of the procedure considered indispensable for proper treatment or internment.

Paragraph 1. The Public Prosecutor's Office shall be informed of the collection and treatment guide.

Paragraph 2. The guide shall be rectified whenever changes occur regarding the term for execution.

Art. 174. The provisions of articles 8 and 9 of this Law shall apply in the execution of the security measure, when applicable.

CHAPTER II

Cessation of Risk Level

Art. 175. The cessation of risk level shall be ascertained at the end of the minimum period of duration of the security measure by examining the personal conditions of the agent, observing the following:

I - the administrative authority shall send to the Judge a detailed report that empowers him/her to rule on the repeal or permanence of the measure, up to 1 (one) month before the expiration of the minimum term of the measure;

II - the report shall be instructed with the psychiatric report;

III - attached to the records the report or conducted the proceedings, the Public Prosecutor's Office and the trustee or defender shall be heard, successively, within 3 (three) days for each;

IV - the Judge shall appoint a trustee or advocate for the agent who does not have one;

V - the Judge, *ex officio* or at the request of any of the parties, may determine new proceedings, even if the minimum term of duration of the security measure has matured;

Having heard the parties or conducted the proceedings referred to in the previous item, the Judge shall deliver his/her decision within 5 (five) days.

Art. 176. At any time, even during the minimum period of duration of the security measure, the enforcement Judge may, in the face of a justified request from the Public Prosecutor's Office or the interested party, his/her prosecutor or defender, order the examination to verify the cessation of risk level, proceeding in accordance with the previous article.

Art. 177. The provisions of the previous article shall be observed in subsequent examinations to verify the cessation of risk level, to the extent applicable to them.

Art. 178. The provisions of articles 132 and 133 of this law shall apply to cases of suspension of internment or release (article 97, paragraph 3, of the Brazilian Criminal Code).

Art. 179. Once the sentence has become *res judicata*, the Judge shall issue an order for suspension of internment or release.

TITLE VII

Enforcement Incidents

CHAPTER I

Conversions

Art. 180. The imprisonment sentence, not exceeding 2 (two) years, may be converted into restraining of rights, provided:

- I - the convict that is serving in open regime;
- II - the convict has served at least 1/4 (a quarter) of the sentence;
- III - the convict's background and personality indicate that conversion is advisable.

Art. 181. The restricting of rights penalty shall be converted into imprisonment in the hypotheses and form of article 45 and its items of the Brazilian Criminal Code.

Paragraph 1. The penalty of rendering community services shall be converted when the convict:

- a) is not found for being in an uncertain and unknown location, or disregards the subpoena by edict;
- b) unjustifiably fails to attend the entity or program in which he/she is to serve;
- c) unjustifiably refuses to provide the service imposed on him/her;
- d) practices a serious offense;
- e) is sentenced to imprisonment for another crime, the execution of which has not been suspended.

Paragraph 2. The weekend limitation penalty shall be converted when the convict does not appear at the establishment designated for the execution of the sentence, refuses to exercise the activity

determined by the Judge, or if any of the hypotheses of the subitems "a", "d", and "e" of the previous paragraph occur.

Paragraph 3. The penalty of temporary interdiction of rights shall be converted when the convict unjustifiably exercises the prohibited right or if any of the hypotheses of the subitems "a" and "e" of paragraph 1 of this article occur.

Art. 182. [\(Repealed by Law nº 9,268 of 1996\)](#)

Art. 183. When, in the course of the execution of the imprisonment sentence, mental illness or disturbance of mental health arises, the Judge, *ex officio* or at the request of the Public Prosecutor's Office, the Public Defender's Office, or the administrative authority, may determine the replacement of the sentence by security measure. [\(Wording established by Law nº 12,313 of 2010\)](#).

Art. 184. Outpatient treatment may be converted to internment if the agent reveals incompatibility with the measure.

Sole paragraph. In this case, the minimum term of internment shall be 1 (one) year.

CHAPTER II

Excess or Deviation

Art. 185. There will be excess or deviation of enforcement whenever any act is practiced beyond the limits fixed in the sentence, in legal or regulatory norms.

Art. 186. The following may give rise to the incident of excess or deviation from enforcement:

I - the Public Prosecutor's Office;

II - the Penitentiary Council;

III - the convict;

IV - any of the other bodies of criminal enforcement.

CHAPTER III

Amnesty and Pardon

Art. 187. Granted amnesty, the Judge, *ex officio* or at the request of the interested party or the Public Prosecutor's Office, at the proposal of the administrative authority or the Penitentiary Council, shall declare the punishment extinguished.

Art. 188. The individual pardon may be triggered by petition of the convict, on the initiative of the Public Prosecutor's Office, the Penitentiary Council, or the administrative authority.

Art. 189. The petition for pardon, accompanied by the documents instructing it, shall be delivered to the Penitentiary Council, for the preparation of an opinion and subsequent referral to the Ministry of Justice.

Art. 190. The Penitentiary Council, in view of the records of the case and the medical record, shall promote the steps it deems necessary and narrate in a report the criminal offense and the grounds of the conviction, the exposition of the background of the convict, and the procedure after the imprisonment, issuing its opinion on the merit of the request and clarifying any formality or circumstances omitted in the petition.

Art. 191. Processed in the Ministry of Justice with documents and the report of the Penitentiary Council, the petition shall be submitted to the order of the President of Brazil, to whom the records of the process or the certificate of any of its parts shall be present, if he/she so determines.

Art. 192. Granted the pardon and attached to the records a copy of the decree, the Judge shall declare the sentence extinguished or adjust the execution to the terms of the decree, in the case of commutation.

Art. 193. If the convict is granted a collective pardon, the Judge, *ex officio* or at the request of the person concerned, the Public Prosecutor's Office, or at the initiative of the Penitentiary Council or the administrative authority, shall arrange in accordance with the provisions of the previous article.

TITLE VIII

Judicial Procedure

Art. 194. The procedure corresponding to the situations provided for in this Law shall be judicial, developing before the Court of execution.

Art. 195. The judicial procedure shall be initiated *ex officio*, at the request of the Public Prosecutor's Office, of the person concerned, of the person representing him/her, of his/her spouse, relative, or descendant, upon proposal of the Penitentiary Council, or, of the administrative authority.

Art. 196. The order or petition shall be heard by hearing the convict and the Public Prosecutor's Office within 3 (three) days, when they are not listed as applicants for the measure.

Paragraph 1. When the production of evidence is unnecessary, the Judge shall decide on a plan, within the same period.

Paragraph 2. Considering that it is indispensable to conduct expert or oral evidence, the Judge shall order it, deciding after its production or at the appointed hearing.

Art. 197. Decisions rendered by the Judge may be appealed, without suspensive effect.

TITLE IX

FINAL AND TRANSITIONAL PROVISIONS

Art. 198. It is forbidden to the member of the criminal enforcement organs and servers to disclosure of occurrence that disturbs the security and discipline of the establishments and to expose the prisoner to inconvenient notoriety, during the execution of the sentence.

Art. 199. The use of handcuffs shall be disciplined by Federal Decree. [\(Regulation\)](#)

Art. 200. The convicted of a political crime is not obliged to work.

Art. 201. In the absence of an adequate establishment, compliance with the civil prison and the administrative prison shall take place in a special section of the Public Jail.

Art. 202. Served or extinguished the sentence, certificates provided by police authority or by auxiliaries of Justice or any news or reference to the conviction shall not appear on the criminal record, except to instruct proceedings for the practice of new criminal offense or other cases expressed in law.

Art. 203. The complementary or regulatory norms necessary for the effectiveness of non-self-applicable devices, shall be edited within 6 (six) months, from the publication of this Law.

Paragraph 1. Within the same period, the Federative Units, in agreement with the Ministry of Justice, shall design the adaptation, construction, and equipment of criminal establishments and services provided for in this Law.

Paragraph 2. The acquisition or expropriation of buildings for the installation of housing must be arranged within the same period.

Paragraph 3. The term referred to in the head provision of this article may be extended by an act of the National Council of Criminal and Penitentiary Policy, upon justified request, instructed with the projects of reform or construction of establishments.

Paragraph 4. The unjustified non-fulfillment of the obligations established for the Federative Units shall entail the suspension of any financial aid destined for them by the Union, to meet the costs of enforcement of the penalties and security measures.

Art. 204. This law enters into force concurrently with the law on the Reform of the General Part of the Criminal Code, repealed the provisions to the contrary, especially [Law nº 3,274 of October 2nd, 1957.](#)

Brasilia, July 11th, 1984; 163rd of the Independence and 96th of the Republic.

JOÃO
Ibrahim Abi-Ackel

FIGUEIREDO

This text does not replace the one published in the Federal Gazette of 7.13.1984