



**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 11.671, de 08 de maio de 2008.

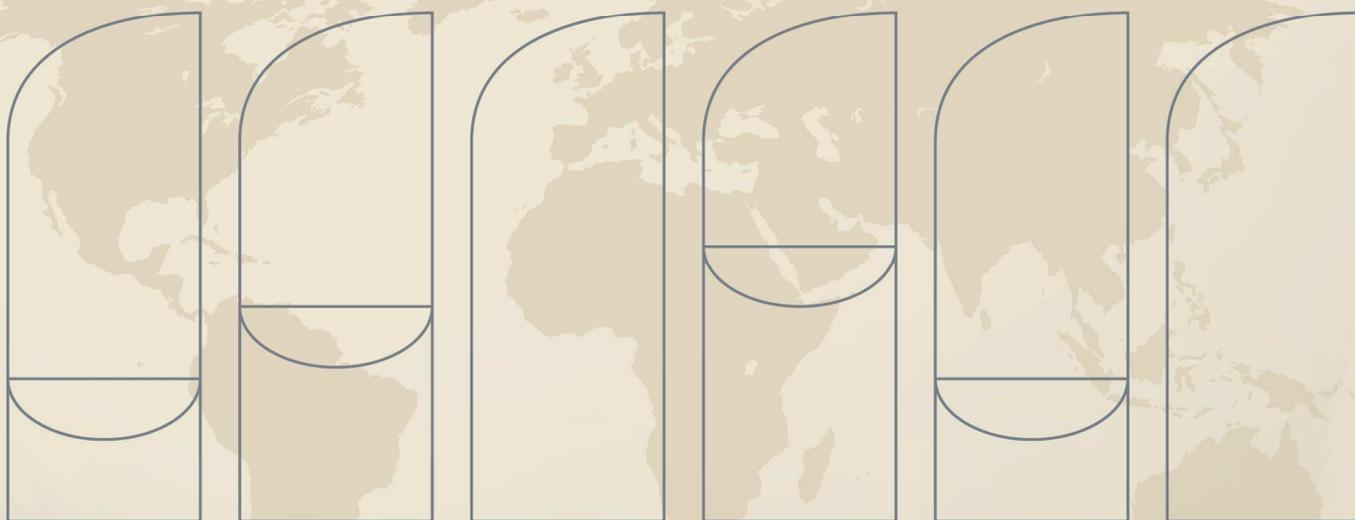
Dispõe sobre a transferência e inclusão de presos em estabelecimentos penais federais de segurança máxima e dá outras providências.

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 11.671 OF MAY 8th, 2008.

Regulation

Provides for the transfer and inclusion of prisoners in maximum-security federal criminal establishments and makes other arrangements.

(See Law nº 13,964, of 2019) (Effectiveness)

I, the **PRESIDENT OF BRAZIL** make known that the National Congress decrees and I sanction the following Law:

Art. 1. The inclusion of prisoners in maximum-security federal criminal establishments and the transfer of prisoners from other establishments to those shall comply with the provisions of this Law.

Art. 2. The judicial activity of criminal execution in federal criminal establishments shall be conducted by the Federal Court of the judicial section or subsection in which the maximum-security federal criminal establishment to which the prisoner is collected is located.

Sole paragraph. The Federal Court of criminal execution shall be competent for actions of a criminal nature that have as object facts or incidents related to the execution of the sentence or criminal offenses that occurred in the federal criminal establishment. (Included by Law nº 13,964 of 2019)

Art. 3. Those for whom the measure is justified shall be included in maximum-security federal criminal establishments in the interest of public safety or of the prisoner him/herself, convicted or provisional. (Wording established by Law nº 13,964 of 2019)

Paragraph 1. The inclusion in a maximum-security federal criminal establishment, in the interest of Public Security, shall be in a closed maximum-security regime, with the following characteristics: (Included by Law nº 13,964 of 2019)

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

II - visit of the spouse, partner, relatives, and friends only on specific days, through virtual means or in the parlor, with a maximum of 2 (two) people at a time, in addition to any children, separated by glass and communicating through intercom, with filming and recordings; (Included by Law nº 13,964 of 2019)

III - sunbathing up to 2 (two) hours daily; and (Included by Law nº 13,964 of 2019)

IV - monitoring of all means of communication, including written correspondence. (Included by Law nº 13,964 of 2019)

Paragraph 2. The maximum-security federal criminal establishments shall have audio and video monitoring in the parlor and in the common areas, for the purposes of preserving internal order and Public Security, forbidden its use in cells and in the legal service, unless expressly authorized by the Court. (Included by Law nº 13,964 of 2019)

Paragraph 3. The recordings of the visits may not be used as a means of proof of criminal offenses before the entry of the prisoner into the establishment. (Included by Law nº 13,964 of 2019)

Paragraph 4. The directors of the maximum-security federal criminal establishments or the director of the Federal Penitentiary System may suspend and restrict the right of visits provided for in item II of paragraph 1 of this article by a justified act. [\(Included by Law nº 13,964 of 2019\)](#)

Paragraph 5. The violation of the provisions of paragraph 2 of this article configures the crime of [article 325 of Decree-Law nº 2,848 of December 7th, 1940 \(Brazilian Criminal Code\)](#). [\(Included by Law nº 13,964 of 2019\)](#)

Art. 4. The admission of the prisoner, convicted or provisional, shall depend on a prior and reasoned decision of the Competent Federal Court, after receiving the transfer documents sent by the Court responsible for criminal execution or provisional imprisonment.

Paragraph 1. The criminal execution of imprisonment during the transfer shall be the responsibility of the Competent Federal Court.

Paragraph 2. Only the supervision of the provisional imprisonment shall be deprecated, by means of a letter of request, by the Court of origin to the Competent Federal Court, the first Court maintaining the competence for the procedure and respective incidents.

Art. 5. The administrative authority, the Public Prosecutor's Office, and the prisoner are entitled to request the transfer process, the beginning of which occurs with the admissibility by the Judge of the need for the transfer of the prisoner to a maximum-security federal criminal establishment.

Paragraph 1. The Federal Public Defender's Office shall provide legal assistance to prisoners who are in federal maximum-security criminal establishments.

Paragraph 2. Once instructed the records of the transfer process, the administrative authority, the Public Prosecutor's Office, and the defence office, as well as the National Penitentiary Department – DEPEN, who indicate the most adequate federal criminal establishment, shall be heard within 5 (five) days each.

Paragraph 3. The instruction of the records of the transfer process shall be governed by the regulations for the faithful execution of this Law.

Paragraph 4. In the event of requiring additional proceedings, the Federal Judge shall hear, within 5 (five) days, the Federal Prosecutor's Office and the defense and then decide on the transfer within the same period.

Paragraph 5. The decision to admit the prisoner to the maximum-security federal criminal establishment shall indicate the period of stay.

Paragraph 6. If there is an extreme need, the Federal Judge may authorize the immediate transfer of the prisoner and, after the instruction of the records, in the form of paragraph 2 of this article, decide to maintain or revoke the measure adopted.

Paragraph 7. The police authority shall be notified about the transfer of the provisional prisoner when the authorization of the transfer occurs before the conclusion of the police investigation that presides.

Art. 6. Admitted the transfer of the convicted prisoner, the Court of origin must forward to the Federal Court the records of criminal enforcement.

Art. 7. Once the transfer of the provisional prisoner is admitted, the letter of request sent by the Court of origin, duly instructed, shall be sufficient for the Competent Federal Court to initiate the supervision of the prison in the maximum-security federal criminal establishment.

Art. 8. The visits made by the Judge responsible or by a member of the Public Prosecutor's Office, referred by [articles 66](#) and [68 of Law nº 7,210 of July 11th, 1984](#), shall be registered in an appropriate book, kept in the respective establishment.

Art. 9. If the transfer is rejected, the Court of origin may give rise to a conflict of jurisdiction before the competent Court, which shall consider it as a matter of priority.

Art. 10. The inclusion of prisoners in a maximum-security federal criminal establishment shall be exceptional and for a specified period.

Paragraph 1. The period of stay shall be up to 3 (three) years, renewable for equal periods, when justifiably requested by the Court of origin, subject to the requirements of the transfer, and if the reasons that determined it persist. [\(Wording established by Law nº 13,964 of 2019\)](#)

Paragraph 2. When the term has elapsed, without a request to renew the prisoner's stay in a maximum-security federal criminal establishment immediately after its maturity, the Court of origin shall be obliged to receive the prisoner in the criminal establishment under its jurisdiction.

Paragraph 3. When there has been a request for renewal, the prisoner, collected in the federal establishment in which he/she is maintained shall wait for the Federal Court to make a decision.

Paragraph 4. When the renewal is accepted, the prisoner shall remain in the maximum-security federal criminal establishment in which he/she is maintained, retroacting the initial to the day following the maturity of the previous term.

Paragraph 5. When the renewal is rejected, the Court of origin may give rise to a conflict of jurisdiction, which the Court shall consider as a matter of priority.

Paragraph 6. The prisoner shall remain in the federal criminal establishment as long as the conflict of jurisdiction in case of renewal has not been decided.

Art. 11. The maximum capacity of the maximum-security federal criminal establishment shall not be exceeded.

Paragraph 1. The number of prisoners shall be kept below the limit of vacancies, whenever possible, so that the Competent Federal Court can dispose of them in emergency cases.

Paragraph 2. In the judgment of conflicts of jurisdiction, the competent Court shall observe the sealing established in the head provision of this article.

Art. 11-A. Decisions concerning the transfer or extension of the prisoner's stay in a maximum-security federal criminal establishment, the granting or denial of prison benefits, or the imposition of sanctions on the federal prisoner may be taken by a collegiate body of Judges, in the form of the rules of the internal organization of the Courts. [\(Included by Law nº 13,964 of 2019\)](#)

Art. 11-B. The States and the Federal District may build maximum security criminal establishments, or adapt existing ones, to which the provisions of this Law shall apply, as appropriate. [\(Included by Law nº 13,964 of 2019\)](#)

Art. 12. This Law comes into force on the date of its publication.

Brasilia, May 8th, 2008; 187th of Independence and 120th of the Republic.

LUIZ INÁCIO LULA DA SILVA
Tarso Genro

This text does not replace the one published in the Federal Gazette of 5.9.2008

*