

ALTERNATIVE SANCTIONS AND MEASURES LAW



هيئة التشريع والرأي القانوني
Legislation & Legal Opinion Commission

Second Edition
2019

LAW NO. (18) of 2017
WITH RESPECT TO ALTERNATIVE SANCTIONS
AND MEASURES

We, Hamad bin Isa Al-Khalifa, King of the Kingdom of Bahrain,

Having reviewed the constitution,

The Penal Code promulgated by the Legislative Decree No. (15) of 1976 as amended,

The Penal Procedures code promulgated by the Legislative Decree No. (46) of 2002, as amended,

And the Law No. (18) of 2014 with respect to the issuance of the Reform and Rehabilitation Institution Law,

The Consultative Council and Council of Representatives ratified the following Law which we ratified and enacted:

Article 1

In the application of the provisions of this Law, an Alternative Sanction shall mean any one of the sanctions set forth in Article 2 of this Law that may be handed down by virtue of a judgment or order issued by a judge in substitution of the original sanction, in the circumstances stipulated in this Law.

An alternative measure shall mean any one of the measures set forth in Article 18 of this Law that may be ordered by the Public Prosecution or a judge, as the case may be, in substitution of the pre-trial detention measure, in the circumstances stipulated in this Law.

Article 2

The Alternative Sanctions are:

- a. Community service.
- b. House arrest, confinement within a particular place.
- c. Refraining from entering a particular place or places.
- d. Undertaking to refrain from menacing or communicating with particular persons or entities.
- e. Submitting to electronic surveillance.
- f. Attending rehabilitation and training programs.
- g. Remedying the damage that resulted from the crime.

Article 3

Community Service shall take effect through sentencing a convicted person, with his consent, to perform unpaid community work with a certain institution.

The work to be performed shall, if possible, be similar to the profession of the convicted person and it shall not be for more than one year and not exceeding eight hours a day.

The institutions to be served in and the types of work to be performed shall be determined by an order issued by the minister concerned with justice affairs.

Article 4

House arrest or confinement within a particular place shall take effect through compelling a convicted person not to leave a particular place of residence or a certain defined area.

The Minister of Interior shall issue an order to stipulate the procedures required for the implementation of this alternative sanction and the determination of the circumstances and times during which a convicted person can leave the place of confinement.

Article 5

Refraining from entering a particular place or places shall take effect through compelling a convicted person to refrain from entering a particular place or geographical area associated with the crime.

The Minister of Interior shall issue an order to stipulate the procedures required for the implementation of this alternative sanction and the determination of the circumstances and times during which a convicted person can enter the prohibited place or places.

Article 6

Undertaking to refrain from menacing or communicating with particular persons or entities shall take effect through compelling a convicted person to refrain from menacing, physically, verbally or by other ways and to prevent him from communicating, through any means of communication, with persons or entities associated with the crime.

Article 7

Being subject to electronic surveillance shall take effect through monitoring a convicted person's movement by one or more means of electronic surveillance available to the Ministry of Interior.

Article 8

Attending rehabilitation and training programs shall take effect through compelling a convicted person to undergo one or more of the medical, psychological, social, educational, occupational or industrial rehabilitation and training programs to reform his behavior.

The minister concerned with justice affairs shall, in coordination with the Minister of Interior, issue an order to determine the rehabilitation and training programs and stipulate the procedures for implementing them.

Article 9

Remedying the damage that resulted from a crime shall take effect through compelling a convicted person to restore the affected thing to its original state, repair it or pay compensation in lieu thereof.

Article 10

When handing down an imprisonment sentence for a period not exceeding one year, a judge may substitute such sentence, after determining the term of the imprisonment, by one or more of the alternative sanctions set forth in Article (2) of this Law.

Article 11

When handing down an imprisonment sentence for a period exceeding one year but not more than five years or imprisonment for a period not exceeding five years, a judge, may if he determines that the accused is not fit for serving such imprisonment term due to his personal or medical conditions based on reports that he requests or submitted to him, substitute such sentence after determining the term of the imprisonment by house arrest or confinement within a particular place, solely or accompanied with any other alternative sanction set forth in Article (2) of this Law.

Article 12

Any convicted person sentenced to imprisonment of not more than one year or physical coercion may request the execution judge to substitute the imprisonment sentence or physical coercion by one or more of the alternative sanctions set forth in Article (2) of this Law. The execution judge shall decide upon such request after hearing the statements of the Public Prosecution.

Article 13

The Reform and Rehabilitation Institution may apply to the executive judge to substitute the original sanction by one or more of the alternative sanctions set forth in Article (2) of this Law, for a period equivalent to the remaining period of the sanction or the total number of sanctions, if the convicted person satisfies the following conditions:

1. He shall have served half the term of the sanction or sanctions he was sentenced to.
2. He shall be of good conduct.

3. His release from prison shall not constitute a public security risk.

4. He shall have paid all the financial liabilities handed down against him by a criminal court, unless it is impossible for him to pay it.

The execution judge shall decide upon such request after hearing the statements of the Public Prosecution. The provisions of Part Five of Book Five of the Criminal Procedure Code promulgated by Legislative Decree No. (46) of 2002 shall apply to the enforcement of the alternative sanctions.

Article 14

Subject to the provisions of Article (3) of this Law, the term of an alternative sanction set forth in Paragraphs (a) to (f) of Article (2) of this Law shall be equivalent to the term of the original sanction handed down against the convicted person or the remaining period of such term as the case may be. The judge shall determine the term of the alternative sanction set forth in Paragraph (g) of the same Article.

Article 15

The concerned entity at the Ministry of Interior shall, under the supervision of the Public Prosecution, monitor the enforcement of the alternative sanctions. The Minister of Interior shall issue an order to name such concerned entity and determine the mechanism of enforcement.

Article 16

The execution judge shall be the one to look into all disputes related to the enforcement or repeal of an alternative sanction, and issue all the decisions and orders related thereto, after hearing the statements of the Public Prosecution. He shall in particular have the following powers:

- a. To order the enforcement of the original sanction or the remaining period thereof, or to enforce another alternative sanction in case of refusal by a convicted person to abide to or the breaching of any alternative sanction during the term of enforcement thereof.
- b. To order extension to the term of the enforcement of the alternative sanction set forth in paragraph (g) of Article (2) of this Law.
- c. To review the reports submitted to him relating to the enforcement of the alternative sanction and take decisions in respect thereof.
- d. All other jurisdiction set forth in this Law.

The decisions and orders issued by the execution judge shall be effective immediately, even if an appeal is filed against them before the Supreme Criminal Appeal Court.

Article 17

The provisions of law governing the original sanction for a crime shall apply to the alternative sanctions. Imposing an alternative sanction shall not affect the enforcement of supplementary sanctions.

Article 18

A member of the Public Prosecution or a judge, as the case may be, may impose upon an accused one or more of the following alternative measures in substitution of the pre-trial detention measure:

- a. House arrest or confinement within a particular place.
- b. To represent himself to a police station at specific times.
- c. Refraining from entering a particular place or places.
- d. Undertaking to refrain from menacing or communicating with particular persons or entities .
- e. Submitting to electronic surveillance.

The enforcement of these alternative measures shall take effect in accordance with the procedures stipulated for the enforcement of alternative sanctions set forth in Articles (4), (5), (6) and (7) of this Law.

Article 19

The provisions of law governing pre-trial detention shall apply to house arrest or confinement within a particular place as an alternative measure to pre-trial detention.

Article 20

An accused may file a complaint against an order issued by the Public Prosecution imposing upon him any one of the alternative measures set forth in Article (18) of this Law, except for the house arrest or confinement within a particular place measure, to a High Criminal Court session held in the consultation room. If his complaint is refused, he shall have the right to file a new complaint whenever a month lapses after the date of the refusal of the complaint. The measures shall in all circumstances end with the lapse of six months from the date of the commencement of such measures, all this, unless the case is referred to a competent court, in such case the court shall decide on whether to impose or repeal an alternative measure.

Article 21

The issuance of an order to impose alternative measures set forth in Article (18) of this Law shall not prevent a member of the Public Prosecution from issuing a new order to arrest or detain the accused if evidence against him became stronger or if he evaded compliance with, breached or refused to abide by the alternative measures, or if any circumstances occurs and calls for the issuance of such an order.

If the order to impose an alternative measure is issued by a judge, the new order to arrest or detain an accused shall be issued by the same judge who issued the order to impose an alternative measure as substitute to the pre-trial detention.

Article 22

Any person who evades the enforcement of any alternative sanction or alternative measure set forth in Paragraph (a) of Article (18) of this Law shall be sanctioned by imprisonment for a period not exceeding two years or a fine not exceeding BD 200.

Any person who assists an offender to evade or breach the enforcement of an alternative sanction or an alternative measure shall be sanctioned by the same aforesaid punishment.

If the crime mentioned in the two preceding paragraphs has been committed by two persons or more with the use of threat or violence against persons or property, or if it has been committed with the use of weapons or the threat to use them, this shall be regarded as an aggravating circumstance.

Any person appointed by the concerned authority to supervise the enforcement of any of the alternative sanctions or measures and breached his duty shall be sanctioned by imprisonment for a period not exceeding six months or a fine not exceeding BD 100.

In all circumstances referred to above, the imprisonment sentence may be replaced by one of the alternative sanctions in accordance with the provisions of this Law.

Article 23

The provisions of the General Section of the Penal Code promulgated by Legislative Decree No. (15) of 1976 and the provisions of the Code of Criminal Procedure promulgated by Legislative Decree No. (46) of 2002 shall apply to any matter not covered by a specific provision in this Law, to the extent that does not conflict with its provisions.

Article 24

The Prime Minister and ministers, each in his respective capacity, shall implement the provisions of this Law which shall come into force from the day following the date of its publication in the Official Gazette.

**Signed: Hamad bin Isa Al Khalifa
King of the Kingdom of Bahrain**

**Issued at Rifa'a Palace
on 25 Shawwal 1438 Hijra
Corresponding to 19 July 2017 A.D.**