

Articles regarding question 6

Article 80. Purpose of Features of Criminal Liability of Minors

The features of criminal liability of minors as provided for in this Chapter and Article 13(2) and (3), Article 27(4) and Article 97(4) of this Code shall have the following purpose: 1) to ensure correspondence of liability to the age and social maturity of these persons; 2) to restrict the possibilities of imposition of a custodial sentence and broaden the possibilities of imposition of reformatory sanctions against these persons; 3) to help a minor to alter his manner of living and conduct by coordinating a penalty for the committed criminal act with the development and education of his personality and elimination of reasons for the unlawful conduct; 4) to prevent a minor from committing new criminal acts.

Article 81. Application of Provisions of the Chapter

1. Provisions of this Chapter shall apply to the persons who were under the age of 18 years at the time of commission of a criminal act.

2. Provisions of Articles 90-94 of this Code, also the reformatory sanctions provided for in Article 82(1)(1), (2), (3) and (5) may be applied against a person who was of the age of 18 years at the time of commission of a criminal act, however was below the age of 21 years where the court, taking into consideration the nature and motives of the committed criminal act as well as other circumstances of the case, and, where necessary, clarifications or conclusion of a professional, decides that such a person is equivalent to a minor according to his social maturity and application of features of criminal liability against him would correspond to the purpose provided for in Article 80 of this Code. Article

82. Reformatory Sanctions against Minors

1. A minor who has committed a misdemeanour or a crime and has been released from criminal liability or a penalty, also a minor in respect of whom the execution of the sentence has been suspended or who has been released from correctional institutions on bail may be subject to the following reformatory sanctions: 1) warning; 2) compensation for or elimination of property damage; 3) unpaid reformatory work; 4) placement for upbringing and care with parents or other natural or legal persons taking care of children; 5) restriction on conduct; 6) placement in a special reformatory facility. 2. The court may impose against a minor no more than three mutually compatible reformatory sanctions.

Article 90. Features of Penalties Imposed upon Minors

1. A minor may be subject solely to the following penalties: 1) community service; 2) fine; 3) restriction of liberty; 4) arrest; 5) fixed-term custodial sentence.

2. Minors may not be imposed more than 240 hours of community service.

3. A fine may be imposed only against a minor already employed or possessing his own property. A minor may be subject to a fine in the amount from 5 MSLs up to 50 MSLs.

4. A minor may be subject to arrest for a period of five up to forty-five days. 5. The period of a custodial sentence in respect of a minor may not exceed ten years.

Article 91. Features of Imposition of a Penalty upon a Minor

1. The court shall impose a penalty upon a minor according to the basic principles of imposition of penalties and the features provided for in this Chapter.

2. In imposing a penalty upon a minor, a court shall, in addition to the circumstances listed in Article 54(2) of this Code, take into consideration the following: 1) the living and upbringing conditions of the minor; 2) the state of health and social maturity of the minor; 3) previously imposed sanctions and effectiveness thereof; 4) the minor's conduct following the commission of a criminal act.

3. The court may impose a fixed-term custodial sentence upon a minor where there is a ground for believing that another type of penalties is not sufficient to alter the minor's criminal dispositions, or where the minor has committed a serious or grave crime. In the event of imposition of the custodial sentence upon the minor, the minimum penalty shall be equal to one half of the minimum penalty provided for by the sanction of an article of this Code according to which the minor is prosecuted.

Article 92. Suspension of the Execution of a Sentence in Respect of a Minor

1. Where a minor is subject to a penalty of arrest, the court may suspend the execution of the imposed sentence for a period ranging from one month up to nine months and impose intensive monitoring upon him – control of the place of stay of the minor according to the pre-set time by using electronic surveillance measures. The place and time of stay of the minor shall be set by the court. In addition to intensive monitoring, the court may impose upon a minor one or several mutually compatible reformatory sanctions provided for in Article 82 of this Code, with the exception of placement in a special reformatory facility, and shall also lay down a time limit within which the minor must comply with the reformatory sanctions.

2. Where a minor is subject to a custodial sentence for one or several crimes committed through negligence or to a custodial sentence for a term of up to five years for the commission of one or several premeditated crimes, the court may suspend the execution of the imposed sentence for a period ranging from one year up to three years. The execution of sentence may be suspended, if the court decides that there are sufficient grounds to believe that the purposes of sentence will be achieved without an actual execution of sentence.

3. Where a minor is subject to a custodial sentence for a term of five years for one or several premeditated crimes, except for grave crimes provided for in Chapters XV, XVI, XVIII, XX, XXI, XXIII, XXXIII, XXXV, XXXVII, XLIV of this Code, the court may suspend the execution of the imposed sentence in part. In suspending the execution of the sentence in part, the court sets a part of custodial sentence to be executed immediately after the court judgement enters into force that cannot be less than six months and longer than one year, as well as the period of suspension of execution from one year up to three years of the remaining sentence to be executed.

4. The execution of sentence under paragraphs 1, 2 and 3 of this Article may be suspended, if the court decides that there are sufficient grounds to believe that the purposes of sentence will be achieved without an actual execution of sentence or if the person executes only a part of penalty.

5. In suspending the execution of the sentence under paragraphs 2 and 3 of this Article, the court may impose upon a minor one or several mutually compatible reformatory sanctions provided for in Article 82 of this Code, with the exception of placement in a special reformatory facility. The court shall also lay down a time limit within which the minor must comply with the reformatory sanctions.

6. When imposing the penalty of arrest or restriction of liberty and suspending the execution of a sentence in accordance with the procedure laid down in this Article, the court must justify its judgement.

7. The procedure for and conditions of suspension of the execution of a sentence for minors shall be stipulated by the Law on Probation of the Republic of Lithuania.

Article 93. Release of a Minor from Criminal Liability

1. A minor who commits a misdemeanour, or a negligent crime, or a minor or less serious premeditated crime for the first time may be released by the court from criminal liability, where he: 1) has offered his apology to the victim and has compensated for or eliminated, fully or in part, the property damage incurred by his work or in monetary terms, or 2) is found to be of diminished capacity, or 3) pleads guilty and regrets having committed a criminal act or there are other grounds for believing that in the future the minor will abide by the law and will not commit new criminal acts.

2. Having released a minor from criminal liability on the grounds provided for in paragraph 1 of this Article, the court shall impose against him the reformatory sanctions provided for in Article 82 of this Code.

Article 13. Age for Liability under the Criminal Law

1. A person who, prior to the time of commission of a crime or misdemeanour, had attained the age of sixteen years or, in the cases provided for in paragraph 2 of this Article, fourteen years shall be considered liable under this Code.

2. A person who, prior to the time of commission of a crime or misdemeanour, had attained the age of fourteen shall be held liable for murder (Article 129), serious impairment to health (Article 135), rape (Article 149), sexual harassment (Article 150), theft (Article 178), robbery (Article 180), extortion of property (Article 181), destruction of or damage to property (Article 187(2)), seizure of a firearm, ammunition, explosives or explosive materials (Article 254), theft, racketeering or other illicit seizure of narcotic or psychotropic substances (Article 263), damage to vehicles or roads and facilities thereof (Article 280(2)).

3. A person who, prior to the time of commission of the dangerous act provided for by this Code, had not attained the age of fourteen years may be subject to reformatory sanctions or other measures in accordance with the procedure laid down by the laws of the Republic of Lithuania.