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**Date of Submission:** April, 22, 2013 / **Acceptance:** August, 20, 2013

## LEGAL ASPECTS OF ENFORCEMENT OF SAFETY MEASURES

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### **ABSTRACT:**

Criminal procedure in our country is conducted by the Criminal Procedure, code which was modified in order to adapt to the European legislation. Special Regulations of the Code of Criminal Procedure are for legal jurisprudence that the user must carry out criminal activity and enforcement of criminal judgments.

**Keywords:** criminal procedure, medical treatment, hospital care

### **REZUMAT:**

Procedura penală în țara noastră se desfășoară după Codul de procedură penală, cod care a suferit modificări în sensul adaptării lui la legislația europeană. Reglementările din partea specială a codului de procedură penală constituie pentru practica judiciară ghidul legal potrivit căruia trebuie să se desfășoare procesul penal, dar și activitatea de executare a hotărârilor penale.

**Cuvinte-cheie:** procedură penală, tratament medical, internare medicală

## INTRODUCTION

The criminal proceedings in our country are currently conducted after the Code of Criminal Procedure from 1968 that has various modifications within the meaning of improvement and adaptation of European legislation.

Special regulation from the Code of Criminal Procedure provides criminal proceedings avoiding the errors and arbitrary decisions. These regulations constitute the legal jurisprudence that the user must carry out criminal proceedings since its start and to criminal justice. An important place in the rules of criminal procedure is the work of the enforcement proceedings.

Enforcement of criminal activity aims to achieve perfection criminal justice by bringing the administration of those determined by final criminal judgments.

**Safety measures ordered to medical treatment** are taken by final judgment by the Court hearing the criminal offense he committed, the court or the county in which the person resides in order to be liable for medical treatment. Medical diagnosis rests forensic commission composed of psychiatrists and psychiatric forensics specialists. Consideration person is required.

Precautions taken to compel medical treatment by a final judgment is enforced by serving a copy of the forensic-psychiatric report to public health authorities in the county in which the person lives to which this measure was taken. County Public Health Authority shall notify the person against whom the medical treatment measure was ordered about the health unit where treatment is to be made.

In taking the measure ordered as medical treatment, the referred person has the right to ask to be examined by a designated physician whose conclusions are submitted to the Court and to the public health authority of the county at the date the judgment becomes final.

The executing court informs the person to whom the measure ordered to medical treatment is required to be submitted immediately to the health unit where treatment is to be made, drawing his attention that, in case of violation of the measure, hospital care will be available .

If the order comes for medical treatment to an imprisonment for life or imprisonment for a period for a person, communication is for the administration of the prison.

## Obligations in relation to medical treatment

The healthcare unit, where the person ordered to treatment was assigned to perform medical treatment, is required to notify the court:

- a) if it appeared to receive treatment;
- b) flight from the treatment after presentation;
- c) the extent ordered by the court is not or no longer needed, but to remove the danger state that a different treatment was recommended;
- d) whether the treatment is medically necessary within hospital care.

If the health unit is not within the jurisdiction of the court which ordered the execution of the treatment provided is the one in whose territorial jurisdiction is the health unit placed.

## Replacing medical treatment

During the first communication, the executing court orders a forensic report on the health of a person against whom action is taken to safety.

The person that required medical treatment has the right to ask to be examined by a physician designated by him, whose conclusions are to be presented to the court. After receiving the report and conclusions of the forensic practitioner, the court shall hear the prosecutor, the person against whom action is taken for safety and the defence counsel, as well as the expert and specialist doctor (if deemed necessary) or it can order replacement therapy or hospital care.

A copy of the final judgment of the court shall notify the executing court.

**Precautions taken to hospital care** by a final judgment are enforced by serving a copy of the forensic report to public health authorities in the county in which the person lives.

In taking the measure of hospital care, the extent referred person has the right to ask to be examined by a designated physician, whose conclusions are submitted to the court, and the County Health Department, at the date the judgment becomes final.

The judge of the execution court, in the district where the health unit is located, communicates concerning the admission date, for supervisory reasons.

After receiving the notification, the judge of the court in whose district health unit is regularly checked, but no later than six months, if hospital care is required. To this end, the judge orders and the forensic report on the health of the person to which the hospital care measure was applied and after receiving it, notify the court within whose jurisdiction the unit is located, on maintaining health in order to receive a replacement or a termination measure.

#### **Obligations related to hospital care:**

- Public health authority is required to hospitalization, heralding announcing the executing court.
- If the person who has been taken to hospital care so far refused to submit admission, the execution of this measure will be to support the police. In view of the execution of hospital care, the police can enter the residence of a person without their consent, and without the permission of a legal person or an established legal representative.
- If the person to whom the measure is not decided to be hospital care, public health authorities found it through a report and notify the police for prosecution commissioning and commissioning alerts at the border crossing points.
- The healthcare to which they have been admitted, shall, if it is considered that hospitalization is not required, warn the court in whose jurisdiction the healthcare unit is located.

#### **Maintenance, replacement or termination of hospital care measure**

After receiving the judge's notification, listening to the prosecutor, and the counsel along with the expert who prepared the forensic report, the court has to decide upon maintaining hospital care for the person against whom action is taken, or, where appropriate, upon the termination or the replacement of the medical treatment.

Termination or replacement measure and hospitalization may be required by the person admitted or prosecutor. In this case, the court orders are followed by the forensic report.

#### **Interim Safety**

If the measure ordered to medical treatment or hospital care was taken provisionally in the prosecution or judgment enforcement is the court which has taken this step.

#### **ACKNOWLEDGMENTS AND DISCLOSURE**

*The authors declare that they have no potential conflicts of interest to disclose.*

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