

The Sentence Administration after the Transfer of Sentenced Person in Thailand

Classes of convicted prisoners

Classes are an important component of convicted prisoners which come into effect once their cases become final until the termination of their sentence terms. Classes of convicted prisoners will be a basis to identify rights and privileges of prisoners such as eligibility for royal pardon, good-conduct allowances, trustee appointment, public work outside prison, gaining conveniences in prison, parole, etc.

Classes of convicted prisoners

The 6 classes of convicted prisoners:

- (1) Excellent
- (2) Very Good
- (3) Good
- (4) Moderate
- (5) Bad
- (6) Very Bad

When a prisoner is convicted he/she will be classified as “*Moderate class prisoner*”

However, a re-offending prisoner having previously committed severe offenses will be classified as “*Bad class prisoner*”

Class promotion

1. Regular Class Promotion:

The prison’s consideration committee to promote class of prisoners will hold twice a year at the end of June and December as an operation of regular class promotion based on the criteria stipulated by the Department of Corrections.

2. Special Class Promotion:

The prison’s consideration committee to promote class of prisoner may hold a meeting to consider the special class promotion or leaping class promotion to certain prisoners who have performed prevalent behaviours such as assisting the staff to solve escape incident, assisting the staff or other people in a harmful situation, risking their health or safety to prevent riots or disturbances prisons, assisting the staff to extinguish fire incident in prison facilities, or other similar incidents.

Parole

Parole is the treatment process to prisoner in community-based environment. It is to encourage prisoners to conduct a good behaviour in prison, maintain disciplinary and acceptable ambition to study and/or receive trainings. The probation officers or probation volunteer monitors parolees’ behaviour and attitudes of parolees under the laws, the Penitentiary Act B.E. 2560 (2017) and relevant regulations.

Criteria of Parole:

1. Being a convicted prisoner and eligible for parole after serving one-third of their sentences. For those to serve life imprisonment, they are required to be incarcerated for a minimum period of 10 years. Such prisoners are probably on parole in accordance with the Ministerial Regulations (No. 14) B.E. 2553 (2010) paragraph 2 as follows;

- Excellent Class – not over 1/3
- Very-good Class – not over 1/4

- Good Class Prisoner – not over 1/5

2. The latest sentencing term in the Imprisonment Warrant notifying prisoner for Royal Pardon is to be considered.

The prisoner being released by parole is subject to be supervised for no more than 2 years.

Good Conduct Allowance

Good-conduct allowance system can be divided into 2 categories as follows:

(1) Good-conduct allowance which varies upon classes of prisoner

A qualified prisoner must be a convicted prisoner being imprisoned not less than 6 months. In case of life imprisonment, the prisoner must be imprisoned at least 10 years. Each prisoner will receive good-conduct allowance days varying upon his/her class.

- Excellent class receives 5 days/month
- Very good class receives 4 days/month
- Good class receives 3 days/month

(2) Public Work Allowance is also given in accordance with the number of working days that a prisoner spent doing public work outside the prison. In other words, for one working day on public work, one day shall be reduced from his/ her imprisonment term.

To be eligible for public work,

- Prisoner must have no more than 2 years remaining in his/her term
- Prisoner must be convicted of crime other than that against the King/ the Queen, the Heir-apparent and the Regent, offenses against internal/ external security of the Kingdom and Drug offense.

- Prisoner must serve the minimum term which varies according to his/ her class as follows:

- Excellent Class: serve at least 1/5 of the original sentence term
- Very good Class: serve at least 1/4 of the original sentence term
- Good Class: serve at least 1/3 of the original sentence term
- Moderate Class: serve at least 1/2 of the original sentence term

Prison officials shall make a calculation of the days of sentence remission obtained from both systems for the consideration of the Good Conduct Allowance Committee. Once the total number of days to be reduced from the prisoner's original term is equivalent to that of the remaining term, the Committee shall order the conditional release of such prisoner on probation.

Royal Pardon

Royal Pardon is the granting of pardon by His Majesty the King to convicted prisoner. The pardon may be either in form of an unconditional release, a commutation or a reduction of punishment. This depends on the discretion of His Majesty the King as stated in Section 22 of the Constitution of the Kingdom of Thailand (Interim) B.E. 2557 (2014), and Criminal Procedure Code of Thailand as amended by the Criminal Procedure Code Amendment Act (No.23) B.E. 2548 (2005), and Sections 259 to Section 267 of Division 7 concerning Pardon, Commutation and Reduction of Punishment.

Types

1. Collective Royal Pardon
2. Individual Royal Pardon

Collective Royal Pardon

According to Section 261 bis. of the Criminal Procedure Code, the Cabinet may submit to His Majesty the King a recommendation for the granting of the collective pardon. In doing so, the Cabinet will have to prepare the draft of the Royal Pardon Decree and propose to His Majesty the King for promulgation. All the procedures are taken by the authorities, without requiring any further actions of the prisoners.

The collective royal pardon is normally granted on various special and auspicious events of the country; for example on the occasions of the Golden and Diamond Jubilee celebrations and etc.

Individual Royal Pardon

The individual Royal Pardon is granted as a matter of routine procedure. Any convicted prisoner or any interested person wishing to petition His Majesty the King for a pardon may submit such petition through official channels. However, whether or not the pardon is granted shall be subject to His Majesty the King's discretion based on the recommendation given by Minister of Justice.

Who can submit a petition?

- Convicted prisoner with final judgment
- Relevant persons: parents, children and spouse
- Diplomatic representative (in case of foreign prisoners only)
(Note: lawyer is not regarded as the interested person)

When can the Individual Royal Pardon petition be submitted?

- For prisoner being received sentence other than death penalty, the petition can be submitted at once the case becomes finalised.
- For prisoner being sentenced to death, the petition shall be submitted within 60 days from the date of the final judgment hearing.
