

/Coat of arms of the Russian Federation/

**RULING
OF THE PLENARY SESSION
OF THE SUPREME COURT
OF THE RUSSIAN FEDERATION**

No. 40

In the city of Moscow

On December 23, 2025

**On Amendments to Ruling of the Plenary Session of the Supreme Court
of the Russian Federation No. 58 dated 22 December 2015
"On Practice of Imposing Criminal Penalties by the Courts
of the Russian Federation"**

In connection with changes in legislation, as well as issues arising in judicial practice, the Plenary Session of the Supreme Court of the Russian Federation, guided by Article 126 of the Constitution of the Russian Federation, Articles 2 and 5 of Federal Constitutional Law of 5 February 2014 No. 3-FKZ "On the Supreme Court of the Russian Federation", resolves to amend Ruling of the Plenary Session of the Supreme Court of the Russian Federation of 22 December 2015 No. 58 "On Practice of Imposing Criminal Penalties by the Courts of the Russian Federation" as follows:

- 1) Paragraph three of Item 2 shall be added by the words "of Part 1" following the words "with the application of the provisions";
- 2) In Item 3:
 - a) Paragraph one shall be added with the words "bribery of an arbitrator," following the words "municipal needs,";
 - b) Paragraph two shall be added with the words "Part 1" following the words "in case of application of";
- 3) Paragraph two of Item 9 shall be revised to read as follows:

"Deprivation of the right to engage in certain activities y may be expressed in the prohibition to engage in both professional and other activities. The sentence should specify the type of such activity (teaching, medical, transport management, etc.). Moreover, by implication of the law, deprivation of the right to engage in certain activities may include a prohibition to engage in activities related to the

fulfilment of organizational and/or administrative (managerial) functions in a specific field of such activity (for example, in the field of public contracting and executing government contracts).";

4) Item 12 shall be revised to read as follows:

"12. Additional penalty in the form of deprivation of a special, military or honorary title, class rank and state awards may be imposed upon conviction on committing a serious or particularly serious crime, as well as crimes listed in Article 48 of the CrC RF. In the event of application of this type of penalty to a convicted person, the courts, in addition to the severity of the crime, should also take into account other circumstances specified in Article 60 of the CrC RF.

If a person is found guilty of committing multiple crimes, such an additional penalty may be imposed for one crime, or for each or some of these crimes, and in such cases, it is imposed at the time of determining the final penalty for multiple counts.

In the event of probation, the sentence shall specify why the defendant cannot retain the relevant title or class rank and awards while the probation sentence is being applied to him/her.

5) Item 14 shall be revised to read as follows:

"14. Taking into account the fact that the penalty in the form of compulsory community service suggests that a convicted person is involved in labour, the court shall clarify the ability of such a person to work, as well as other circumstances indicating the possibility of enforcement this type of penalty, including those specified in Part 4, Article 49 of the CrC RF.";

6) Item 15 shall be revised to read as follows:

"15. The provisions of Part 5, Article 50 of the CrC RF do not prohibit the imposition of correctional labour on foreign citizens and stateless persons who have their primary employments.

At the same time, courts should bear in mind that, taking into account the specifics provided for, in particular, in sub-item 2, Item 22, Article 13³, sub-item 5, Item 9, Article 18 of Federal Law of 25 July 2002 No. 115-FZ "On the Legal Status of Foreign Citizens in the Russian Federation" (hereinafter referred to as Federal Law No. 115–FZ of 25 July 2002), according to which, in the event of conviction of a foreign citizen for committing a crime, he/she cannot receive a patent (work permit), and a patent (work permit) issued earlier shall be cancelled, correctional labour can only be imposed on those foreign citizens and stateless persons who have the right to work in the Russian Federation without a work permit or patent in accordance with the said Federal Law or international treaties.

For example, correctional labour may be imposed on foreign citizens permanently or temporarily residing in the Russian Federation, since, according to sub-item 1, Item 4, Article 13 of Federal Law No. 115-FZ of 25 July 2002, they are not subject to the employment procedure requiring a work permit or patent.";

7) In Item 20, the second sentence shall be revised to read as follows:

"The absence of such registration can constitute grounds for the conclusion that a person does not have a permanent place of residence in the Russian Federation in combination with information about his/her personality, which indicates, for

example, his/her propensity to permanently change his/her place of residence or inability to provide him/herself with a permanent place of residence.";

8) Item 22 shall be revised to read as follows:

"22. When imposing restriction of liberty as the primary penalty for all crimes forming multiple counts, the term of restriction of liberty shall be indicated for each of such crimes, and the corresponding restrictions and obligation shall be indicated at the time of imposing the final penalty for multiple counts.

If restriction of liberty is imposed as the primary penalty for certain crimes (including for only one), the term of restriction of liberty, corresponding restrictions and obligation shall be indicated for each of such crimes, as well as in the event of imposing the final penalty for multiple counts in the form of restriction of liberty.

When restriction of liberty is imposed as an additional penalty for each or certain crimes (including for one) forming multiple counts, the term of restriction of liberty shall be indicated for each of such crimes, and the corresponding restrictions and obligation shall be indicated at the time of imposing the final penalty for multiple counts.

If the final penalty is determined according to the rules of Part 5 of Article 69 or Article 70 of the CrC RF, at the time of imposing a penalty for the last sentence, according to which the convicted person has been sentenced to restriction of liberty for multiple counts, it is required first to establish the term of restriction of liberty and indicate the restrictions with obligation imposed by virtue of Part 2 or 3 of Article 69 of the CrC RF, and then – by virtue of Part 5 of Article 69 and (or) Article 70 of the CrC RF.";

9) The section Compulsory Labour following Item 22 shall be revised to read as follows:

**"Compulsory Labour (Article 53¹ of the CrC RF
as amended by Federal Law No. 218-FZ of 23 July 2025)**

22¹. Based on the provisions of Article 53¹ of the CrC RF, compulsory labour is imposed as an independent type of primary penalty for committing crimes of minor or moderate severity or for committing a serious crime for the first time. For the purposes of this article, a person who has committed a serious crime for the first time is understood to be a person who, at the time of committing the crime, does not have a criminal record for committing any crime, regardless of the severity, which has not been cancelled or expunged in accordance with the procedure established by law.

22². At the time of imposing a penalty of compulsory labour, courts need to clarify the person's ability to work and other circumstances indicating the possibility of serving this type of sentence. It should also be borne in mind that Article 531 of the CrC RF does not prohibit the imposition of compulsory labour on foreign citizens and stateless persons.

22³. In the event of a sentence imposed for multiple counts, for each of which the court, in accordance with Article 531 of the CrC RF, has imposed compulsory labour, only the terms of compulsory labour shall be subject to cumulation. Deduction percentages shall not be cumulative.

In cases where compulsory labour has been imposed for one of the crimes and a more lenient penalty has been imposed for the other one, at the time of imposing final penalty for multiple counts, courts shall bear in mind that, taking into account the interrelated provisions of Article 71 and Part 2 of Article 72 of the CrC RF, one day of compulsory labour is equal to two days of restriction of liberty, or three days of correctional labour, or eight hours of compulsory community service. A similar rule shall apply to the imposition of penalty based on a cumulative sentence.";

10) The section Restrictions on Military Service and Detention in a Disciplinary Military Unit shall be deleted;

11) In paragraph two of Item 26, the words "permanent residence" shall be replaced by the words "residence or stay";

12) Paragraph three of Item 28 shall be deleted;

13) The test shall be added with Item 28¹ as follows:

"28¹. The court can consider the fact that the guilty party has minor children as a mitigating circumstance (Item g of Part 1, Article 61 of the CrC RF) even if the children were born after the commission of the crime.

However, the fact that the guilty party has minor children cannot be considered as an unconditional ground for recognition it as a mitigating circumstance, since the law relates the possibility of such a court decision with the performance by the guilty of the parental duties for the proper upbringing and maintenance of children, taking into account that the crime was not committed against them.

If the court has established that the convicted person has minor children, but has not considered this circumstance as mitigating and has not taken it into account at the time of imposing a penalty, the sentence shall give the reasons for such a decision.";

14) Paragraph two of Item 30 shall be deleted;

15) The text shall be added with Items 30¹, 30², 30³, 30⁴, 30⁵ as follows:

"30¹. Actions aimed at making up the harm caused to the victim (Item j, Part 1, Article 61 of the CrC RF) should be understood as providing any assistance to the victim during a preliminary investigation or judicial proceedings in a criminal case (for example, paying for medical treatment), as well as other measures aimed at restoring rights and legitimate interests of the victim violated as a result of the crime.

30². The list of aggravating circumstances provided for in Article 63 of the CrC RF is exhaustive and shall not be subject to extensive interpretation. Therefore, the aggravating circumstances in the sentence shall be indicated in the same wording as they are provided for in the criminal law.

A person's failure to admit guilt, lack of remorse for their actions, and the victim's opinion that the defendant should be given a severe penalty are not considered by law to be aggravating circumstances, the list of which is established by Article 63 of the CrC RF, and therefore the court shall not refer to them in the sentence when imposing a penalty.

The court has the right to recognize as aggravating the penalty those circumstances that are not specified as such in the indictment (act, ruling), but are established during the trial. However, it should be borne in mind that a circumstance that entails the classification of an act as a more serious crime (for example, the commission of a violation of traffic rules and rules for operation of vehicles by a person in a state of intoxication) cannot be considered as an aggravating circumstance. If such a circumstance is established, the court, in accordance with Item 6, Part 1 of Article 237 of the CrPC RF, shall return the criminal case to the prosecutor.

30³. In order to recognize the presence of an aggravating circumstance in the act of the guilty party, as provided for in paragraph h, Part 1, Article 63 of the CrC RF, the court shall establish that he/she knew or admitted that he/she was committing a crime against the person named in this provision.

30⁴. It should be taken into account that the classification of the act committed by the guilty party into a crime against an infant or a person under fourteen years, or a minor (for example, under Item c, Part 2 of Article 105, Item b, Part 4 of Article 131 or Part 2 of Article 133 of the CrC RF) does not prevent the court from recognizing as aggravating the circumstance provided for in paragraph o, Part 1 of Article 63 of the CrC RF.

30⁵. Bringing such a person to administrative responsibility for violating migration legislation is not a mandatory condition for recognizing a person as illegally staying in the Russian Federation (Item s, Part 1 of Article 63 of the CrC RF). The following may be considered as evidence confirming the fact of a person's illegal stay in the Russian Federation: for example, information provided by migration registration bodies on the absence of documents provided for in a federal law or an international treaty of the Russian Federation confirming the right of a foreign citizen to stay (reside) in the Russian Federation, or the invalidity of such documents due to the expiration of a certain period of stay (residence), absence of information on the filing by the person of an application to the appropriate body in the event of the loss of such documents before the commission of the crime.";

16) Paragraph two of Item 31 shall be revised to read as follows:

"Courts should bear in mind that in the event of the commission of crimes provided for in Parts 1², 2¹, 4 of Article 263, Item a of Part 2, Item a of Part 4, Item a of Part 6 of Article 264 and in Article 264¹ of the CrC RF, the state of intoxication is established in accordance with Item 2 of the Notes to Article 264 of the CrC RF. In relation to other crimes, the state of intoxication of the person who committed crimes can be confirmed both by medical documents and by the results of an examination, testimony of the defendant, victim, witnesses, or other evidence.";

17) Item 32 shall be revised to read as follows:

"32. To draw the attention of courts to the fact that, based on the provisions of Part 2 of Article 63 of the CrC RF, the court shall take into account circumstances classified as elements of a crime, as provided for in the relevant article of the Special Part of the CrC RF, when assessing the nature of public danger of the act. However, the same circumstances cannot be taken into account

again when imposing a penalty, for example:

In the event of a crime against sexual integrity classified under Item a, Part 5 of Article 131 or Item a, Part 5 of Article 132 of the CrC RF, committed by a person with a criminal record for an earlier crime against the sexual integrity of a minor, the court cannot take into account this criminal record to recognize recidivism as an aggravating circumstance under Item a, Part 1 of Article 63 of the CrC RF;

In the event of a crime under Article 314¹ of the CrC RF, the court, deciding whether to recognize as aggravating the circumstances provided for in Item a, Part 1 of Article 63 of the CrC RF, cannot take into account the existence of criminal records for which the person is under administrative supervision. However, if a person has other uncanceled and unexpunged criminal records, besides the above-mentioned criminal records, such criminal records can be taken into account for the recognition of recidivism as an aggravating circumstance;

In the event of an attempt on the life of a law enforcement officer classified under Article 317 of the CrC RF, the court cannot take into account the occurrence of serious consequences as a result of the commission of the crime (death of the victim or victims) as an aggravating circumstance provided for in Item b, Part 1 of Article 63 of the CrC RF;

In the event of a crime involving the use of explosives, classified into a crime committed by a generally dangerous method, for example, under Item f, Part 2 of Article 105, Item b, Part 2 of Article 111, Part 2 of Article 167, Part 3 of Article 261 of the CrC RF, the court cannot take into account the method as an aggravating circumstance provided for in Item j, Part 1 of Article 63 of the CrC RF.

By implication of the provisions of Article 63 of the CrC RF, the circumstances listed therein may be considered as aggravating for a crime with any form of guilt, unless otherwise expressly provided by law (for example, Item r, Part 1 of Article 63 of the CrC RF) or follows from it (for example, from Item m, Part 1 of Article 63 of the CrC RF).";

18) Item 34 shall be revised to read as follows:

"34. Courts shall take into account that in case of individual or simultaneous application of the rules for imposition of penalty under Articles 62, 65, 66 and 68 of the CrC RF, the upper and (or) lower limits of the most severe type of penalty provided for in an article of the Special Part of the CrC RF shall change. For example, in the event of imposition of penalty under Part 2, Article 158 of the CrC RF (the most severe penalty is imprisonment for a period from 2 months to 5 years), taking into account the provisions of Part 5, Article 62 of the CrC RF (in case of a special procedure) and Part 2, Article 68 of the CrC RF, the court shall impose a penalty from 1 year 8 months (one third of 5 years) to 3 years 4 months (two thirds of 5 years).

When applying Articles 62, 65 and 68 of the CrC RF in the event of an inchoate crime, the part of penalty specified in these provisions shall be calculated based on the term or amount of penalty that can be imposed according to the rules of Article 66 of the CrC RF.

In cases where, as a result of the application of Articles 62, 65 and 66 of the CrC RF, the term or amount of penalty that can be imposed on a convicted person

turns out to be less severe than the lower limit of the most severe type of penalty provided for by the penal clause of the relevant article of the Special Part of the CrC RF, the penalty shall be imposed below the lower limit without reference to Article 64 of the CrC RF. In such cases, the upper limit of the penalty imposed shall not exceed the term or amount of penalty that can be imposed taking into account the provisions of these articles (for example, for a crime under Part 3 of Article 162 of the CrC RF, taking into account the provisions of Part 2 of Article 62 of the CrC RF, imprisonment shall be imposed for a term not exceeding 6 years, although the lower limit under the penal clause is 7 years).

The issue of imposition of a penalty shall be resolved in the same manner in the event that the upper limit of the penalty, which can be imposed on a convicted person as a result of the application of the said provisions, coincides with the lower limit of the most severe type of penalty provided for by the penal clause of the relevant article of the Special Part of the CrC RF.

Courts should keep in mind that in such cases, the upper limit of the penalty that can be imposed on a convicted person as a result of the application of these provisions shall be the maximum amount for him/her, with account of which other rules of imposition of penalty established by law shall be applied.";

19) Item 35 shall be revised to read as follows:

"35. The court must justify the application of the provisions of certain articles of the General Part of the CrC RF that change the upper and (or) lower limits of the most severe type of penalty provided for by the penal clause of a provision of the Special part of the CrC RF. However, a reference to Articles 62, 65, 66 and 68 of the CrC RF is not required in the operative part of the sentence even in the case where, as a result of application of the provisions of Articles 62, 65 and 66 of the CrC RF, the imposed penalty turns out to be below the lower limit of the most severe type of penalty provided for by the penal clause of a provision of the Special Part of the CrC RF.";

20) Item 38 shall be revised to read as follows:

"38. The provisions of Parts 2 and 4 of Article 62 of the CrC RF of the Russian Federation shall apply if a person fulfills the conditions of a pre-trial cooperation agreement (Article 63¹ of the CrC RF).

When a penalty is imposed on a person entered into a pre-trial cooperation agreement, the provisions of Part 1 of Article 62 of the CrC RF on the term and amount of penalty shall not be accounted in accordance with Part 2 or part 4 of the said article.

If a pre-trial cooperation agreement has been concluded with an accused person who cannot be sentenced to life imprisonment, for example, by virtue of Part 2 of Article 57, Part 4 of Article 66 of the CrC RF, the penalty in the form of imprisonment for a certain term shall be imposed on such a person in accordance with the rules of Part 2 of Article 62 of the CrC RF in the presence of mitigating circumstances specified in Item i, Part 1 of Article 61 of the CrC RF, and in the absence of aggravating circumstances.

The rules for imposition of penalties established by Part 4 of Article 62 of the CrC RF shall also apply in the presence of circumstances aggravating the penalty.

If exceptional circumstances are found, as well in the event of the active assistance of the defendant in solving a group crime, the court has the right to apply the provisions of Article 64 of the CrC RF, including in the presence of aggravating circumstances.

According to the rules of Part 2 or part 4 of Article 62 of the CrC RF, penalty should also be imposed when the court has considered the case under a general procedure on grounds unrelated to the performance by the accused of the obligations under the pre-trial cooperation agreement.";

21) Item 39 shall be deleted;

22) Item 40 shall be revised to read as follows:

"40. The court has the right to recognize both individual mitigating circumstances and their combination as exceptional circumstances that provide grounds for the application of Part 1 of Article 64 of the CrC RF, by indicating in the sentence the grounds for the decision made with references to specific circumstances of the criminal case. The provisions of this rule may also be applied in the presence of circumstances aggravating the penalty.

By implication of the law, the application of Part 1 of Article 64 of the CrC RF when imposing a penalty suggests that the court uses only one of the rules provided for in this provision: either the imposition of a primary penalty below the lower limit provided for in the relevant article of the Special Part of the CrC RF, or the imposition of a more lenient primary penalty than that provided for therein, or the non-application of additional penalty provided for as mandatory.

In the event that, in accordance with Part 1 of Article 64 of the CrC RF, the primary penalty is imposed below the lower limit provided for by the penal clause of an article of the Special Part of the CrC RF, the term or amount of the penalty cannot be below the lower limit established for this type of penalty in the General Part of the CrC RF.

By implication of Part 1 of Article 64 of the CrC RF, the imposition of a more lenient type of primary penalty than that provided for in an article of the Special Part of the CrC RF is not precluded by the presence of alternative penalties in the penal clause of the article. If the penal clause of a provision of the Special part of the CrC RF provides for a fine as one of the main types of penalty (for example, Part 3 of Article 158 of the CrC RF), this rule shall not apply. In these cases, the court may impose a fine in the amount below the lower limit set in the penal clause.

When imposing a more lenient type of primary penalty in accordance with the rules of Part 1 of Article 64 of the CrC RF, the restrictions established in the General Part of the CrC RF for imposing one or another type of penalty shall be taken into account. For example, when imposing a restriction on liberty in accordance with the specified provision, courts must take into account the provisions of not only Part 6 of Article 53 of the CrC RF regarding persons to whom this type of penalty is not imposed, but also Part 2 of this article regarding the grades of crimes for which it can be imposed. When imposing compulsory labour in this manner, the conditions for imposing this penalty under Parts 2 and 5 of Article 53¹ of the CrC RF should be taken into account.";

23) Paragraph one of Item 42 shall be added with the word "(or)" after following the words "specified in Items i and";

24) The test shall be added with Item 42¹ as follows:

"42¹. In cases where jurors found a person, who is not sentenced to life imprisonment, for example, by virtue of Part 2 of Article 57, Part 4 of Article 66 of the CrC RF, guilty of committing a crime, but deserving leniency, the term or amount of penalty for such a person shall not exceed two-thirds of the maximum term or amount of the most severe type of penalty provided for the crime committed (Part 1 of Article 65 of the CrC RF).";

25) In paragraph two of Item 44, the words "who committed a serious crime" shall be replaced by the words "who committed a crime of any grade";

26) Paragraphs two and three of Item 46 shall be deleted;

27) The test shall be added with Item 46¹ as follows:

"46¹. When determining a dangerous or especially dangerous type of recidivism, the conviction to actual imprisonment, which was imposed by a court sentence, shall be subject to consideration. A penalty in the form of imprisonment, in the event of replacement, as prescribed by law (Part 5 of Article 46, Part 3 of Article 49, Part 4 of Article 50, Part 5 of Article 53, Part 4 of Article 53¹ of the CrC RF), of the unserved term of the penalty imposed by the sentence, which is not related to imprisonment, cannot be taken into account when determining the specified types of recidivism.

When recidivism is considered dangerous or especially dangerous (Parts 2, 3 of Article 18 of the CrC RF), a sentence to actual imprisonment shall also include a sentence to provisional loss of liberty if the sentence to provisional loss of liberty was cancelled and the person was sent to serve the sentence in a place of deprivation of liberty before committing a new crime.

By implication of Article 18 of the CrC RF, the commission of a particularly serious crime by a person who has previously been convicted two or more times for a deliberate crime of moderate severity and sentenced to imprisonment, as well as the commission of a particularly serious crime by a person if he/she has previously been convicted for a serious crime and sentenced to actual imprisonment, constitutes a dangerous recidivism, and the commission of a serious crime by a person for which he/she is sentenced to actual imprisonment, if he/she has previously been sentenced twice to actual imprisonment for committing a serious and particularly serious crime, constitutes a particularly dangerous recidivism.";

28) Item 47 shall be revised to read as follows:

"47. According to Part 2 of Article 68 of the CrC RF, in case of recidivism, a person who has committed a crime for which alternative penalties are provided shall be given only the most severe type of penalty specified in the penal clause of the relevant article of the Special Part of the CrC RF, while the amount of penalty cannot be less than one third of the maximum term. By implication of Part 3, Article 68 of the CrC RF, the imposition of a less severe type of penalty, both provided for and not provided for in the penal clause of the relevant article of the Special Part of the CrC RF, is allowed only in the presence of exceptional

circumstances specified in Part 1, Article 64 of the CrC RF.

In cases where, in accordance with Part 2 of Article 63 of the CrC RF, recidivism is not recognized as a circumstance aggravating the penalty, since it is provided for as a characteristic of the crime by the relevant article of the Special Part of the CrC RF (for example, Part 2 of Article 116¹, Item a of Part 5 of Article 131, Item a of Part 5 of Article 132 of the CrC RF) or otherwise (for example, in Article 314¹ of the CrC RF), penalty shall be imposed without taking into account the rules provided for in Part 2 of Article 68 of the CrC RF.”;

29) Item 48 shall be revised to read as follows:

“48. Based on the provisions of Parts 2 and 3 of Article 68 of the CrC RF, the penalty for recidivism, as a general rule, cannot be lower than the minimum limit of the most severe type of penalty provided for by the penal clause of the relevant article of the Special Part of the CrC RF, even if one third of the maximum term of this type of penalty provided for the committed crime is less than the minimum amount of the most severe type of penalty provided for a specific crime (for example, a penalty imposed for a crime under Part 3 of Article 161 of the CrC RF, subject to the provisions of Part 2 of Article 68 of the CrC RF, cannot be less than 6 years of imprisonment – the lowest limit of this type of penalty for this crime, although one third of the maximum penalty for this crime is 4 year).

Courts should keep in mind that in the event of any type of recidivism, the term of penalty for an inchoate crime may be below the lowest limit of the most severe type of penalty provided for by the penal clause of the relevant article of the Special Part of the CrC RF, if, as a result of the application of the rules of Article 66 of the CrC RF, the upper limit of penalty that can be imposed on a convicted person as a result of the application of this provision, coincides with the lower limit of the most severe type of penalty or turns out to be less severe than this limit (for example, when sentencing under Part 1 of Article 30, Part 4 of Article 228¹, or Part 1 of Article 30, Part 5 of Article 228¹ of the CrC RF). However, a reference to Article 64 of the CrC RF is not required.

In the event that one third exceeds the minimum amount of the most severe type of penalty provided for a committed crime, the court, in accordance with Part 3 of Article 68 of the CrC RF, may impose a sentence below one third, but not lower than the minimum limit of the most severe type of penalty under the relevant article of the Special Part of the CrC RF, if the court finds mitigating circumstances provided for in Article 61 of the CrC RF. At the same time, the circumstances recognized as such in accordance with Part 2 of Article 61 of the CrC RF can also be taken into account as mitigating ones.

If the amount of one third of the maximum term of the most severe type of penalty coincides with the lower limit of the most severe type of penalty provided for by the penal clause of the relevant article of the Special Part of the CrC RF, and the court finds mitigating circumstances provided for in Article 61 of the CrC RF, but the grounds for the application of Article 64 of the CrC RF are not established, the court cannot impose a sentence below the minimum limit of the said type of penalty.”;

30) The text shall be added with Item 51¹ as follows:

"51¹. If the court applies the provisions of Part 6 of Article 15 of the CrC RF and changes the grade of one or several crimes included in the multiple counts to a less serious one, the final penalty under rules of Part 2 or 3 of Article 69 of the CrC RF shall be imposed taking into account the changed grade of crime (crimes).";

31) Item 52 shall be supplemented with paragraph three as follows:

"In the event of sentencing according to the rules of Part 5 of Article 69 of the CrC RF, if, according to the first sentence, a penalty not involving imprisonment was replaced by imprisonment before the second sentence was passed, and a penalty not related to imprisonment was imposed by the second sentence, the final penalty shall be determined in the form of imprisonment.";

32) Paragraph two of Item 54 shall be added with the words ", if the probation under the first sentence has not been cancelled by court in accordance with Part 1 of Article 74 of the CrC RF with the expungement of the criminal record" following the words "under the first sentence".;

33) Paragraph two of Item 55 shall be added with the words "the term of unserved sentence upon release on probation in accordance with Article 80² of the CrC RF;" following the words "from further service of the sentence;";

34) In paragraph two of Item 56, the word "joins" shall be replaced by the words "fully joins";

35) In paragraph one of Item 57, the words "from the date of the last sentence" shall be replaced by the words "from the effective date of the last sentence";

36) Paragraph three of Item 59 shall be revised to read as follows:

"If the law under which the crime committed is classified provides for the mandatory imposition of an additional penalty (for example, deprivation of the right to hold certain positions or engage in certain activities in addition to a fine under Part 1 of Article 290 of the CrC RF, or a fine in addition to imprisonment under Part 2 of Article 185⁵ of the CrC RF, or restriction of liberty in addition to imprisonment under Part 3 of Article 131 of the CrC RF), the non-application of this provision by court shall be allowed either in the presence of the conditions provided for in Part 1 of Article 64 of the CrC RF, or by virtue of the provisions of the General Part of the CrC RF concerning non-application of the corresponding type of penalty. The decision must be reasoned in the descriptive and reasoning part of the sentence.";

37) Paragraphs one and two of Item 61 shall be revised to read as follows:

"61. In order to achieve the goals of correction of a probationer and prevention him/her from committing new crimes during the probation period, the court, taking into account the age, ability to work and health status of such a convicted person, shall assign to him/her the performance of certain duties, as defined in Part 5 of Article 73 of the CrC RF, and also has the right to assign other obligations, for example: not to leave his/her place of residence at night, unless it is related to the performance of work duties; to make up the damage caused by the crime within the time limit set by the court; to be registered with the employment service.

The courts should keep in mind that, by virtue of Part 4 of Article 188 of the CrC RF, all probationers are required to report to criminal executive inspectorates or the command of military units on their behavior, perform the duties assigned to them, and appear when summoned to the criminal executive inspectorate; therefore, it is not necessary to additionally impose these duties on convicted persons in the sentence. At the same time, taking into account the provisions of Part 6 of Article 188 of the CrC RF, the court may determine, in the sentence, the frequency of the appearance of the probationer for registration.";

38) Item 62¹ shall be deleted.

Chief Justice of the Supreme Court
of the Russian Federation

I.V. Krasnov

Secretary of the Plenary Session,
Judge of the Supreme Court of the
Russian Federation

O.K. Zatelepin