

**By the Judgement of 24 November 2023 No.54-II, the Constitutional Court assessed constitutionality of Article 97 (items «a», «B» of part 1), Article 99, Article 100 and Article 102 of the Criminal Code of the Russian Federation**

These legal provisions were the subject of consideration to the extent that they serve as the basis for deciding whether to prolong, change the type and terminate the application of compulsory medical measures to a person who committed a crime in a state of insanity, or a person who committed a crime in a state of mental disorder, not excluding sanity, and sentenced to punishment that is not imprisonment.

The contested provisions were found to be consistent with the Constitution since they provide the application compulsory medical measures (involuntary psychiatric care) to persons who have committed crime in the state of insanity, or who have committed crime in a state of mental disorder (and continue to suffer from mental disorder) that does not exclude sanity have been sentenced to punishment that is not imprisonment, until the specified grounds for the application of these measures disappear and according to their constitutional and legal meaning in the system of current legal regulation, they:

allow continuation of these measures only by judicial decision, with periodic examination of these persons by psychiatrists, carried out to identify possible grounds for prolong, change the type, terminate and assess risks of their application taking into account the characteristics of the mental disorder and mental state of these persons;

make possible at the request of the administration of a medical organization providing psychiatric care, a enforcement authorities that supervising the use of compulsory medical measures, as well as a person to whom a compulsory medical measure has been applied (his advocate or close relative) to adopt decision by the court on the changing the type of compulsory medical measures or terminating them in the case of a change in the mental state of a person (regardless of the time that has passed since the last decision on the application of such measures was made);

do not imply the termination of the use of compulsory medical measures (including after the expiration of the term of punishment) only on the basis of the duration of their application, since such application is conditioned by the goals of healing such a person or improving his mental state and preventing him from committing new crimes.