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Order Regarding Supervision of Minors' Conduct (Imposition of Bond) (Temporary Order) (Judea and Samaria) (No. 1235), 5748 – 1988

Pursuant to my authority as commander of IDF forces in the region, and being of the opinion that the special circumstances currently existing in the region require such action to maintain public order and the security of the region, I hereby order, as a temporary order, as follows:

1. Definitions

In this Order –

“court” – a military court pursuant to section 50 of the Order Regarding Defense Regulations (Judea and Samaria) (No. 378), 5730 –1970;

“parent” – father or mother or guardian;

“military commander” – a military commander within the meaning of the Order Regarding Defense Regulations (Judea and Samaria) (No. 378), 5730 –1970, and an IDF commander holding the rank of major or above or a police officer holding the rank of chief inspector or above who is empowered in the matter of this Order by a military commander;

“bond” – a money guarantee or monetary obligation;

“minor” – a person who cannot be charged with a crime because of his age;

“period of the bond” – the period that the military commander shall set, which shall not exceed one year;

“linkage differentials” – the addition to the sum that is to be reimbursed, based on the Consumer Price Index in the region, as published from time to time by the staff officer for statistics in the Civil Administration.

2. Imposition of bond

Where the legal advisor, or a military prosecutor empowered by him, confirmed that there is prima facie evidence that a minor committed an act for which, were he not a minor, he would be subject to criminal responsibility for an offense, and the act harms public order or the security of the region, the military commander may order the parent of the minor to post a bond, in an amount that shall not exceed the maximum fine that he is allowed to impose on the act committed by the minor, were the minor to be convicted of an offense for the said act. The purpose of the above is to ensure that the parent prevents the minor from committing a further act that is an offense that harms public order or the security of the region during the period of the bond.

2A. Appeal

(a) A person who is directed to post a bond pursuant to section 2 may file an appeal with the court against the imposition of bond and against the amount of the monetary obligation or guarantee.

(b) In a proceeding pursuant to subsection (a), the rules of procedure and rules of evidence that apply to the court shall apply, *mutatis mutandis*.

3. Exercise of the bond

(a) Where the court is convinced that the minor, for whom a bond was posted pursuant to section 2, committed an act during the period of the bond for which, were he not a minor, he would be subject to criminal responsibility for an offense, and the act harms public order or the security of the region, the parent will be deemed to have failed to prevent the minor from committing a further act as stated, and the court may, upon the application of a military prosecutor, order exercise of the bond, in whole or in part, unless the parent showed, to the court's satisfaction, that he did everything necessary to prevent the minor from committing a further act as stated.

(b) The order pursuant to subsection (a) is the same as a judgment that imposes a fine on the person posting the bond, and the provisions of section 47 of the Order Regarding Defense Regulations shall apply to him.

(c) In a proceeding pursuant to this section, the rules of procedure and the rules of evidence that apply to the court shall apply, *mutatis mutandis*.

4. Right to be heard

A military commander shall not issue an order pursuant to section 2 and a court shall not issue an order pursuant to sections 2A and 3, unless the parent has been given proper opportunity to state his arguments.

5. Punishment

A parent who does not comply with the order of a military commander pursuant to section 2 is subject to imprisonment for one year.

6. Return of the bond

(a) Where a money bond is posted, as stated in section 2, and the period of the bond has ended, the parent may demand reimbursement turn of the bond.

(b) Where the parent files an application within 30 days from the end of the period of the bond, the amount of the bond will be increased by the linkage differentials for the period from the day of posting until the day of its reimbursement.

(c) Where the parent files an application more than 30 days after the end of the period of the bond, the amount of the bond will be increased as follows:

(1) Linkage differentials for the period from the day of posting until the end of the period of the bond;

(2) Linkage differentials in the amount of 50 percent for the period from the end of the period of the bond until the day of reimbursement.

7. Commencement and application

(a) This order shall take effect on the day it is signed and shall remain in effect until 29 October 1991 or for a shorter period, as the military commander of IDF forces in the region shall direct by order.

(b) Notwithstanding the aforesaid in subsection (a), the provisions of this Order shall continue to apply for the entire period of the bond on a bond that was imposed by a military commander.

8. Name

This Order shall be called: Order Regarding Supervision of Minors' Conduct (Imposition of Bond) (Temporary Order) (Judea and Samaria) (No. 1235), 5748 – 1988.