

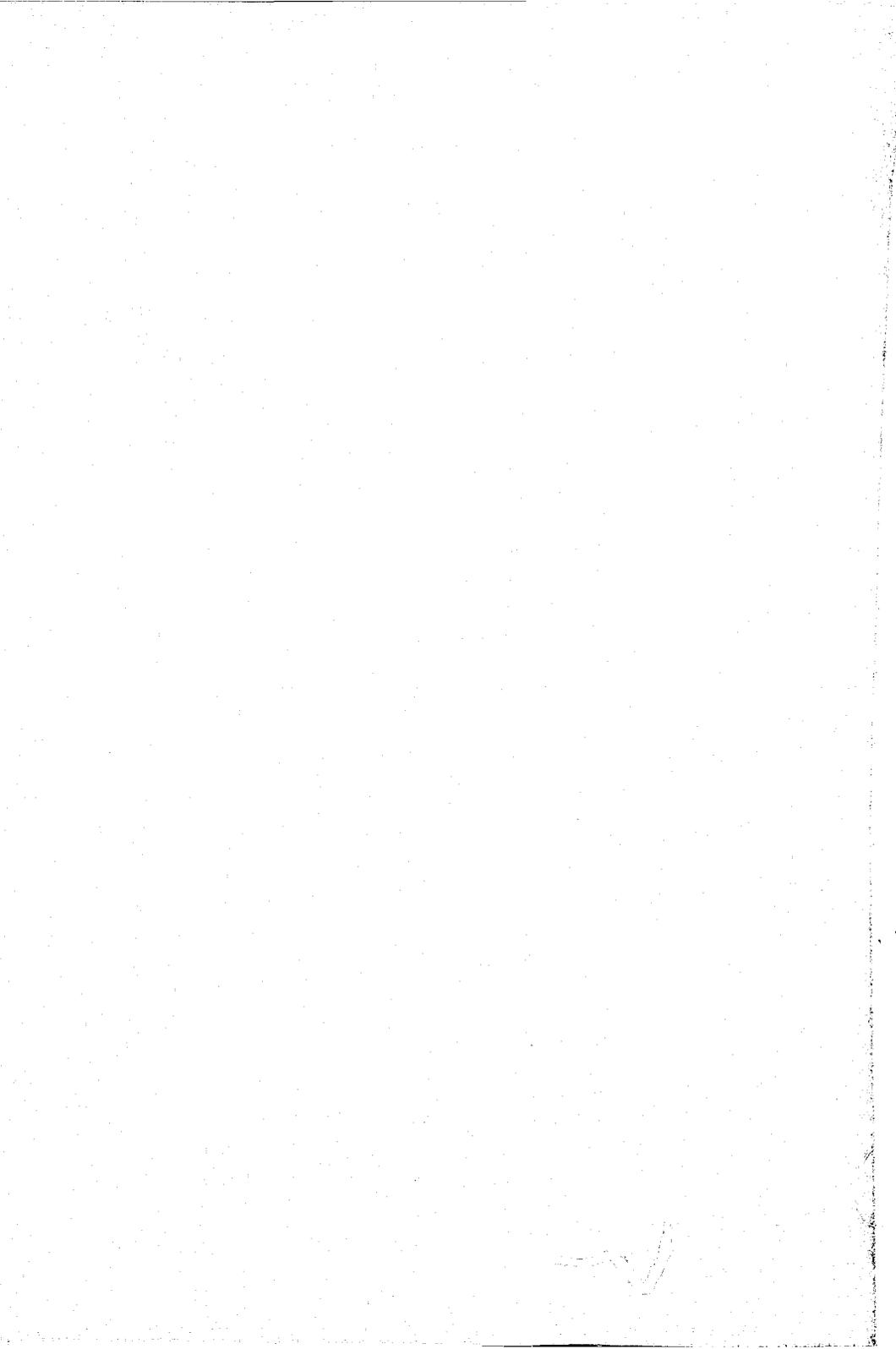
LAW FOR CORRECTION AND REHABILITATION OF OFFENDERS

LAWS FOR CORRECTION  
AND REHABILITATION  
OF OFFENDERS

*(Translation)*

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MINISTRY OF JUSTICE  
JAPAN



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# THE PRISON LAW

(Law No. 28 of 1908, as amended by Law Nos. 20, 61 and 223 of 1947, Law No. 143 of 1949, Law No. 286 of 1952 and Law No. 68 of 1953)

## Chapter I. General Provisions

### *(Classification of Prisons)*

*Article 1.* The prisons shall be of the following four kinds:

- (1) Prison for imprisonment at forced labor to confine convicted persons sentenced to imprisonment at forced labor;
  - (2) Prison for imprisonment without forced labor to confine convicted persons sentenced to imprisonment without forced labor;
  - (3) House of penal detention to confine convicted persons sentenced to penal detention;
  - (4) House of detention to detain accused persons, persons detained under the permit of detention, permit of provisional detention or writ of detention or detained upon the warrant of arrest (Inchi-jo) and convicted persons sentenced to death.
2. In the house of detention, convicted persons sentenced to imprisonment at forced labor, imprisonment without forced labor or penal detention may also be detained temporarily.
3. The police jail may be substituted for a prison; provided that a convicted person sentenced to imprisonment at forced labor or imprisonment without forced labor shall not be detained therein continuously for one month or more.

### *(Juvenile Prison)*

*Article 2.* The persons under 18 years of age sentenced to imprisonment at forced labor for two months or more shall be confined in the prison specially established for them or in a specially partitioned part of a prison.

2. The person falling under the preceding paragraph may be continuously confined in the same place until he reaches the full age of 20, or until the remainder of his penal term expires in case his penal term is to expire within three months from the time whereat he reaches such age.

3. In the application of the provisions of the preceding two paragraphs, the age limit need not be adhered to in the case of an inmate for whom it is deemed necessary from the state of his mental and physical development.

*(Division of Prison Compound)*

*Article 3.* There shall be the male and female sections in the prison segregated from each other.

2. The prison for imprisonment at forced labor, prison for imprisonment without forced labor, house of penal detention and house of detention within the same compound shall be set apart from one another.

*(Inspection of Prison)*

*Article 4.* The competent Minister shall cause officials to inspect the prisons at least once every two years.

2. The judge and public prosecutor may inspect the prison.

*(Visit of Inspection to Prison)*

*Article 5.* In case a person applies for permission to pay a visit of inspection to a prison, the permission may be given under the provisions of Ministry of Justice Ordinance only when such visit is recognized to be for the purpose of scientific study or for other due reason.

*(Appropriation of confiscated properties, etc.)*

*Article 6.* What has been confiscated or vested in the national treasury under this Law shall be appropriated for the benevolent use of the prison.

*(Petition of Prison Inmate)*

*Article 7.* If an inmate is dissatisfied with an action of the prison, he may petition to the competent Minister or an official visiting the prison for inspection, in accordance with the provisions of Ministry of Justice Ordinance.

*(Workhouse and House of "Kanchi" Confinement)*

*Article 8.* The workhouse and the house of "Kanchi" confinement shall be attached to the prison.

2. In case there is no house of "Kanchi" confinement near at hand or the capacity of the nearby house of "Kanchi" confinement is insufficient, a specially partitioned part of a prison for penal detention (including the police jail to be substituted for a prison under Article 1 paragraph 3) may be substituted for the house of "Kanchi" confinement.
3. The provisions of the preceding five Articles shall apply mutatis mutandis to the workhouse and the house of "Kanchi" confinement.

*(Provisions Applicable Mutatis Mutandis)*

*Article 9.* Unless otherwise provided in this Law, the provisions applicable to the accused person shall apply mutatis mutandis to the person detained in the prison under the permit of detention, permit of provisional detention or writ of detention, the person detained in the prison under the warrant of arrest, the person under "Kanchi" confinement and the person sentenced to death, and the provisions applicable to the convicted person under imprisonment at forced labor shall apply mutatis mutandis to the person sentenced to detention in the workhouse; provided that the provision of Article 35 shall not apply mutatis mutandis to the person under "Kanchi" confinement.

*(Non-Application to Military or Naval Prisons)*

*Article 10.* This Law shall not apply to the prisons belonging to the army or navy.

## Chapter II. Commitment

*(Examination of Documents Relating to Commitment)*

*Article 11.* When a person is to be committed to a prison, he shall be received thereby after examination of the warrant or document of judgment of the court which has tried him, and the directions for its execution and other legal documents.

*(Nursing of Baby in Prison)*

*Article 12.* In case a female applies at the time of commitment to the prison for the permission to live with her child therein, such permission may be given only if it is deemed necessary to do so, until it reaches the full age of one year.

2. The provision of the same purport as the preceding paragraph shall apply in the case of a child born in the prison.

*(Case of Communicable Disease)*

*Article 13.* A person to be committed to a prison may not be received therein if he is suffering from a communicable disease for which preventive measures shall be taken under the Epidemic Prevention Law.

*(Searching of Body of Inmate or His Clothings)*

*Article 14.* When a person is committed to a prison, his body and clothings shall be searched; the same shall apply if it is deemed necessary with respect to an inmate already committed.

### Chapter III. Confinement

*(Solitary Confinement)*

*Article 15.* The prison inmate may be placed in solitary confinement, except if he is deemed unfit for such treatment because of his mental or physical condition.

*(Associate Confinement)*

*Article 16.* In the case of associate confinement, the nature of offense, personal character, number of previous offenses and the ages of the inmates shall be taken into consideration in deciding the cells wherein they are to be confined.

2. In the cases of Article 1 paragraphs 2 and 3, the inmates shall be kept in different cells, according to their kinds.
3. The inmates under 18 years of age shall be kept in the cells different from those wherein inmates of 18 years of age or over shall be kept, except in the case falling under Article 2 paragraph 2; provided that the same shall not apply in the case wherein such treatment is deemed unnecessary in the light of the mental and physical development of the inmate concerned.
4. The provisions of the preceding three paragraphs shall apply mutatis mutandis in the case of prison labor in workshops.

*(Interception of communication between the Accused Persons Having Mutual Connection in the Charges)*

*Article 17.* The accused persons having mutual connection in the charges brought against them shall be kept in different cells, and their mutual communication shall be also intercepted when they are outside the cells.

*(Common Use of Infirmary and Preaching Hall)*

*Article 18.* In case the prison for imprisonment at forced labor, prison for imprisonment without forced labor, house of penal detention, house of detention, workhouse and house of "Kanchi" confinement are situated within the same compound, the same infirmary and preaching hall may be used for all the inmates according to the sex.

2. In the case of the preceding paragraph, sick-cells or seats, or the time of medical examination or preaching shall be different according to the kinds of inmates.
3. Articles 2 and 16 shall not be applied to the infirmary.

#### Chapter IV. Security

*(Instrument of Restraint)*

*Article 19.* In case there is a fear of escape of an inmate or of his committing violence or suicide, or in case an inmate is outside the prison, instruments of restraint may be used.

2. The kinds of the instruments of restraint shall be provided for by Ministry of Justice Ordinance.

*(Use of Sword or Firearm)*

*Article 20.* A sword or firearm which the prison official carries with him under law, cabinet order or ordinance may be used against the inmate only in the following cases:

- (1) When the inmate commits or threatens to commit violence dangerous to the body of another person;
- (2) When the inmate carries an article which can be used to commit a dangerous act and does not comply with a direction to throw it away;
- (3) When many inmates are raising a disturbance with intent to escape;
- (4) When the inmate attempting to escape from prison is trying by force to escape arrest, or to run away, disregarding the order to stop.

*(Measures in the Event of Calamity)*

*Article 21.* In the event of a calamity suddenly caused by nature or casualty, the inmate may, if it is deemed necessary, be employed in urgent service.

2. Article 28 shall apply mutatis mutandis to the inmates engaged in the urgent service referred to in the preceding paragraph.

*Article 22.* If, in the event of a calamity suddenly caused by nature or casualty, there is no means of inmates taking refuge in the prison, they shall be removed to another place under due escort. If the situation is too pressing to escort them, they may be set free temporarily.

2. The freed inmates shall appear at the prison or police station. If an inmate fails to appear within 24 hours of his release, he shall be punished under Article 97 of the Penal Code.

*(Authority of Prison Official to Apprehend)*

*Article 23.* The prison official may apprehend an escaped inmate only within 48 hours of his escape.

2. The provision of the preceding paragraph shall not preclude the application of Article 213 of the Code of Criminal Procedure.

## Chapter V. Prison Labor

*(Prison Industry)*

*Article 24.* Prison labor shall be imposed upon inmates, the sanitary condition and general economy of the prison being taken into consideration, and also with due attention paid to the term of their penalty and to their health, ability, occupation and future life, etc.

2. With regard to the imposition of prison labor upon inmates under 18 years of age, their cultural training shall be particularly taken into consideration in addition to the provision of the preceding paragraph.

*(Exemption from Labor)*

*Article 25.* The inmates shall be exempt from labor on all national holidays, the first and second day of January and the 31st day of December.

2. Any inmate who has received information of the death of his father or mother shall be exempt from labor for three days.

3. The competent Minister may temporarily exempt inmates from labor, if he deems it necessary.
4. Any inmate who is engaged in kitchen work, house cleaning, or the tending of sick inmates, or employed in other work necessary for the administration of the prison need not be exempted from such work.

*(Prison Labor Permitted on Application)*

*Article 26.* Any accused person, or inmate under sentence of penal detention or imprisonment, may, on application, be permitted to do any work he selects.

*(Proceeds from Labor and Remuneration for Labor)*

*Article 27.* All the proceeds from prison labor shall be vested in the national treasury.

2. The inmate who has been engaged in prison labor may be granted remuneration for his work in accordance with the provision of Ministry of Justice Ordinance.
3. The amount of the remuneration shall be determined on consideration of the inmate's behaviour and records of the prison labor.

*(Solatium)*

*Article 28.* Any inmate who has been wounded or fallen ill on account of prison labor, and consequently died, or become unable to carry on any business, may be granted a solatium according to the circumstances of his case.

2. The solatium referred to in the preceding paragraph shall be delivered to the inmate at the time of his release from prison, or, in the case of his death, to his father, mother, spouse or child.

## Chapter VI. Preaching and Education

*(Preaching)*

*Article 29.* The convicted persons shall be given preaching, and any other inmates may be permitted to receive it upon their application.

*(Education)*

*Article 30.* All the convicted persons under 18 years of age shall be educated, and any other inmate, if it is deemed especially necessary, may be also educated irrespective of their age.

*(Permission to Read Books or See Pictures)*

*Article 31.* If any inmate applies for permission to read books or to see pictures, such permission shall be given to him.

2. The restriction on the reading of books or the seeing of pictures shall be provided for by Ministry of Justice Ordinance.

## Chapter VII. Supplies

*(Clothing and Bedding of Convicted Person)*

*Article 32.* The convicted person and person under "Kanchi" confinement shall use clothings and beddings provided for elsewhere, but the inmate under penal detention may be permitted to wear his own clothings and other inmates may be permitted to wear under-wears at their own expense.

*(Clothing and Bedding of the Accused Person and Detainee in Workhouse)*

*Article 33.* The accused person and inmate sentenced to confinement in a workhouse shall use clothings and beddings at their own expense, but to those who are unable to do so they may be lent.

2. Restrictions on clothings and beddings to be provided at the expense of the inmate shall be provided for by Ministry of Justice Ordinance.

*(Feeding)*

*Article 34.* Necessary food and water shall be supplied to the inmate, his constitution, health, age and the kind of work which he is engaged in being taken into consideration.

*(Food of the Accused at His Own Expense)*

*Article 35.* The accused may be permitted to take food at their own expense.

## Chapter VIII. Health and Medical Treatment

### *(Hair)*

*Article 36.* The inmate's hair of the head, beard and moustache may be cut close or shaved. But the hair of the accused person shall not be cut or shaved against his will except in cases where it is deemed necessary to cut or shave it for health.

### *(Work to Keep Cell Clean)*

*Article 37.* The inmate shall do such work as is necessary for keeping his cell clean.

### *(Physical Exercise)*

*Article 38.* The inmate shall take such physical exercise as is necessary to keep his health.

### *(Prevention of Contagious Disease)*

*Article 39.* The inmate may be vaccinated and subjected to other medical measures necessary for the prevention of contagious diseases.

### *(Medical Treatment)*

*Article 40.* In case an inmate has been taken ill, he shall receive medical treatment of a physician, and shall, if necessary, be committed to the infirmary of the prison.

### *(Case of Contagious Disease)*

*Article 41.* The inmate suffering from a contagious disease shall be strictly isolated and shall not be made to come into contact with healthy inmates and other patients; however, the same shall not apply, in case an inmate under sentence of imprisonment at forced labor is to nurse such patient by order.

### *(Medical Treatment at the Inmate's Own Expense)*

*Article 42.* In case a sick inmate nominates a doctor and requests for the permission to obtain such doctor's assistance in his medical treatment at his own expense, such may be permitted according to circumstances.

*(Transfer to Hospital)*

*Article 43.* In case an inmate is suffering from mental, contagious or any other disease and a proper medical treatment is deemed impossible to be given in prison, he may be temporarily transferred to a hospital according to circumstances.

2. The patient who has been transferred to a hospital under the provision of the preceding paragraph shall be considered an inmate of the prison.

*(Inmate to be Treated in the Same Manner as Patient)*

*Article 44.* A pregnant inmate, inmate in childbed, inmate infirm with age and disabled inmate may be treated as a patient.

## Chapter IX. Interview and Correspondence

*(Interview)*

*Article 45.* A person applying for permission to interview an inmate shall be given it.

2. No convicted person or person under "Kanchi" confinement shall be permitted to have an interview with any person other than a relative; provided that the same shall not apply if it is deemed necessary especially to permit his interview with such person.

*(Permission to Send and Receive Letter)*

*Article 46.* The inmate shall be permitted to send or receive letters.

2. No convicted person or person under "Kanchi" confinement shall be permitted to send or receive a letter to or from any person other than a relative; provided that the same shall not apply in case it is deemed necessary especially to permit such communication.

*(Prohibition to Send or Receive Letter)*

*Article 47.* The convicted person or person under "Kanchi" confinement shall not be permitted to send or receive letters, if such letters are found improper.

2. Any letter not permitted to be sent or received under the provisions of the preceding paragraph may be destroyed after the lapse of two years.

*(Official Document)*

*Article 48.* A document addressed to an inmate from a court or other public office shall be opened and delivered to him.

*(Custody of Letter and Official Document)*

*Article 49.* The letter delivered to an inmate and the document mentioned in the preceding Article shall be placed in the custody of the prison authorities after the inmate has read them.

*(Restriction concerning Interview and Letter)*

*Article 50.* The attendance of the prison officer in the inmate's interview, the censorship of letters, and restriction concerning the interview and letters shall be provided for by Ministry of Justice Ordinance.

## Chapter X. The Custody of Inmate's Belongings

*(Custody of Inmate's Belongings)*

*Article 51.* The things which the inmate has with him shall be inspected and placed in the custody of the prison authorities.

2. Anything considered not worth or fit for preserving need not be taken into custody of the prison authorities or may cease to be kept in such custody.
3. If anything which has not been taken into custody of the prison authorities or has ceased to be kept in such custody has not been properly disposed of by the inmate who owns it, it may be destroyed.

*(Release of Article under Custody for Proper Use)*

*Article 52.* In case an inmate requests that things in the custody of the prison authorities should be used for the aid of his father, mother, spouse or child, or for other good purposes, such may be permitted according to the circumstances.

*(Sending in of Thing to Inmate)*

*Article 53.* In case a person applies for permission to send in something to an inmate such permission may be given in accordance with the provision of Ministry of Justice Ordinance.

2. Anything sent in to an inmate may be confiscated or destroyed, if the name or residence of its sender is unknown, or if the sending in of the thing is not considered permissible, or if the inmate has refused to receive it.

*(Thing in Secret Possession of Inmate)*

Article 54. The thing in the secret possession of an inmate may be confiscated or destroyed.

*(Return of Thing in Custody)*

Article 55. The thing taken into the custody of the prison authorities shall be delivered back to the inmate at the time of his release from prison.

*(Thing of Dead Inmate)*

Article 56. The things of a dead inmate shall be delivered to his successor or his relative upon request.

Article 57. The things of the dead inmate shall be vested in the National Treasury, if the delivery thereof is not requested within one year from the day of his death by the person referred to in the preceding Article.

2. The same shall apply to the things left by an escaped inmate in case his whereabouts are not known within one year from the day of his escape.

## Chapter XI. Reward and Disciplinary Punishment

*(Good Treatment for Reward)*

Article 58. The convicted person may be given good treatment in reward for his penitence, if he shows signs of penitence.

2. The kind and method of the treatment for reward shall be provided for by Ministry of Justice Ordinance.

*(Disciplinary Punishment)*

Article 59. The inmate who acts against prison discipline shall be liable to a disciplinary punishment.

*(Kinds of Disciplinary Punishment)*

Article 60. Disciplinary punishments shall be as follows:

- (1) Reprimand;

- ( 2 ) Suspension of good treatment for reward for three months or less;
  - ( 3 ) Discontinuation of good treatment for reward;
  - ( 4 ) Prohibition of reading books and seeing pictures during three months or less;
  - ( 5 ) Suspension of work for 10 days or less in the case where the inmate concerned has been permitted on his application to engage in prison labor;
  - ( 6 ) Suspension of using self-furnished clothings and beddings for 15 days or less;
  - ( 7 ) Suspension of self-supply of food for 15 days or less;
  - ( 8 ) Suspension of physical exercise for five days or less;
  - ( 9 ) Whole or partial deprivation of the calculated amount of remuneration for work in prison labor;
  - (10) Reduction of food for seven days or less;
  - (11) Minor solitary confinement for disciplinary punishment for two months or less;
  - (12) Major solitary confinement for disciplinary punishment for seven days or less.
2. In the case of solitary confinement for disciplinary punishment the offender shall be detained alone day and night in a punishment cell set apart for the purpose, and may be prohibited from working according to the circumstances of the case, and in the case of major solitary confinement, the punishment cell shall be always kept dark, and the use of bedding; shall be prohibited.
3. Disciplinary punishments mentioned in the items of paragraph 1 may be imposed jointly.

*(No Imposition of Food-Reduction)*

*Article 61.* The disciplinary punishment mentioned in paragraph 1 item (10) of the preceding Article shall not be imposed upon the accused or inmates under 18 years of age.

*(Staying and Remission of Execution of Disciplinary Punishment)*

*Article 62.* In case the inmate under disciplinary punishment is suffering from illness, or in case there are special circumstances, the execution of disciplinary punishment may be stayed.

- 2. In case the inmate under disciplinary punishment has shown clear signs of reformation, the disciplinary punishment may be remitted.

## Chapter XII. Release

### *(Release)*

*Article 63.* The procedure for the release of the inmate shall be taken on amnesty or by order of competent authorities or by virtue of the expiration of penal term after examining the documents concerned.

### *(Time-Limit for Release)*

*Article 64.* The inmate to whom amnesty or release on parole from prison or provisional release from work house has been granted shall be released within 24 hours of the arrival at the prison of the writ of special amnesty, commutation or of remission of enforcement of sentence, or the permit of release on parole or of provisional release.

*Article 65.* Except in the case of the preceding Article, the inmate to be released by the order of competent authorities shall be released within 10 hours of the arrival of the order at the prison.

### *(Ticket of Leave)*

*Article 66.* The inmate granted release on parole from prison or provisional release from detention house shall be given a ticket of leave when he is set free.

*Article 67.* Deleted.

### *(Release of Inmate by Expiration of Term)*

*Article 68.* The inmate whose penal term has expired shall be released not later than six o'clock on the afternoon of the day next to the day of the expiration.

### *(Stay in Prison on Application)*

*Article 69.* In case the inmate who shall be released is under medical treatment in prison on account of serious illness, he may on his application, be permitted to stay in the prison.

### *(Travel Expense for Return Home, Supply of Clothing)*

*Article 70.* The inmate who shall be released may be granted clothing or travelling expenses, if he is without such means of returning home or proper clothings, or if the expense has been increased by the fact that he was previously removed to a different prison for the sake of convenience of prison administration.

## Chapter XIII. Death

### *(Death Sentence)*

*Article 71.* The sentence of death shall be executed at the place of execution in the prison.

2. The sentence of death shall not be executed on the national holiday, the first or second day of January or the 31st day of December.

### *(Unfastening of Halter)*

*Article 72.* In the case of execution of the sentence of death, the countenance of the dead shall be inspected after hanging, and the halter shall not be unfastened until five minutes have passed.

### *(Burial)*

*Article 73.* If an inmate has died, a temporary burial shall be carried out.

2. The corpse may be cremated, if it is deemed necessary to do so.
3. The corpses or ashes may be buried together after the lapse of two years from their temporary burial.

### *(Delivery of Remains)*

*Article 74.* In case a relative or friend of the dead inmate applies for the delivery of his corpse or ashes, they may be at any time delivered to such relative or friend; provided that the same shall not apply after they have been buried together with other corpses or ashes.

*Article 75.* The corpse of a convicted person may be sent to a hospital, college or other public office for dissection in accordance with the provision of Ministry of Justice Ordinance.

# THE PRISON LAW ENFORCEMENT REGULATIONS

(Ministry of Justice Ordinance No. 18 of 1968 as amended  
by Ordinances of which the latest is Ministry of Justice  
Ordinance No. 12 of 1970)

## Chapter I. General Provisions

*Article 1.* A person confined in prison in accordance with the Law for Aid concerning Arrest and Detention of Crew Members of Foreign Vessels shall be treated as if he were a criminally accused person.

2. With regard to the treatment of a person who has been provisionally committed to the house of detention in accordance with the provisions of Article 17-2 paragraph 1 of Juvenile Law (Law No. 168 of 1949) and Article 17-2 of the Juvenile Training School Law (Law No. 169 of 1948) the provisions applicable to a criminally accused person shall apply mutatis mutandis in so far as it does not run counter to the purpose of the Juvenile Law or the Juvenile Training School Law.

*Article 2.* As regards the inspection of a prison, a male visitor shall be permitted to see an institution for male prisoners only and a female visitor, an institution for female prisoners only; provided that the same shall not apply to a person who has obtained special permission from the Minister of Justice.

2. No person under 18 years of age shall be permitted to inspect a prison.

*Article 3.* If any person applies for permission to inspect a prison, the warden concerned (meaning the head of a prison, juvenile prison or detention house; hereinafter the same) shall examine his name, occupation, address, age and purpose of inspection, and if he has been given permission, he shall inform the person of the matters for a visitor to observe at the time of inspection.

*Article 4.* For filing a petition to the Minister of Justice a written statement of the purport of the petition shall be submitted.

2. The petition shall be enveloped and sealed personally by the subject person and no prison official shall open it.
3. If a petition is filed, the warden of the prison concerned shall immediately transmit it to the Minister of Justice.

*Article 5.* A petition to an official inspecting the prison other than a prison official may be made either orally or in written statement.

2. In case there is any person who notifies in advance of his making a petition to such an official inspecting the prison, the warden shall enter his name in the petition record.
3. Provisions of paragraph 2 of the preceding Article shall apply to the written petition provided for in this Article.

*Article 6.* When an official inspecting the prison other than a prison official allows a petition to be made, he shall not have any other prison official attend except in case it is necessary.

*Article 7.* When an official inspecting the prison other than a prison official has examined the petition, he may make a decision himself or request the Minister of Justice to make a decision.

2. In case such an official inspecting the prison has made a decision himself, he shall write the purport of the decision in the petition record.

*Article 8.* The warden shall promptly notify the decision for or against the petition to the petitioner.

*Article 9.* The warden shall grant interviews to the inmates who request to make statements of their complaints concerning the treatment in the prison or their personal affairs.

2. In case an inmate has notified beforehand of making a statement of his complaints mentioned in the preceding paragraph, his name shall be entered in the interview record and after having an interview with him in order of entry, the warden shall write the outline of his opinion given to the inmate in the interview record.

*Article 10.* Unless otherwise provided in these Regulations the provisions applicable to the accused shall apply mutatis mutandis to persons under "Kanchi" confinement and the provisions applicable to inmates serving sentence of imprisonment at forced labor shall apply mutatis mutandis to persons sentenced to detention in the workhouse in lieu of the payment of fine.

## Chapter II. Commitment

*Article 11.* In case a newcomer has been received by the prison a receipt in which his name, the date and time of receipt and the full name of the receiving official are written shall be delivered to the escorter.

*Article 12.* In case a female newcomer to the prison is not permitted to bring her child with her and there is no suitable person to look after it, the warden shall report it to the Governor of Tokyo Metropolis, Prefecture or Hokkaido, as the case may be, and hand over the child to a child welfare institution or foster parent designated by the Governor.

2. The same shall apply in case there is no suitable person to look after the child with whom its mother has been permitted to live in the prison when it has reached the full age of one year or there are circumstances which do not allow it to stay in the prison.

*Article 13.* When a newcomer has been received in the prison, the prison physician shall examine his physical condition.

*Article 14.* In case there are isolation wards or other suitable accommodations for contagious diseases in a prison the prison shall receive any prisoner, even if suffering from a contagious disease which requires the enforcement of the preventive measures prescribed in the Epidemic Prevention Law.

*Article 15.* In case a prisoner is not to be committed to a prison under Article 13 of the Prison Law, a report shall be immediately made to the government office directing his commitment to the prison and the mayor of the city or the headmen of the town or village where the prison is located (or chief of Health Center in the area of Tokyo where the ward system is operated or in a city designated by Cabinet Order under Article 1 of the Health Center Law (Law No. 101 of 1947; hereinafter the same)) and report the circumstances to the Minister of Justice.

*Article 16.* In case it is admitted that a newcomer comes under Article 480 or any item of Article 482 of the Code of Criminal Procedure (Law No. 131 of 1948), a report shall be made to the public prosecutor to that effect upon his commitment to the prison.

2. The provision of the preceding paragraph shall apply mutatis mutandis to an inmate.
3. In case it is admitted that a person put under "Kanchi" confinement comes under Article 7 paragraph 8 of the Law concerning Maintenance of Order of Court, Etc. (Law No. 286 of 1952), a report to that effect shall be made to the judge.

*Article 17.* When a newcomer has been received he shall take a bath except when he suffers from any disease or in unavoidable circumstances.

2. A woman prison officer shall be present when a female newcomer takes a bath and the search of her body and clothing shall be conducted by a woman prison officer.
3. The provision of the preceding paragraph shall apply mutatis mutandis to the bathing of female inmates who are already in the prison and to the search of their body and clothings.

*Article 18.* The newcomer shall be numbered.

*Article 19.* The warden shall inform the newcomer of the matters to be observed by inmates and of the date when his prison term starts to run and the date when it expires.

2. The warden shall investigate the personal circumstances of the newcomer and enter the result of investigation in the personal description card of the inmate concerned.
3. In case the warden deems it necessary for the investigation provided for in the preceding paragraph, he shall make enquiries to public offices, public or private organizations or persons related to the subject person.

*Article 20.* In case the warden deems it necessary, he shall have the photograph and fingerprints of the newcomer taken. The same shall apply to inmates who are already in the prison.

*Article 21.* A newcomer to the prison shall be placed under solitary confinement for not more than 3 days except when he suffers from disease or in unavoidable circumstances.

2. The prisoner under a sentence to imprisonment at forced labor who is placed under solitary confinement under the preceding paragraph shall not be forced any labor.

*Article 22.* The personal status book, name list of inmates and release calender book shall be properly arranged within 3 days after the commitment of a newcomer and necessary matters shall be entered therein.

2. The matters to be observed by the inmate shall be printed in pamphlets and kept in the cells.

### Chapter III. Confinement

*Article 23.* The prisoner under solitary confinement shall not have contact with other prisoners but be always inside the cell except when he is summoned, takes exercise or bathing, has interview, attends preaching or receives physical examination or in other unavoidable cases.

*Article 24.* The accused awaiting trial shall be placed under solitary confinement as far as circumstances permit.

*Article 25.* The prisoners serving sentences shall be placed under solitary confinement according to the following order, except as otherwise provided in this Regulations:

- (1) Prisoners being investigated or tried for an additional crime which they have committed before their commitment to the prison or while serving their prison term and of which they have not been convicted;
- (2) Prisoners serving a term of less than 2 months;
- (3) Prisoners who have not spent 5 days in prison since commitment to the prison.

2. In case there is space for further accommodation in solitary cells, prisoners not coming under the preceding paragraph may be placed therein.

*Article 26.* No prisoner shall be placed under solitary confinement in case there is likelihood that it will be harmful to his body or mind.

*Article 27.* The period of solitary confinement shall not exceed 6 months; provided that in case its special extension is required, the renewal of the period may be effected every 3 months.

2. No prisoner under the full age of 20 years shall be placed under solitary confinement over 6 months at one time, except when it is deemed especially necessary.

*Article 28.* The warden and a prison physician shall inspect the prisoners in solitary confinement at least once every 30 days and other prison officials shall do the same several times every day.

*Article 29.* Except the warden, prison physician, and woman prison officer, no prison official shall inspect a female placed under solitary confinement.

The same shall apply to the inspection of the female inmates who are confined in solitary cells only at night.

*Article 30.* The prison official who has inspected prisoners in solitary confinement shall make a report to the warden on the result of the inspection.

*Article 31.* Of the prisoners coming under any item of paragraph 1 of Article 25, those who cannot be placed under solitary confinement due to the shortage of cells, and those who are deemed necessary to be detained longer in solitary cells after the expiration of the period of solitary confinement shall be confined in solitary cells for night use only.

2. Provisions of paragraph 3 of Article 25 shall apply mutatis mutandis to confinement in night solitary cells.

*Article 32.* Prisoners detained in night solitary cells shall be kept there even in the daytime in case they are not engaged in labor.

*Article 33.* Those sentenced to confinement in the workhouse in lieu of the payment of a fine shall not be placed together with those who are serving prison terms in one and the same cell or workshop.

*Article 34.* Healthy prisoners shall not be confined together with invalids or cripples in one cell; provided that the same shall not apply to those attending the sick.

*Article 35.* In an associate cell three or more prisoners shall be confined; provided that the same shall not apply when such cell is used for recuperation or in unavoidable circumstances.

*Article 36.* In an associate cell, workshop, class-room, or preaching hall, the seats of inmates shall be designated.

*Article 37.* The warden may prohibit prisoners to talk with one another, when he deems it necessary.

*Article 38.* No associate cell shall be substituted for a workshop except in unavoidable circumstances.

*Article 39.* A small plate shall be posted on the front of the cell whereon the inmate's identity number is written.

*Article 40.* An associate cell shall have a small plate posted on its front showing its capacity, the fixed number and present number of inmates.

#### Chapter IV. Security

*Article 41.* In a prison, vigilant watch shall be maintained on passes going in and out. The things which the passers carry with them may be inspected if it is deemed necessary.

2. Before the opening and after the closing hour of the gate, no person other than prison officials shall come in or go out of the prison without the permission of the warden.

*Article 42.* The outer gates of the prison, every entrance and exit, cell, workshop and places where prisoners are actually confined shall be locked. In case they are temporarily left open because necessary, their main points shall be guarded.

2. The warden shall not be bound to apply the provision of the preceding paragraph when he deems it especially necessary for the treatment of prisoners, so far as it does not hinder the security of the prison.
3. Prison officials designated shall take charge of keys, which he shall not hand over to anyone except when it is necessary.

*Article 43.* No prison official shall open the door of the cell or take a prisoner out of the cell without the presence of any other prison official except by order of the warden; provided that the same shall not apply to a cell for the sick.

*Article 44.* In the compound of the prison conveniences for inspection shall always be the first consideration and anything which hinders visibility or security shall not be left lying about.

2. In case it is unavoidably necessary to keep ladders or anything which hinders security in the compound, they shall be kept under lock or other necessary measures shall be taken instead.

*Article 45.* The warden shall cause prison officials to inspect a cell at least once a day.

*Article 46.* The warden shall cause prison officials to search the bodies and clothings of prisoners on their return from workshops or from outside the prison.

*Article 46-2.* The warden shall not be bound to apply the provisions of the preceding two Articles when he deems it especially necessary for the treatment of prisoners.

*Article 47.* Prisoners considered necessary to be isolated from others for security shall be placed under solitary confinement.

*Article 48.* The instruments of restraint shall be of the following four kinds:

- ( 1 ) Straight Jacket;
- ( 2 ) Gag;
- ( 3 ) Handcuff;
- ( 4 ) Arresting rope.

2. The make of the restraining devices shall be stipulated by the Minister of Justice.

*Article 49.* No restraining devices shall be used without the order of the warden, provided that this shall not apply in case of emergency.

2. In the case of the proviso to the preceding paragraph, the use of devices shall immediately be reported to the warden.

*Article 50.* The straight jacket may be used only for an inmate feared to behave violently or commit suicide, the gag only for an inmate who utters a loud voice defying an order to stop, the handcuff and arresting rope only for an inmate feared to behave violently, escape or commit suicide or an inmate under escort, if it is deemed necessary.

2. The straight jacket shall not be used over 12 hours and gag over 6 hours. However, in case it is especially necessary to continue their use, the period of use may be extended every 3 hours.

3. The straight jacket shall not be used for a prisoner under escort.

*Article 51.* In case a prison official has used a gun to control an inmate, the warden shall immediately make a report to the Minister of Justice to that effect.

*Article 52.* The warden shall designate inmates from among those who have spent 3 months or over in the prison and are not feared to escape to allot them to fire service duties and train them in fire drill at times.

*Article 53.* In case inmates are set free in accordance with Article 22 of the Prison Law, they shall be notified of the time limits during which they shall appear and the place to which they shall appear.

*Article 54.* In case an inmate is to be transferred under guard to some other place, the prison physician shall examine his body and in case the transfer is deemed harmful to his health, it shall be suspended.

2. In case the transfer is suspended, the authorities concerned shall be informed thereof.

*Article 55.* At the time of transferring both male and female inmates they shall not be transferred together. The persons accused of the offences which are connected with each other shall not be transferred together, either.

2. The accused persons and persons under 18 years old shall be separated from other inmates while being transferred under escort.

*Article 56.* In case an inmate has escaped the warden shall immediately inform his escape, together with the descriptions of the escapee to the police stations located in the locality where the prison is located and in its vicinity, and in the locality where the escapee may stop.

*Article 57.* In the case of the preceding Article the warden shall report the escape to the Minister of Justice. The same shall apply in case the escapee has been arrested.

2. In case the escapee is an accused person or a person put under "Kanchi" confinement the fact that he has escaped or has been arrested shall be reported to the public prosecutor or judge, respectively besides the report provided for in the preceding paragraph.

## Chapter V. Prison Labor

*Article 58.* The working hours of prison inmates shall be stipulated by the Minister of Justice.

2. The warden may prolong or shorten the working hours according to the local conditions, structure of the prison or kinds of labor.
3. Working hours of those working at their request may be shortened by two hours or less.
4. Hours necessary for education, preaching and exercise may be calculated as working hours.

*Article 59.* Deleted.

*Article 60.* With regard to the labor to be imposed on the inmate, the kind and amount of work per day shall be designated and notified to the subject person.

*Article 61.* The amount of labor shall be fixed equally for all prisoners, according to the standard based upon the volume of work accomplished ordinarily by one inmate and the working hours set forth in paragraph 1 of Article 58.

2. With regard to the labor whereof the volume of work accomplished cannot be standardized, its amount shall be fixed by the working hours set forth in Article 58 paragraph 1.
3. Notwithstanding the preceding two paragraphs, the amount of labor may be fixed appropriately for each prisoner under 20 years, the aged, sick, weak or crippled.

*Article 62.* The work of such nature that it cannot be assigned for the entire working hours may be imposed together with other work.

*Article 63.* Any inmates shall, even though they have completed the amount of labor for the day, continue to work during the working hours.

*Article 64.* Those who work at their request shall not, without due reason, leave off or discontinue the work, or change the kind of work.

*Article 65.* Deleted.

*Article 66.* Labor outside the prison shall not be assigned to the accused.

*Article 67.* The warden shall cause the prison official to examine once a day the result of labor of each person engaged therein.

*Article 68.* The volume of work accomplished for the month shall be aggregated at the end of each month and decision shall be made whether or not the amount of labor assigned has been completed, by comparing the average daily amount with the assigned amount of labor for a day.

2. With respect to the labor under Article 61 paragraph 2 the working hours shall be aggregated every month and it shall be decided whether or not the amount of labor arranged has been completed, by the method as prescribed in the preceding paragraph.

*Article 69.* When a decision has been reached as to whether or not the amount of labor assigned has been completed, according to the preceding Article, the calculation of the remuneration for labor shall be made.

*Article 70.* The calculation of remuneration for labor need not be made for those whose behavior is bad and who show very poor working record.

*Article 71.* The remuneration shall be calculated, as stipulated by the Minister of Justice, in consideration of the conduct, propensity, kind of work, result of labor and whether or not the amount of labor assigned has been completed.

*Article 72.* For those who are engaged in labor under Article 25 paragraph 4 of the Prison Law, the sum calculated under the preceding Article may be increased.

*Article 73.* In case an inmate has caused damage, by malice or gross negligence, to tools, finished goods, materials or any other things, the sum corresponding to the restitution may be deducted from the total amount of his remuneration.

*Article 74.* A total amount of the remuneration for the previous month shall be informed to each prisoner engaged in work by the 15th of each month.

*Article 75.* The remuneration shall be given at the time of release.

2. In case the prisoner having remuneration to his account has died, such amount may be delivered to his spouse, child, father or mother.
3. If it is deemed necessary in giving the remuneration, conditions may be designated.

*Article 76.* In case it is necessary for a prisoner having remuneration to his account to support his spouse, child, father or mother or to compensate the victim of his criminal offense or to purchase a book or in other cases where it is necessary, a sum not exceeding one-third of the total amount of remuneration may be given to him, according to circumstances, even while he is still in prison.

2. In case it is especially necessary for the prisoner, the remuneration may be given to him, irrespective of the provisions of the preceding paragraph.

*Article 77.* In case the accused who has remuneration to his account is in need of money to support his spouse, child, father or mother or for other justifiable reasons his remuneration may be given him, according to circumstances, even while he is still in prison.

*Article 78.* If an inmate having remuneration to his account escapes and his whereabouts are not known within six months after his escape such account shall be cancelled.

*Article 79.* The solatium under Articles 21 and 28 of the Prison Law shall be granted, as stipulated by the Minister of Justice.

## Chapter VI. Preaching and Education

*Article 80.* Preaching shall be conducted on holidays and Sundays.

2. The warden, if he deems it necessary, may cause preaching to be conducted on other days than holidays and Sundays.

*Article 81.* For prisoners who are detained in sick cells or solitary cells and accused, preaching shall be conducted in their cells.

*Article 82.* During the period that the prisoner is excused from labor at the time of death of his father or mother, he shall hear preaching.

2. In the case of the preceding paragraph, the subject person may be permitted to chant Buddhist scriptures or hold other services for his deceased father or mother if he requests it.

3. The prisoner mentioned in Paragraph 1 may be moved into a solitary cell.

*Article 83.* Deleted.

*Article 84.* When a prisoner dies, other prisoners who are related to him shall be assembled and preaching shall be conducted before the coffin.

*Article 85.* The prisoners who are to be educated according to Article 30 of the Prison Law shall be given proper schooling for not more than four hours every day according to the level of their education.

2. In case it is deemed especially necessary for the prisoners under the preceding paragraph who have not finished the elementary or middle school courses, the elementary or middle school courses may be given them for hours exceeding the time limit provided for in the preceding paragraph.

*Article 86.* Access to documents, books and pictures shall be limited only to those which are neither against the objectives of confinement nor detrimental to the discipline of the prison.

2. In cases where access to documents, books or pictures causes much difficulty to the treatment of a prisoner by the prison because of large quantity or for other reasons, the prison may limit their kinds or quantity.

*Article 87.* Deleted.

*Article 88.* Inmates may be permitted, according to circumstances, to use writing materials in the cell which they buy at their expenses.

## Chapter VII. Supplies

*Article 89.* Items of clothing, bedding, table utensils and other miscellaneous articles provided to each prisoner shall be as follows:

Clothings:—

- ( 1 ) Ordinary uniform;
- ( 2 ) Fatigue clothes;
- ( 3 ) Underwear;
- ( 4 ) Belt;
- ( 5 ) Loincloth;
- ( 6 ) Tabi;

Beddings:—

- ( 1 ) Quilts or blankets;
- ( 2 ) Sheets;
- ( 3 ) Pillow;
- ( 4 ) Mosquito net;

Table utensils:—

- (1) Service tray;
- (2) Boiled-rice container;
- (3) Bowl;
- (4) Chopsticks;
- (5) Dish;

Miscellaneous articles:—

- (1) Towel;
- (2) Footgear;
- (3) Rain-gear;
- (4) Headgear.

2. The patterns of the articles mentioned above shall be stipulated separately by the Minister of Justice.
3. The warden may, when he deems it necessary, increase the items under Paragraph 1.
4. When items are increased under the preceding paragraph, a report thereof, together with the reasons, shall be made to the Minister of Justice.
5. Such daily necessities as paper, toothbrush, tooth powder, soap, toothpick, etc. shall be supplied.

*Article 90.* The number of items of clothings, beddings and miscellaneous articles to be provided for use by inmates shall be one each per prisoner, with the exception of mosquito nets.

2. The warden, when he deems it necessary, shall increase or decrease the number provided for in the preceding paragraph.
3. When the number is increased or decreased under the preceding paragraph a report thereof together with the reasons shall be made to the Minister of Justice.
4. The number of items of clothings, beddings and miscellaneous articles to be provided for use by invalids may be increased or decreased by the warden.
5. The number and quantity of table utensils and daily necessities shall be decided by the warden.

*Article 90-2.* The items of furniture and utensils to be provided in the cell or workshop shall be as follows:

- (1) Desk;
- (2) Bed;
- (3) Broom;

- (4) Duster;
- (5) Dust-pan;
- (6) Dish-cloth and house-cloth;
- (7) Wastebasket;
- (8) Drinking water container;
- (9) Bucket;
- (10) Wash basin;
- (11) Hair-dressing instrument;
- (12) Spittoon;
- (13) Chamber-pot;
- (14) Footgear cabinet;
- (15) Fan.

- 2. The instruments for cleaning under the preceding paragraph shall be classified according to use.
- 3. Desks, bedsteads, hair-dressing instruments and fans shall be provided only when they are necessary.
- 4. In the cell and workshop a small plate bearing the items and their number provided for in paragraph 1 shall be put up.

*Article 91.* The persons mentioned below shall be allowed to wear clothings stipulated by an instruction:

- (1) Prisoners under 26 years of age;
- (2) Female prisoners;
- (3) Other persons, if necessary for treatment;

*Article 92.* Clothings and beddings supplied by prison inmates themselves shall be only such as are suitable to the season and not detrimental to the discipline and sanitation of the prison.

- 2. The items and number of clothings and beddings to be supplied by prison inmates themselves shall be determined by the warden.

*Article 93.* Clothings and beddings supplied by prison inmates themselves shall, from time to time, be changed, mended and washed.

- 2. The expenses for mending or washing in prison of clothings and beddings supplied by prison inmates themselves shall be borne by these inmates.

*Article 94.* The standards of calories contained in the food given to an inmate per day shall be as follows:

- (1) Calories of staple food:  
1800 to 3000 calories

( 2 ) Total calories of staple food and sidedishes:  
2300 to 3600 calories

2. The calories mentioned in the preceding paragraph may be increased or decreased when necessary in view of the nature of prison labor or for the maintenance of the inmate's health or for other reasons, provided that the total calories of staple food and sidedishes shall not be decreased to less than 2300.
3. The kinds and quantity of the food given to inmates shall be fixed by the Minister of Justice, separately from these Regulations.

*Article 95.* Beverage to be supplied to inmates shall be hot water, barley tea or green tea, provided that other suitable beverage may be used when it is especially necessary for the maintenance of the inmate's health or for other reasons.

*Article 95-2.* On the national holidays and the Second and the Third of January and other days specially designated by the Minister of Justice, special food or beverage may be supplied irrespective of the preceding two Articles.

*Article 96.* The inmates shall not be allowed to drink liquor or smoke.

*Article 97.* The food and beverage of the sick may be determined by the warden, based on the opinion of a prison physician. This shall apply also to the food and beverage of a child permitted to stay in the prison under Article 12 of the Prison Law.

*Article 98.* The kind and quantity of food to be supplied by inmates themselves at their expenses shall be determined by the warden.

*Article 99.* Deleted.

*Article 100.* The food to be supplied by inmates themselves at their expenses shall be inspected by a prison physician in the presence of a prison officials.

*Article 101.* With regard to the food to be supplied by inmates themselves at their expenses who are under confinement in an associate cell, they shall eat it at a fixed place as far as possible.

## Chapter VIII. Hygiene and Medical Treatment

*Article 102.* Special attention shall be paid to the cleanliness of the prison, and clothings, beddings and miscellaneous articles shall be made clean at regular intervals by use of steam or other appropriate means.

*Article 103.* Prisoners shall keep their hair clean and make their appearance neat and trim.

2. The prisoners shall have their hair cut generally every twenty days and have a shave at least every 7 days. However, this shall not apply to females and those who have special circumstances, who shall be allowed to do so at a suitable time.

*Article 104.* Deleted.

*Article 105.* The number of times of bathing of inmates shall be fixed by the warden in consideration of the nature of labor and other circumstances. However, the minimum number of times shall be once every five days between June and September and once every seven days between October and May.

*Article 106.* The inmates shall take exercise out of doors for less than half an hour every day except on rainy days. However, this shall not apply to those who are deemed not to require exercise because of the nature of the labor they are engaged in or for other reasons.

2. The time for exercise provided for in the preceding paragraph may be prolonged to not more than one hour, only for those in solitary confinement.

*Article 107.* Medical examination by a prison physician shall be carried out at least once every 30 days for those inmates under 20 years of age who are in solitary confinement, and at least once every three months for the other prisoners in such confinement and at least once every six months for those prisoners placed under associate confinement whose prison term is not less than one year.

*Article 108.* Those under 20 years of age shall not have medical treatment at the same time with other prisoners nor shall they share the same living quarters in the sick ward.

*Article 109.* When those who are detained in solitary confinement has become ill they shall be medically treated in their cell except when it is necessary to remove them into the sick ward; and when removed into the sick ward, they shall be detained, as far as possible, in solitary cells in the sick ward.

*Article 110.* When there are signs indicating the prevalence of an infectious disease, precautionary measures shall be strictly enforced and those inmates who have come from the affected area or passed through it shall be kept isolated from others for one week or more and the things they have brought with them shall be disinfected.

*Article 111.* If it is deemed necessary for preventing an infectious disease, inmates shall be given inoculation or other preventive measure.

*Article 112.* When an infectious disease is prevalent the sending-in of food and drinks to inmates from outside the prison and the purchase of food and drinks by inmates may be suspended.

*Article 113.* When an inmate has contracted an infectious disease he shall immediately be isolated and strict disinfection enforced, and a report shall be made to the Minister of Justice.

2. In the case of the preceding paragraph, the fact shall be notified to the mayor of city or the headman of town or village in the locality where the prison is situated.

*Article 114.* When an inmate has been transferred to a hospital in accordance with Article 43 of the Prison Law the warden shall make a report to the Minister of Justice accompanied by a certificate of the prison physician and the record of conference held with the hospital to which the inmate has been sent.

*Article 115.* When an inmate has been transferred to a hospital the warden shall make a prison official inspect his condition every day.

*Article 116.* When the inmate who has been transferred to a hospital no longer needs to stay therein the warden shall get him back as soon as possible and make a report to the Minister of Justice to that effect.

*Article 117.* If it is deemed especially necessary for the purpose of medical treatment the warden may have medical doctors other than prison physicians assist in the treatment.

2. When it is deemed necessary at the time of child delivery the warden may have a midwife attend on the woman.

*Article 118.* When an inmate becomes critically ill, his family or relatives shall be notified to that effect and in case he is an accused person or a person placed under "Kanchi" confinement the public prosecutor or judge shall be informed of it, respectively.

*Article 119.* A woman who has been pregnant may be treated in the same way as a sick person after five months' pregnancy, and a woman in childbed, before the lapse of two months after delivery.

#### Chapter IX. Interview and Correspondence

*Article 120.* No persons under 14 years of age shall be permitted to interview prison inmates.

*Article 121.* The time of an interview shall not exceed 30 minutes. However, this shall not apply to the interview of an inmate with defence counsel.

*Article 122.* Interview shall be permitted only within office hours.

*Article 123.* The number of times of interviewing in the case of a person sentenced to penal detention or placed under "Kanchi" confinement shall be every ten days and in the case of a person sentenced to imprisonment, every 15 days, and in the case of a person sentenced to imprisonment at forced labor, once a month. However, the warden may increase the number of times of interviewing of prisoners under 20 years of age serving prison term or prisoners treated similarly to such young prisoners as far as the warden deems it necessary for their education.

*Article 124.* In case the warden deems it necessary for purposes of treatment and so forth, he may not abide by the restrictions under the preceding four Articles.

*Article 125.* In case any person applies for an interview with an inmate, his full name, occupation, address, age, relation to the inmate and purpose of interview shall be inquired, and the person permitted to interview the inmates shall be informed of the matters to be observed at the interview.

2. In case the applicant for permission to interview is the defence counsel, his full name, occupation and address only shall be inquired and in case the applicant is a person acting as defence counsel with the permission of the court he shall also be required to prove it.

*Article 126.* An interview shall be had in the interviewing room.

2. An inmate may have an interview at a suitable place other than the interviewing room when it is deemed necessary for his rehabilitation or for other reasons.
3. The inmates may have an interview at the place where he is confined, when unavoidable, because he is sick.

*Article 127.* A prison official shall attend at an interview. However, this shall not apply in the case of an interview of the accused with his defence counsel.

2. In the case of the proviso to the preceding paragraph necessary security steps shall be taken to prevent the escape of the inmate, illegal delivery of things, suppression or destruction of evidences and other accidents.
3. In case the warden deems it necessary for the rehabilitation of the inmate, he need not have an officer attend at the interview of a prisoner serving prison term.

*Article 128.* No foreign language shall be used at an interview unless it is permitted by the warden.

*Article 129.* The number of outgoing correspondences shall be one per ten days, in the case of a person sentenced to penal detention and placed under "Kanchi" confinement, and, in the case of a person sentenced to imprisonment without forced labor one per fifteen days, and in the case of a person sentenced to imprisonment at forced labor one per month. However, the number of outgoing correspondences of a prisoner under 18 years of age serving prison term or a prisoner treated similarly to such a young prisoner may be increased as far as the warden deems it necessary for his rehabilitation.

2. In case the warden deems it necessary for purposes of treatment and other reasons, he may not abide by the restrictions under the preceding paragraph.

*Article 129-2.* The correspondence addressed to a prisoner serving prison term shall be delivered to him without delay, if not harmful to his rehabilitation.

2. In case correspondences to be delivered to prisoners are so many that there is likelihood of the prison facing much difficulty in handling them, correspondences requiring urgency shall first be delivered to the prisoners.

*Article 130.* The correspondences sent and received by inmates shall be censored by the warden.

2. The outgoing correspondences shall be handed to the warden without being sealed and the incoming correspondences shall be opened and sealed by the warden.

*Article 131.* Correspondences in foreign languages may be translated for censorship at the expense of inmates.

2. In case the inmate has no means to bear the expense provided for in the preceding paragraph or does not agree to bear it he need not be permitted to send out or receive such correspondences.

*Article 132.* The correspondence to be sent out by a prisoner serving prison term shall not be prepared except on Sundays or holidays or at recess time except in case of urgency.

*Article 133.* In case an inmate is unable to write his letter a prison official shall write it for him at his request.

*Article 134.* The postage of the correspondences sent out by an inmate shall be borne by him. The prison shall furnish the inmate with the postage in case he is required to correspond in reply to the court or any other public office or in case it is deemed necessary for purposes of treatment or for other reasons, if he is unable to bear the postage.

2. The paper and envelopes for correspondence may be supplied by the prison.

*Article 135.* The correspondences and other papers which have been delivered to the inmate may be kept by him for a period which the warden deems necessary for purposes of treatment or for other reasons.

*Article 136.* The censorship, sending out and delivery of correspondences shall be carried out as promptly as possible.

*Article 137.* The date of sending out, delivery or demolishment of a correspondence shall be entered in the personal status book of the prisoner concerned.

*Article 138.* The correspondences which are not permitted to be sent out by or delivered to a prisoner under Article 47 paragraph 1 of the Prison Law shall be kept in custody, and they shall be delivered to him at the time of his release, except those which are to be demolished.

*Article 139.* In case any information which is useful for the treatment of the inmate concerned has been obtained at the time of attendance by a prison officer at an interview or of the censorship of a correspondence, its summary shall be recorded in the personal status book of the prisoner concerned.

## Chapter X. Custody of Inmate's Belongings

*Article 140.* The item, number or quantity of the inmates' belongings taken into custody shall be entered in the custodial registers for money and articles, and the warden shall affix a seal to the custodial register for articles for certification.

*Article 141.* Anything in custody other than money may be sold at the request of the subject person, in which cases the money accrued from the sale shall be taken into custody.

2. The disposition provided for in the preceding paragraph may be taken, as regards the thing which has not been taken into custody or has been released from custody, even without the request of the subject person, in case he has not disposed of it properly.

*Article 142.* Nothing which is against the objectives of confinement or detrimental to the discipline in the prison shall be sent in to any inmate.

*Article 143.* Nothing shall be sent in to a prisoner serving prison term except statute books or other papers, pictures, writing materials, revenue stamps, postal stamps, post cards, money and other things which are deemed especially necessary for education of a prisoner. However, this shall not apply to those things which he is permitted to have at his own expense.

*Article 144.* Besides the articles mentioned in the preceding paragraph, clothings, beddings, food and drinks, towels and foodgears only may be sent in to the accused person. This shall apply also to those things which he is permitted to have at his own expense.

*Article 145.* Article 92 shall apply mutatis mutandis to the sending in of clothings and beddings and Article 98 to the sending in of food and drinks.

*Article 146.* In case any person applies for sending in anything to an inmate his full name, occupation, address, age and relation to the inmate shall be investigated.

2. In case it is found harmful to the treatment of the inmate to send something in, as the result of investigation conducted under the preceding paragraph, it shall be prohibited.

*Article 147.* Anything sent by post or anything brought in to an inmate shall be examined by a prison official.

2. The examination of food and drinks shall be conducted with the attendance of a prison physician.

*Article 148.* The procedure of custody followed in the case of things brought with the inmate shall apply to those things which are permitted to be supplied by the inmate at his own expense or to be sent in to him, even when they are not delivered to him.

*Article 149.* The procedure of custody may not apply to newspapers, magazines or food and drinks.

*Article 150.* In case the disposition of vesting in the National Treasury or demolishment has been made the item, number or quantity, reason for the disposition and date shall be entered in the Record for Vesting in the National Treasury and Demolishment and the warden shall affix official seal to it for certification. This shall not apply, however, to those things which are not taken into custody under the preceding Article.

*Article 151.* In case the person who is to receive the things left behind by the dead inmate lives at a distant place, such things may be sold and the money accrued from the sale may be sent to him at his request. However, the expenses of sending shall be borne by the person who requested it.

## Chapter XI. Reward and Punishment

*Article 152.* Those prisoners who are to be given favourable treatment as a reward shall be given reward patches.

2. No prisoner shall be given more than three reward patches.

*Article 153.* The reward patches shall be made of white cloth, 6 cm by 3 cm and it shall be worn on the left arm of the coat between the shoulder and elbow.

*Article 154.* Favourable treatment as a reward shall be as follows:

- (1) The number of times of interview provided for in Article 123 and the number of times of sending out of correspondences provided for in Article 129 shall be increased by one, respectively;
- (2) Self-supply of shirts shall be permitted;
- (3) Change of work in prison labor shall be permitted;
- (4) The amount of remuneration under Article 71 shall be increased by two-tenths at each time a reward patch is given;
- (5) Special food and drinks shall be supplied.

*Article 155.* The inmate whose favourable treatment given as a reward has been rescinded shall be stripped of his reward patch. The inmate whose favourable treatment has been suspended shall have his reward patch removed for the period of the suspension.

*Article 156.* In case the inmate has done any of the acts under the following items may be awarded a reward up to the amount of 500 yen:

- (1) When he has rescued a human life;
- (2) When he has prevented an inmate from taking flight;
- (3) When he has performed a meritorious act in working for the prison at the time of natural calamity, untoward incidents or on the occasion of the prevalence of contagious diseases.

*Article 157.* In decreasing food as a punishment the quantity of one meal to be supplied to the inmate shall be decreased by a half or one-third of such meal.

*Article 158.* An inmate being investigated for a violation subject to a disciplinary action shall be placed under solitary confinement or be confined in a night solitary cell.

*Article 159.* Disciplinary punishment shall be imposed by the warden.

*Article 160.* Disciplinary punishment shall be carried out immediately after its imposition.

2. The inmate to be punished with the suspension of outdoor exercise, reduction of food, or disciplinary confinement shall be medically examined by a prison physician and, unless the physician is convinced that the punishment will not be harmful to his health, such punishment shall not be enforced.

*Article 161.* The health of the inmates whose food has been reduced as a punishment or who has been placed under disciplinary confinement shall be examined occasionally by a prison physician.

*Article 162.* When the inmate whose food has been reduced as a punishment or who has been placed under disciplinary confinement is to appear in court at its summons, his disciplinary punishment shall be suspended for that day.

2. When the person mentioned in the preceding paragraph is transferred under escort to any other prison, his disciplinary punishment shall be suspended on the day before the day of transfer, the day of transfer and during the period of escort.
3. The days of suspension shall not be counted in the period of disciplinary punishment.

*Article 163.* A prisoner who has been punished with the suspension of outdoor exercise, reduction of food or disciplinary confinement shall be medically examined by a prison physician immediately after he has received the punishment.

*Article 164.* The prison which has received a prisoner under disciplinary punishment transferred to it shall start the execution of his disciplinary punishment within three days from the committal.

2. The days from this committal to the recommencement of his punishment shall not be counted in the period of punishment.

*Article 165.* When the inmate being transferred under escort has behaved in a manner to violate discipline, the prison which has received such inmate may impose disciplinary punishment on him.

*Article 166.* The matters concerning the reward and disciplinary punishment of the inmate shall be entered in the personal status book and the disciplinary punishment record.

## Chapter XII. Release

*Article 167.* The prisoner who is to be released due to the expiration of his term of penalty shall be placed under solitary confinement three days or less before his release and the warden shall personally make exhortations and give necessary advice which he should follow after his release.

*Article 168.* With respect to a prisoner to be released due to the expiration of his term of penalty, the matters concerning his aftercare after his release shall be investigated not later than ten days before his release.

*Article 169.* In case the warden deems it necessary, his opinions concerning the character, behaviour, the aftercare of the prisoner to be released shall be informed to the public office which is concerned with his aftercare or to the person who is take care of the prisoner.

*Article 170.* The prison shall make preparations for returning to the prisoner to be released his belongings kept in custody and the remuneration for his prison labor.

*Article 171.* A person having no clothings to wear at the time of release shall be made to buy them with his money taken into custody or the remuneration for his prison labor or by other means, and in case he cannot obtain them, the prison shall supply clothings.

*Article 172.* In case it is deemed necessary when the prisoner is released, the warden shall make a prison official accompany him to the station or port of embarkation and buy for the prisoner a ticket for his destination or for the nearest place to his destination and deliver it to him.

*Article 173.* In case the warden believes that there are circumstances which warrant that a prisoner is to be granted parole the warden shall submit an application therefor to the Regional Parole Board having jurisdiction over the locality where the prison is situated.

*Article 174.* When a prisoner is released on parole the warden shall have a ceremony as prescribed and announce his release and deliver a certificate to him.

*Article 175.* In case it has been found that the person released on parole falls under Article 29 paragraph 1 items (1) to (3) of the Penal Code, the warden shall immediately report it to the chief of the Probation Office.

*Article 176.* The provisions of Article 173 and Article 174 shall apply mutatis mutandis to provisional release from work-house under Article 30 of the Penal Code.

### Chapter XIII. Death

*Article 177.* In case an inmate has died, the warden shall inspect the corpse.

2. In case an inmate has died from disease, the prison physician shall enter in the "Death Book" the name of the disease, case history, cause of death and the time and date of death and sign therein.

3. In case an inmate has committed suicide or died an unnatural death, a report thereof shall be made to the public prosecutor or the police station which shall inspect the corpse, and the official position, name of the inspector and the attendant and the result of the inspection shall be entered in the "Death Book."

*Article 178.* The name and the cause of the disease of the deceased, and the time and date of death shall immediately be notified to his relatives. In case the deceased is an accused person awaiting trial or person put under "Kanchi" confinement, the notification shall be made to the public prosecutor or judge, respectively.

*Article 179.* Only when nobody applies for the delivery of the corpse of a prisoner within 24 hours after his death, the corpse may be sent to a hospital, school or public office designated by the Minister of Justice for dissection.

2. Even in case there is nobody applying for the delivery of the corpse of a prisoner within 24 hours after his death, the disposition under the preceding paragraph shall not be made, if it is deemed that some one will apply for its delivery later, or if the deceased while living expressed his will against dissection.

*Article 180.* When the corpse has been delivered to an applicant or sent for dissection, entry shall be made in the "Death Book" to that effect.

*Article 181.* In case there is no applicant for the delivery of a corpse within 24 hours after death, the corpse shall, except in cases falling under Article 179, be buried temporarily in the prison cemetery.

2. In case it is cremated the same shall apply to its ashes.
3. A wooden post bearing the name and the date of death of the deceased shall be erected at the place of temporary burial.

*Article 182.* When the corpses or ashes of more than two prisoners are buried together, their names and dates of death shall be entered in the "Group Burial Book" and a grave marker erected at the place of group burial.

2. The grave marker shall be made of stone.

# THE JUVENILE TRAINING SCHOOL LAW

(Law No. 169 of 1948, as amended by Law No. 252 of 1948, Law Nos. 120 and 143 of 1949, Law No. 99 of 1950, Law No. 72 of 1951, Law No. 268 of 1952, Law Nos. 24, 43 and 86 of 1953, Law No. 163 of 1954, Law No. 135 of 1955 and Law No. 145 of 1961)

## *(Purpose of Juvenile Training School)*

*Article 1.* The Juvenile Training School shall be an institution for receiving those persons who have been committed thereto by the Family Court as a protective measure and giving them correctional education.

## *(Classification of Juvenile Training Schools)*

*Article 2.* The Juvenile Training Schools shall be classified into Primary, Middle, Advanced and Medical Schools.

2. The Primary Juvenile Training School shall receive those persons who are not seriously defective mentally or physically and are fourteen years of age or over but generally under sixteen.
3. The Middle Juvenile Training School shall receive those persons who are not seriously defective mentally or physically and generally sixteen years of age or over but under twenty.
4. The Advanced Juvenile Training School shall receive those persons who are not seriously defective mentally or physically but are more advanced in criminal tendencies, and generally sixteen years of age or over but under twenty-three.
5. The Medical Juvenile Training School shall receive those persons who are seriously defective mentally or physically and fourteen years of age or over but under twenty-six.
6. The Juvenile Training Schools shall be established according to the sexes. However, the same shall not apply in case a Medical Juvenile Training School is so partitioned as to separate male and female inmates.

## *(Administration)*

*Article 3.* The Juvenile Training Schools shall be government institutions and shall be under the administration of the Minister of Justice.

2. The Minister of Justice shall be responsible for the appropriate maintenance and thorough inspection of the Juvenile Training Schools.

*(Correctional Education)*

*Article 4.* The correctional education of the Juvenile Training School shall consist of the following school courses, vocational training and guidance, appropriate training, and medical treatment, while it aims at making them live an orderly life based on the stimulated spirit of self-help, in order to help them adjust themselves to social life.

- (1) In the Primary Juvenile Training School, school courses which are required in primary and junior high schools;
  - (2) In the Middle or Advanced Juvenile Training School, school courses which are required in the Primary Juvenile Training School and, if necessary, academic courses on the same level as in the senior high school, high professional school or university;
  - (3) In the Medical Juvenile Training School, school courses which are required in schools for the handicapped or in other schools giving special education.
2. The superintendent of the Juvenile Training School shall not make the inmates engage in work not related to the correctional education mentioned in the preceding paragraph.

*(School Course)*

*Article 5.* The superintendent of the Juvenile Training School shall follow the advice of the Minister of Education in regard to matters related to the school courses in the correctional education of the inmates.

2. The superintendent of the Juvenile Training School may issue a certificate of the completion of a course to an inmate who has gone through a school course as stated in each item of the preceding Article.
3. The certificate mentioned in the preceding paragraph shall have the same effect as a certificate of completion of a school course, or any other certificate, issued by the chief of the school established under the School Education Law (Law No. 26 of 1947) with respect to the course corresponding to that of such school.

*(Progressive Treatment)*

*Article 6.* The treatment of the inmate shall be graded and the inmate shall be given progressive treatment according to the degree of their improvement, progress, etc. However, the treatment of an inmate of especially poor record may be degraded.

*(Reward)*

*Article 7.* The superintendent of the Juvenile Training School may reward an inmate for good conduct, good record or acquisition of a certain skill.

2. The reward under the preceding paragraph shall be in the form of a token of praise such as a certificate, badge, etc. or special treatment such as special leave for going out, etc. However, the superintendent of the Juvenile Training School may, with the approval of the Minister of Justice, give other rewards than those stated above.
3. A reward once given shall in no case be deprived or withdrawn.

*(Disciplinary Action)*

*Article 8.* The superintendent of the Juvenile Training School may take a disciplinary action on an inmate who has acted against the discipline only within the following scope.

- (1) To admonish him strictly;
  - (2) To give him a less number of marks than are otherwise given for certain merit;
  - (3) To keep him in disciplinary confinement in a sanitary solitary room for a period not exceeding twenty days.
2. The disciplinary action shall be taken with consideration for the mental and physical condition of the subject person.

*(Grant of Solatium for Death and Injury)*

*Article 8-2.* When the inmate has died from an injury or illness suffered during his correctional education or when he has recovered from such injury or illness but it has become clear that he will be physically handicapped, solatium may be paid to him according to Ministry of Justice Ordinance.

2. The solatium in the case of the death of an inmate shall be given to his family.

*(Custody of Personal Effects of Inmates)*

*Article 9.* If the superintendent of the Juvenile Training School has taken the money, clothings and other things of the inmate into his custody, he shall keep them in safe custody.

*(Transfer)*

*Article 10.* If the superintendent of the Juvenile Training School deems it necessary to transfer an inmate to another Juvenils Training School, for the convenience of his correctional education and other reasons, he may transfer him to the institution with the approval of the supervisor of the Regional Correction Headquarters having jurisdiction over the district in which the Juvenile Training School is located.

2. When the superintendent of the Juvenile Training School has transferred an inmate to another Juvenile Training School in accordance with the provision of the preceding paragraph, he shall inform the Court which has committed the inmate to the Juvenile Training School of the fact of the transference without delay.
3. When the superintendent of the Juvenile Training School has transferred an inmate who has been detained therein for six months or more to another Juvenile Training School in accordance with the provision of paragraph 1 of this Article, he shall also inform the Regional Porole Board having jurisdiction over the district in which the Juvenile Training School is located of the fact of transference without delay.

*(Release and Continued Custody)*

*Article 11.* The superintendent of the Juvenile Training School shall release the inmate when he has become twenty years of age. However, the inmate who has not spent one year in the Juvenile Training School since his commitment thereto may still be detained for not more than one year from the time of his commitment.

2. If the superintendent of the Juvenile Training School deems it improper to release an inmate from the Juvenile Training School, in the case of the preceding paragraph, because he is considerably defective physically or mentally or his criminal tendency has not been corrected, he shall make application to the Court which has committed him to the Juvenile Training School for a ruling which orders the continuation of his custody.
3. The Court, having received the application under the preceding paragraph shall, in the hearing of such application, hear the opinion of persons having the knowledge of medical science, psychology, pedagogy, sociology and other expert knowledge, and staff members of the Juvenile Training School which detains the inmate concerned.

4. If the Court finds that the inmate is in the conditions provided for in paragraph 2, it shall make a ruling which orders the continuation of his custody for a fixed period. However, such period shall not exceed the twenty-third year of his age.
5. If the Court finds, upon the application of the superintendent of the Juvenile Training School, that it is improper, for public welfare, to release the inmate who has become twenty-three years of age from the Juvenile Training School because he is mentally defective to a remarkable degree, it shall make a ruling which orders his continued custody in the Medical Juvenile Training School for a fixed period not over the twenty-sixth year of his age.
6. The provisions of paragraphs 2 to 4 inclusive shall apply mutatis mutandis to the case provided for in the preceding paragraph.
7. When the superintendent of the Juvenile Training School has made application to the Court for a ruling which orders the continued custody of the inmate, he may continue to detain the inmate pending the notification of the ruling of the Court, despite the provisions of paragraph 1.
8. The superintendent of the Juvenile Training School shall release the inmate when the period fixed by the Court has expired.

*(Release and Release on Parole)*

*Article 12.* The superintendent of the Juvenile Training School shall, when he deems that the object of the correction of an inmate has been attained, make application to the Regional Parole Board for his release.

2. When the superintendent of the Juvenile Training School finds that the inmate has attained the highest grade of treatment and it is proper to release the inmate on parole, he shall make application to the Regional Parole Board for his release on parole.

*(Request for Help)*

*Article 13.* The superintendent of the Juvenile Training School may request the Regional Parole Board, Chief of the Probation Office or the Court which has committed the inmate, for a report of his mental and physical conditions, home, associates and other environmental situation, and also for other necessary help.

2. The superintendent of the Juvenile Training School may request the police officer, child welfare officer or any other public officer for necessary help.

3. The superintendent of the Juvenile Training School may, with the approval of the supervisor of the Regional Correction Headquarters having jurisdiction over the district in which the Juvenile Training School is located, request a school, hospital, enterprising establishment or a person of learning and experience for help in the correctional education.
4. When the superintendent of the Juvenile Training School requests an enterprising establishment or a person of learning and experience to help in the vocational training of the inmate in an institution other than the Juvenile Training School, the provisions of the Labor Standards Law (Law No. 49 of 1947) shall be observed, and if reward is paid, the inmate shall have the whole of it.

*(Taking Back)*

*Article 14.* When the inmate has escaped from the Juvenile Training School the official of the Juvenile Training School may take him back to the institution. The same shall apply to the police officer who has been requested by the superintendent of the Juvenile Training School to help in the taking back in the case where the taking back of the inmate by the official of the Juvenile Training School is difficult.

2. After forty-eight hours have passed from the time of the escape of the inmate his taking back shall not be proceeded without the warrant for taking back issued in advance by the judge.
3. The warrant for taking back under the preceding paragraph shall be issued by the judge of the Family Court having jurisdiction over the place where the Juvenile Training School is located on the application of the superintendent of the Juvenile Training School.
4. With respect to the taking back and warrant for taking back the provision of Article 17-2 of this Law and the provisions of Article 4 and Article 36 of the Juvenile Law (Law, No. 168 of 1948) shall apply mutatis mutandis in so far as this is not against the nature of taking back. In this case the inmate in the Juvenile Training School in Article 17-2 shall read the "person who escaped from the Juvenile Training School".

*(Use of Handcuffs)*

*Article 14-2.* When the inmate is likely to escape, behave violently or commit suicide, handcuffs may be used if it is unavoidable in order to prevent the act.

2. Handcuffs shall not be used without the permission of the superintendent of the Juvenile Training School. However, the same shall not apply in an urgent situation when there is no time for obtaining his permission.
3. The make of handcuffs shall be determined by Ministry of Justice Ordinance.

*(Matters Concerning Treatment)*

*Article 15.* Other necessary matters concerning the treatment of the inmate than those prescribed in this Law shall be provided for by the Ordinance of the Ministry of Justice.

2. The superintendent of the Juvenile Training School may issue detailed regulations relating to the treatment of inmates with the approval of the Minister of Justice.

*(Juvenile Classification Home)*

*Article 16.* The Juvenile Classification Home shall be the institution for receiving those persons who are committed thereto under the provision of Article 17 paragraph 1 item (2) of the Juvenile Law and also for the classification of the personality and disposition of the juvenile on the basis of medical science, psychology, pedagogy, sociology, and other expert knowledge in order to help the investigation and hearing of juveniles by the Family Court and the execution of the protective measure.

*(Classification of Juvenile's Disposition on Request)*

*Article 16-2.* When the Juvenile Classification Home is requested by any person other than the Family Court, the superintendent of the Juvenile Training School, Regional Parole Board and chief of the Probation Office for the classification of a juvenile's disposition, it may comply with such request as far as it does not disturb the business under the preceding Article.

2. The expenses for the classification under the preceding paragraph shall be collected in accordance with Ministry of Justice Ordinance.

*(Administration)*

*Article 17.* The Juvenile Classification Homes shall be government institutions and shall be under the administration of the Minister of Justice.

2. The provisions of Article 9, Article 13 paragraph 2 and 3, and Article 14 to Article 15 shall apply mutatis mutandis to the Juvenile Classification Home.

*(Temporary Detention During Escort)*

*Article 17-2.* If pressing circumstances arise in the course of escorting an inmate of the Juvenile Training School or Juvenile Classification Home, he may be detained temporarily in the specially partitioned part of the nearest Juvenile Classification Home or Detention House (not including the place substituted for it under the provision of Article 1 paragraph 3 of the Prison Law (Law No. 28 of 1908); hereinafter the same) in the case of the inmate of the Juvenile Training School, or in the specially partitioned part of the nearest Juvenile Training School or Detention House in the case of the inmate of the Juvenile Classification Home.

*(Travel Expenses to Return Home)*

*Article 17-3.* If the person released or released on parole from the Juvenile Training School or the person released from the Juvenile Classification Home has no travel expenses to return home or no proper clothings he may be supplied with such travel expenses or clothings within the limit of the budget.

*(Money and Personal Effects Left Behind by Deceased Inmate)*

*Article 17-4.* The superintendent of the Juvenile Training School or the chief of the Juvenile Classification Home shall deliver the money and personal effects left behind by the inmate who has died while detained to the person having parental power, guardian or relative of the deceased upon request.

2. The money and personal effects left behind by the deceased inmate mentioned in the preceding paragraph shall be vested in the National Treasury, if no request under the same paragraph is made within one year from the day of his death.

*(Money and Personal Effects left Behind by Escaped Inmate)*

*Article 17-5.* The money and articles left behind by the inmate of the Juvenile Training School or Juvenile Classification Home who has escaped therefrom while under detention shall be vested in the National Treasury when his whereabouts are unknown for one year from the day of escape.

# ORDINANCE FOR PRISONER'S PROGRESSIVE TREATMENT

(Ministry of Justice Ordinance No. 35 of 1933, as amended by  
Ministry of Justice Ordinance No. 56 of 1944,  
Ministry of Justice Ordinance No. 115 of 1955 and  
Ministry of Justice Ordinance No. 47 of 1966)

## Chapter I. General Provisions

*Article 1.* The purpose of this Ordinance shall be gradually to urge the prisoner's feeling of penitence and give more lenient treatment according to the degree of his effort for reformation and thereby make him adaptable to life in the society.

*Article 2.* This Ordinance shall apply to prisoners sentenced to imprisonment at forced labor excepting those who come under any one of the following items:

- (1) A person whose term of penalty is less than 6 months;
- (2) A person who is 65 years of age or over and cannot engage in work standing;
- (3) A pregnant woman;
- (4) A person who is crippled, disabled or mentally handicapped and is not fit for prison labor.

*Article 3.* The expression "juvenile prisoner" as used in this Ordinance shall mean the person who undergoes the enforcement of penalty under Article 56 of the Juvenile Law (Law No. 168 of 1948) and the person who undergoes the enforcement of penalty in the like manner according to the provisions stipulated by the Minister of Justice.

*Article 4.* The treatment of the person to whom this Ordinance applies shall be in accordance with the Prison Law Enforcement Regulations subject to the provision of this Ordinance.

## Chapter II. Classification of Prisoners

*Article 5.* When a person is committed to the prison he shall be placed under solitary confinement for the investigation of his individual character, physical and mental condition, circumstances in which he has lived, personal history, education and other personal matters. However, in case it is deemed necessary for investigating his personal affairs he may be placed under associate confinement.

2. The period of the investigation provided for in the preceding paragraph shall not be longer than 15 days.

*Article 6.* Care shall be taken not to check the manifestation of individuality of the prisoner who is under investigation of his personal affairs except in the case of preventing his escape, suicide, violent acts or other acts violating the discipline.

*Article 7.* On the prisoner who is under investigation of his personal affairs manual work shall be imposed and observation shall be conducted in such particulars necessary for determining industry to be imposed during the period of his prison term as his perseverance, diligence, efficiency, skill, contrivance, etc.

*Article 8.* The wish of a prisoner who is under the investigation of his personal affairs concerning the imposition of work and change of his work shall not be complied with.

*Article 9.* With respect to the individuality and mental condition of a prisoner investigation shall be conducted on the basis of the knowledge of medicine, psychology, pedagogy, sociology, etc. necessary to form the judgment.

*Article 10.* In case it is necessary for the investigation of personal affairs of an inmate, the warden may borrow and peruse the record of proceedings, make inquiries to the office of the city, town or village, police station, school, rehabilitation organization, his relatives, persons concerned in his employment, etc. and demand them to report on necessary matters.

*Article 11.* The results of investigation of personal affair shall be entered in the book of personal affairs.

*Article 12.* A person who comes into contact with the convicted prisoner under investigation of his personal affairs shall be attentive to the acts of such prisoner and in case he has noticed an act in him which may influence the investigation into his individuality or mental condition, such person shall promptly report it to the chief of the section whereto he belongs. The same shall apply to the person coming in contact with the prisoner of whom investigation of personal affairs has been completed.

2. The chief of section who has received the report under the preceding paragraph shall make use of such report in examining the personal affairs.

*Article 13.* When the investigation of personal affairs of an inmate has been completed the warden shall determine whether or not he should receive progressive treatment and other plans for the treatment of the subjects person on consideration of the nature of the crime, age, penal term, number of times of offense and other matters found as the result of examination of the personal affairs.

2. The warden shall explain the purport of the progressive treatment to the person to whom the progressive treatment applies.

*Article 14 and Article 15.* Deleted.

### Chapter III. Progressive Treatment

#### Section 1. Grade and Inclusion

*Article 16.* The treatment under this Ordinance shall be graded as follows:

- The 4th grade;
- The 3rd grade;
- The 2nd grade;
- The 1st grade.

2. The prisoner shall wear a proper badge to indicate his grade under the preceding paragraph.

*Article 17.* The treatment of the prisoner shall advance from the 4th grade through each grade in order.

2. The grade of treatment of a person who is strong in the sense of responsibility and promises to be fit for collective living may be advanced to a proper grade regardless of the provision of the preceding paragraph through the deliberation of the prison officials' conference.

*Article 18.* The prison which has received a transferred prisoner shall in principle include him into the group of the grade same as the grade wherein he has been treated in the prison wherefrom he has been transferred. However, in case the warden deems it necessary, such prisoner's grade may be determined through the deliberation of the prison officials' conference.

*Article 19.* The provisions of the preceding Article shall apply to the grade inclusion of the prisoner committed to the prison due to rescission of the suspension of the enforcement of penalty and the person who has come to be treated under this Ordinance due to the reasons stipulated in item (3) and item (4) of Article 2 having ceased to exist.

2. The prisoner who has been committed to the prison due to the rescission of his release on parole shall be considered as a newcomer.

*Article 20.* In the case of transferring a prisoner all the documents concerning the examination of his progressive treatment shall be sent to the prison whereto such prisoner is transferred.

*Article 21.* An examination shall be conducted in the following items before determining the progress of the grade of treatment of a prisoner:

- (1) Diligence and record in prison labor;
- (2) Behaviour;
- (3) Degree of sense of responsibility and volition.

2. With respect to the juvenile prisoner an examination shall be conducted in his degree of diligence and record of scholarship besides the items under the preceding paragraph.

*Article 21-2.* The examination shall, after the application of progressive treatment, be conducted generally once every 2 months in the case of a prisoner whose term is less than 8 months and generally once every 6 months in the case of others through the deliberation of the prison officials' conference.

2. In case the warden deems it necessary an examination may be conducted at any time through the deliberation of the prison officials' conference.

*Article 21-3.* The results of the examination provided for in the preceding two Articles shall be entered in the prison rating examination card.

*Article 22 to Article 24.* Deleted.

*Article 25.* In case a progress in the grade of treatment of a prisoner has been decided on as result of the examination such prisoner shall be notified to that effect.

*Article 26.* The person whose grade of treatment has progressed shall be told of the contents of treatment of his grade and be made to promise on oath to fulfill his responsibility wherewith he is to be bound.

*Article 27.* Even in case it is deemed too soon to advance the grade of a prisoner, the warden may provisionally advance the grade of such prisoner under extenuating circumstances through the deliberation of the prison official's conference on certain conditions. In such case if the prisoner fails to fulfill such conditions his grade shall be lowered to his former grade and in case he has fulfilled the conditions his provisional grade shall be decided final.

*Article 28.* Deleted.

#### Chapter IV. Confinement and Security

*Article 29.* Prisoners of the 4th and 3rd grade shall be placed under associate confinement. However, this shall not apply in case it is necessary for treatment.

*Article 30.* Prisoners of and above the 2nd grade shall be placed under associate confinement in the daytime and solitary confinement at night.

*Article 31.* Prisoners of the 1st grade may be confined in special places.

2. In the case of a special place provided for in the preceding paragraph the cell needs not be locked.

*Article 32.* The warden may cause the prisoners in each workshop to elect beforehand a person they confide in from among the prisoners

of the 2nd grade and order the elected persons whom he thinks fit to keep the workshop in good order and other necessary business.

2. The prisoners who are employed in the business provided for in the preceding paragraph shall not be more than two per workshop.

*Article 33.* The prisoners of the 2nd grade shall be employed in the work concerning cleaning and putting to order the compound cooperatively at least once a month. In such case the calculation of remuneration for prison labor shall not be conducted for them.

*Article 34.* The prisoners of the 1st grade shall not undergo the search of their body or cell.

*Article 35.* Deleted.

*Article 36.* The prisoners of the 1st grade may freely take a walk in the designated area in the prison during time of rest.

*Article 37.* There shall be two representatives for the prisoners of the 1st grade to maintain the discipline of the whole prisoners and to cause their wishes to be expressed by them.

2. The representatives under the preceding paragraph shall be nominated by the warden from among several candidates elected mutually from among the prisoners of the 1st grade.

*Article 38.* The prisoners of the 1st grade shall be responsible to the warden for their conduct so as not to be found faults with at the time of the search of their persons or cells and for the keeping in order of their cells and maintenance of order.

2. In case there are prisoners who do not fulfill the responsibility provided for in the preceding paragraph among the prisoners the whole or a part of the good treatment provided for in this Chapter may be suspended for a certain period for the whole or a part of the prisoners.

## Chapter V. Prison Labor

*Article 39.* On the prisoner whose investigation of personal affairs has been completed the work in prison labor he is to be engaged in for the period of his prison term shall be imposed.

*Article 40.* The prisoners of the 4th grade and the 3rd grade shall not be permitted to change his work in prison labor. However, this shall not apply in case it is deemed necessary for his treatment or otherwise the change is necessary.

*Article 41.* The prisoner of the 4th grade may be permitted to spend for his use not more than one-fifth of his remuneration for prison labor in his account every month.

*Article 42.* The prisoner of the 3rd grade may be permitted to spend for his use not more than one-fourth of his remuneration for prison labor in his account every month.

*Article 43.* The prisoner of the 2nd grade may be permitted to use his own tool in labor.

2. In case it is necessary to purchase the tool under the preceding paragraph the prisoner may be permitted to spend his remuneration for prison labor already calculated into his account.

*Article 44.* The prisoners of the 2nd grade with excellent record in prison labor and of skill and ability may be made to assist in the guidance in prison labor.

*Article 45.* The prisoner of the 2nd grade may be permitted to spend for his use not more than one-third of his remuneration for prison labor in his account.

*Article 46.* In case a prisoner of the 2nd grade is especially skilled and has excellent record in prison labor he may be permitted to work on his own account outside the hours of prison labor. In this case the hours for his work shall be not more than two hours.

2. Necessary provisions concerning the work permitted under the preceding paragraph shall separately be stipulated by the Minister of Justice.

*Article 47.* The prisoner of the 2nd grade who has become skilled in the work imposed on him may be permitted to change his work.

*Article 48.* With respect to the work of the prisoner of the 1st grade no watch may be kept on him.

*Article 49.* A prisoner of the 1st grade with excellent record in prison labor and skill may be made to assist in the guidance or supervision of prison labor.

*Article 49-2.* A prisoner of the 1st grade whose behavior is especially excellent may be made to assist prison officials in the security and other matters.

*Article 50.* The prisoner of the 1st grade may be permitted to spend for his use not more than one-half of his remuneration for prison labor in his account every month.

*Article 51.* The provisions of Article 43, Article 46 and Article 47 shall apply mutatis mutandis to the prisoner of the 1st grade.

## Chapter VI. Education and Reformation

*Article 52.* To the prisoners of the 4th grade and the 1st grade mainly individual preachings shall be given.

*Article 53.* The individual preaching may be given in the office of education and in any other suitable place besides the cell.

*Article 54.* The listening in to the radio and gramophone shall be permitted only to prisoners of the 3rd grade or above, and the frequency shall be twice a month in the case of the prisoner of the 3rd grade with addition of one time a month at each time of the progress of the grade.

2. In case it is especially necessary for education and reformation the restrictions under the preceding paragraph need not be gone by.

*Article 55.* The prisoners of the 2nd grade and above may be permitted to hold assemblies. However, in the case of the prisoners of the 2nd grade such assemblies shall not be held more than once a month and in the case of the prisoners of the 1st grade not more than twice.

2. The restrictions under the preceding paragraph need not be followed in the case of the juvenile prisoners.
3. An assembly shall be attended by the warden or a person ordered by the warden.

*Article 56.* The prisoner of the 1st grade shall be permitted to see and read pictures and literature in the library.

*Article 57.* Deleted.

*Article 58.* The prisoners of the 2nd grade and above shall be permitted to play sports or games or hold athletic meetings. However, in the case of prisoners of the 2nd grade the frequency shall be once a month and in the case of prisoners of the 1st grade not more than twice a month.

2. The restrictions under the preceding paragraph need not be abided by in the case of juvenile prisoners.

*Article 59.* The prisoners of the 1st grade may be permitted to take a collective walk in proper places.

*Article 60.* In the solitary cell of a prisoner of the 2nd grade and above photographs of his lineal ascendants, spouse and lineal descendants may be permitted to be kept.

2. In case it is deemed especially necessary for education and reformation of the prisoners photographs of persons other than those provided for in the preceding paragraph may be permitted to be kept.

## Chapter VII. Interview and Correspondence

*Article 61.* The prisoner of the 4th grade may be permitted to have interviews with and send out correspondences to his relatives and persons concerned with his rehabilitation.

*Article 62.* The prisoners of the 3rd grade and above may have interviews with and send out correspondences to persons other than their relatives so far as such do not hinder their education and reformation.

*Article 63.* The frequency of interviews and the sending out of correspondences shall, in the case of the prisoner of the 4th grade, be once a month for interview and one correspondence for one month, in the case of the prisoner of the 3rd grade twice for interview and two correspondences for a month, in the case of the prisoner of the 2nd grade once a week for interview and one correspondence for one week and the prisoner of the 1st grade may have interviews and send out correspondences at any time.

*Article 64.* The prisoners of the 2nd grade and below may have interviews in the interviewing room only.

2. The prisoners of the 1st grade may be permitted to have interviews at proper places.

*Article 65.* The prisoners of the 2nd grade and above need not be attended by prison officials at their interviews.

*Article 66.* In case the warden deems it especially necessary for education and reformation, etc. the provisions of this Chapter need not be followed.

### Chapter VIII. Supplies

*Article 67.* Food and drinks and other things necessary for preservation of health to be supplied to prisoners shall not be differentiated according to their grades.

*Article 68.* Supply shall correspond to the grade as it advances.

*Article 69.* The prisoner of the 1st grade may be made to wear clothings specially provided for.

*Article 70.* Deleted.

*Article 71.* The prisoner of the 1st grade may be permitted to have flowers or paintings or calligraphic writings in his cell. The same shall apply to the juvenile prisoners of the 2nd grade and below.

*Article 72.* Table ware and other miscellaneous articles may be lent to the prisoners of the 1st grade. The same shall apply to the juvenile prisoners of the 2nd grade and below.

*Article 73.* The articles to be permitted for self-use under this Ordinance shall be only such articles that are approved by the Minister of Justice.

2. The items and quantity of the articles under the preceding paragraph shall be determined by the warden according to the grade.

## Chapter IX. Examination of Progress

### Section 1. Board for Preparation for Progress

*Article 74.* There shall be Board for Preparation for Progress in the prison to examine matters for submitting to the prison officials' conference regarding progress.

2. The Board for Preparation for Progress shall examine the personal affairs and character of the prisoner and make decisions on opinions concerning the plan of treatment, inclusion into grades, progress and degradation of grades of the prisoner.

*Article 75.* The Board for Preparation for Progress shall be organized with secretaries of the Ministry of Justice, technicians of the Ministry of Justice and instructors of the Ministry of Justice who are not division chiefs, chiefs of offices or chiefs of sections.

2. The warden shall select a proper person from among the officials mentioned in the preceding paragraph and make him lead the conference.

### Section 2. Procedure for Examination of Progress

*Article 76.* The warden shall make the Board for Preparation for Progress hold its meeting once or more than once every month.

*Article 77.* The Board for Preparation for Progress shall examine the prisoner directly in case of necessity.

*Article 78.* In case the Board for Preparation for Progress deems it necessary to place the prisoner under solitary confinement for the purpose of examination it shall apply to the warden to that effect.

2. The solitary confinement under the preceding paragraph shall not be longer than one month.

*Article 79.* The decision of the Board for Preparation for Progress shall be made by majority.

2. The report of the decision referred to in the preceding paragraph shall promptly be submitted to the warden, who shall refer it to the prison officials' conference for its deliberation.

## Chapter X. Degradation

*Article 80 to Article 84.* Deleted.

*Article 85.* The prisoner may be degraded from his present grade, when he is apprehended to disturb the order in that grade if he is allowed to stay therein.

*Article 86.* In case a prisoner in the lowest grade who disturbs discipline is deemed unfit for progressive treatment this Ordinance needs not be applied to him.

*Article 87.* In case a prisoner who has been degraded in his grade has shown signs of repentance he may be restored to his former grade. The same shall apply to the prisoner excluded from the application of this Ordinance under the preceding Article.

*Article 88.* The disposition provided for in this Chapter shall be taken only through the deliberation of the prison officials' conference.

## Chapter XI. Release on Parole

\**Article 89.* For the prisoner of the 1st grade deemed fit for release on parole the procedures for his release shall immediately be taken.

*Article 90.* Even for the prisoner of the 2nd grade or below, in case he is deemed to be remarkably penitent and can be fit for social life, procedures for release on parole may especially be taken.

*Article 91.* With respect to procedures for release on parole Regulations for Examination of Release on Parole shall apply.

# THE OFFENDERS REHABILITATION LAW

(Law No. 142 of 1949, as amended by Law No. 204 of 1950,  
Law No. 47 of 1951, Law Nos. 208 and 268 of 1952,  
Law No. 195 of 1953, Law Nos. 18, 58 and 163 of 1954

Law Nos. 140 and 161 of 1962, Law No. 11  
of 1969 and Law No. 42 of 1972)

## Chapter I. General Provisions

*(Object of this Law)*

*Article 1.* The object of this Law is to protect the society and promote the individual and public welfare by aiding the reformation and rehabilitation of offenders, appropriately effectuating amnesty, providing for an impartial and proper system for administering parole and other pertinent affairs and facilitating the activities of crime prevention.

2. All the people are required to render help, according to their position and ability, to accomplish the object mentioned in the preceding paragraph.

*(Spirit of enforcement)*

*Article 2.* The measures for rehabilitation under this Law shall be used within the limit necessary and appropriate to the reformation and rehabilitation of the subject person and in carrying them out the age, career, mental and physical condition, home, friends and other environments, etc. of the subject person shall be well considered and the method best suited to him shall be taken.

## Chapter II. Organs for Rehabilitation

### Section 1. National Offenders Rehabilitation Commission

*(Authority and specific function of the Commission)*

*Article 3.* The National Offenders Rehabilitation Commission (hereinafter referred to as the Commission) shall have the following authority and take charge of the business relating thereto:

(1) To make recommendation to the Minister of Justice with respect to enforcing special amnesty, reduction of sentence,

excuse from the execution of sentence, or restoration of rights of specific persons;

- (2) To examine the ruling of the Regional Parole Board in accordance with this Law and the Administrative Appeal Law (Law No. 160 of 1962) and render its decision;
- (3) Other authority given to the Commission under this or other laws.

*(Organization of the Commission)*

*Article 4.* The Commission shall be composed of a chairman and four members.

*(Appointment of Chairman and members of the Commission)*

*Article 5.* The Chairman and members of the Commission shall be appointed by the Minister of Justice with the consent of both Houses of the Diet.

2. In case the term of office of the Chairman or member of the Commission has expired or there is a vacancy but the approval of the Houses of the Diet is not to be obtained because of the closure of the Diet or dissolution of the House of the Representatives, the Minister of Justice may appoint the Chairman or member of the Commission notwithstanding the provision of the preceding paragraph.
3. In the case of the preceding paragraph the ex-post facto approval of both Houses of the Diet shall be obtained at its first session after the appointment. However, if the ex-post facto approval of the Houses of the Diet is not obtained, the Minister of Justice shall dismiss such Chairman or member.
4. For the appointment of the Chairman and members of the Commission, the number of those who belong to the same political party shall be limited to less than three.

*(Term of office of Chairman and members of the Commission)*

*Article 6.* The term of office of the Chairman and members of the Commission shall be three years. However, the term of office of the Chairman or member of the Commission who fills the vacancy shall be the remainder of the term of office of his predecessor.

*(Conditions of service of Chairman and members of the Commission)*

*Article 7.* The members of the Commission shall be part-time workers.

2. The Chairman shall not become an officer of a political party or other political organization or engage in political activities actively, during the tenure of his office.
3. The Chairman shall not assume other duties by receiving remuneration therefor, or run a profit-making enterprise or any other business aiming at pecuniary gain, during the tenure of his office, unless he is permitted to do so by the Minister of Justice.

4. The salaries of the Chairman and members of the Commission shall be fixed by other law.

*(Dismissal of Chairman and members of the Commission)*

*Article 8.* If the Chairman or a member of the Commission has been adjudged incompetent, quasi-incompetent or bankrupt or sentenced to imprisonment or a heavier punishment, the Minister of Justice shall dismiss him.

2. In case the Minister of Justice has recognized that the Chairman or a member of the Commission cannot carry out his duties because of his physical or mental defect or has acted against his duty or committed an act unbecoming to the Chairman or a member of the Commission, he may dismiss him with the approval of both Houses of the Diet.

3. If it so happens that, among the Chairman and members of the Commission, three or more have come to belong to the same political party, the Minister of Justice shall dismiss one or more of them to make two of them belong to the same political party, with the approval of both Houses of the Diet.

4. The provision of the preceding paragraph shall not affect the status of the Chairman or a member of the Commission whose affiliation with the political party has remained unchanged.

*(Chairman of Commission)*

*Article 9.* The Chairman shall preside over the business of the Commission and represent the Commission.

2. In case the Chairman is prevented from performing his duty, one of the members of the Commission shall carry it out for him in the order prearranged by the Chairman.

*(Conference, etc.)*

*Article 10.* The meeting of the Commission shall be convoked by the Chairman.

2. The Commission shall not open a meeting and make a decision without the attendance of the Chairman and more than half the number of its members.

3. The decision of the Commission shall be made by a majority vote of those who are present at the meeting and in case of a tie the Chairman shall decide the issue.

4. The investigation or examination to be conducted by the Commission with its authority may be carried out by one of its members designated by it.

5. For the purpose of applying the provision of paragraph 2 when the Chairman is prevented from performing his duty, the member who performs the duty of the Chairman under paragraph 2 of the preceding Article shall be regarded as Chairman.

*(General affairs)*

*Article 11.* The general affairs of the Commission shall be handled by the Rehabilitation Bureau of the Ministry of Justice.

## Section 2. Regional Parole Board

### *(Authority and specific function of RPB)*

*Article 12.* The Regional Parole Board (hereinafter referred to as RPB) shall have the following authority and take charge of the business relating thereto:

- (1) To grant, as administrative authority referred to in Article 28 and Article 30 paragraph 1 of the Penal Code (Law No. 45 of 1907), parole from prison or provisional release from workhouse and revoke parole from prison;
  - (2) To make a disposition to determine that the subject person has served his sentence in which maximum and minimum term have been fixed;
  - (3) To grant release on parole from juvenile training school and absolute release from juvenile training school;
  - (4) Other authority vested in the RPB under this law or other laws.
2. The RPB shall take charge of business relating to the superintendence of the business of the Probation Office and business stipulated by this law or other laws to belong to the specific function of the RPB besides what has been mentioned in the preceding paragraph.

### *(Organization of RPB)*

*Article 13.* The RPB shall be organized with more than two but less than 13 members.

### *(Term of office)*

*Article 14.* The term of office of a RPB member shall be three years.

### *(Chairman)*

*Article 15.* The RPB shall have its chairman. The chairman shall be appointed by the Minister of Justice from among its members.

2. The chairman shall preside over the business of the RPB and represent the RPB.
3. In case the chairman is prevented from carrying out his function, one of the members shall carry it out for him in the order prearranged by the chairman.

*(Ruling and other decision)*

*Article 16.* The RPB shall exercise its authority, as regards the disposition to be made by means of a ruling in accordance with the provision of this Law (including the request provided for in Article 43), through a panel composed of three members.

2. The verdict of the panel shall be made by a majority vote.
3. The ruling of the panel shall be made in writing.
4. The disposition of the business of the RPB, excepting the business relating to the disposition provided for in paragraph 1, shall be made by the decision of the RPB.
5. The RPB shall not open a meeting and make a decision without the attendance of more than half the number of its members.
6. The provisions of Article 10 paragraph 3 shall apply mutatis mutandis to the decision of the RPB and the provision of paragraph 4 of the said Article to the panel under paragraph 1, respectively. However, in the case of the RPB composed of three members, the decision shall be made by the opinion of the majority of the members.

*(Secretariat)*

*Article 17.* Each RPB shall have its secretariat.

2. The organization of the secretariat shall be provided for by the Ministry of Justice Ordinance.

Section 3. Probation Office, etc.

*(Probation Office)*

*Article 18.* The Probation Office shall administer the following business:

- (1) To enforce probationary supervision in accordance with the provision of this law;
- (2) With a view to preventing offense to indoctrinate and guide the public to arouse their opinion, to make efforts to improve social environments and to promote the activities of the local residents which aim at the prevention of offenses.
- (3) Other business which has been made to come under the function of the Probation Office under this Law or other Laws.

*(Investigator, probation officer)*

*Article 19.* The Rehabilitation Bureau of the Ministry of Justice shall have investigators and the secretariat of the RPB and the Probation Office shall have professional probation officers.

2. The investigator shall be engaged in the scientific research concerning the offender and his reformation and rehabilitation and the professional probation officer shall be engaged in probationary supervision, examination in character and other work concerning rehabilitation of the offender and prevention of offense on the basis of medicine, psychology, pedagogy, sociology and other expert knowledge concerning rehabilitation.

*(Volunteer probation officer)*

*Article 20.* The volunteer probation officer provided for in the Volunteer Probation Officer Law (Law No. 204 of 1950) shall assist the professional probation officer and make up for inadequacies of the latter's work, and engage in the work coming within the scope of the specific function of the RPB or the Probation Office under the control and superintendence of the RPB or the chief of the Probation Office as the case may be.

*Article 21 to 27.* Deleted.

### Chapter III. Measures for Rehabilitation

#### Section 1. Release on Parole

*(Duty of chief of institution to report)*

*Article 28.* When a prisoner has served the term specified in Article 28 of the Penal Code or in Article 58 of the Juvenile Law (Law No. 168 of 1948), the warden of the prison concerned shall report to the RPB. The same shall apply to the superintendent of a juvenile training school when an inmate has spent six months in the juvenile training school.

*(Commencement of examination for parole)*

*Article 29.* When the RPB has received an application for parole or provisional release from the warden of the prison in regard to prisoners or inmates of the workhouse or from the superintendent

of the juvenile training school in regard to its inmates, it shall cause its member designated by it to conduct an examination in order to decide whether to permit such release or not, provided, however, that when such application has been made contrary to the established formality or has not met legal requirements, the Board may dismiss it by means of a ruling, without causing its member to conduct an examination.

2. For the person of whom the report has been made under the provisions of the preceding Article, the RPB may cause its member designated by it to conduct an examination, even in case the application mentioned in the preceding paragraph has not been made, to decide whether to permit release on parole or not. In such case, the RPB shall ask for the opinion of the warden of the prison or the superintendent of the juvenile training school in advance.

*(Examination for release on parole)*

*Article 30.* The examination provided for in the preceding Article shall be conducted by investigating into the subject person's character, behavior while in the prison or juvenile training school, vocational knowledge, way of living before commitment to the prison or juvenile training school, family relation and other relevant matters.

2. The RPB member conducting the examination prescribed in the preceding Article shall personally interview the subject person. However, the same shall not apply in case the subject person is seriously ill or seriously injured or falls under other cases prescribed by the Ministry of Justice Ordinance and permission of release on parole from prison or juvenile training school is considered proper.
3. The member may, if necessary for the examination, ask the opinion of the head or other official of the institution to which the subject person has been committed and request for such co-operation as to attend his interview with the subject person.

*(Disposition of release on parole)*

*Article 31.* When the RPB finds it unfit to grant release on parole from the prison, provisional release from workhouse or release on parole from juvenile training school as result of the examination prescribed in Article 29 paragraph 1, it shall, by means of a ruling, dismiss the application prescribed in the said paragraph.

2. When the RPB deems it proper, as the result of the examination prescribed in paragraph 1 or 2 of Article 29, to grant release on parole from the prison, provisional release from workhouse or release on parole from juvenile training school, it shall grant such release by means of a ruling.
3. When the RPB grants release on parole from the prison or juvenile training school under the provision of the preceding paragraph, it shall, at the same time, prescribe special conditions for the subject person to observe while on parole subject to the provisions of Ministry of Justice Ordinance.

*(Notification of conditions to observe)*

Article 32. In the case of releasing a person from the prison or juvenile training school according to the ruling rendered under the provision of paragraph 2 of the preceding Article (excluding the ruling of release from the workhouse), the warden of the prison or the superintendent of the juvenile training school concerned shall notify him in writing of the term of his parole and the conditions to observe while he is released on parole, and order him to submit a written promise with his signature or seal to the effect that he will observe such conditions; however, the same shall not apply in case the subject person is seriously ill or injured.

## Section 2. Probationary Supervision

*(Subject person and term of probationary supervision)*

- Article 33. Any of the persons in the following items shall be placed under probationary supervision under the provision of this law:
- (1) Person who has been subjected to the protective measure mentioned in item (1) of paragraph 1 of Article 24 of the Juvenile Law;
  - (2) Person released on parole from a juvenile training school;
  - (3) Person released on parole from a prison.
2. The provisions of the preceding paragraph shall not be construed to extend the term of probationary supervision beyond the term of sentence, the date of general amnesty, special amnesty or excuse from the execution of sentence, the term reduced by

commutation or such term of execution of sentence as fixed under either the provision of paragraph 1 or 2 of Article 59 of the Juvenile Law or the provision of paragraph 1 of Article 48 of this Law.

3. The term of probationary supervision of the person mentioned in item (1) of paragraph 1 shall be until such time as when he has reached the age of 20 years; provided that the term of probationary supervision shall be two years in the case where there are less than two years for him to be 20 years of age.
4. The probationary supervision mentioned in the preceding paragraph may be suspended or rescinded even during the term of probationary supervision, if it is deemed unnecessary.

*(Purpose of probationary supervision and conditions to observe)*

*Article 34.* The purpose of probationary supervision shall be to promote the improvement and rehabilitation of the person under probationary supervision, by leading and supervising him to make him observe the conditions prescribed in paragraph 2, and giving him guidance and aid, in recognition of the fact that he naturally has the responsibility to help himself.

2. Every person who is placed under probationary supervision shall observe the following conditions, in addition to the special conditions prescribed under the provision of Article 31 paragraph 3 or Article 38 paragraph 1:
  - (1) To live at a fixed residence and engage in an honest calling;
  - (2) To be on good behavior;
  - (3) To keep away from persons who are of criminal or delinquent tendencies;
  - (4) To ask his supervisor for permission in advance for changing his residence or going on a long journey.

*(Method of guidance and supervision)*

*Article 35.* The persons placed under probationary supervision shall be guided and supervised by the following methods:

- (1) To watch the behavior of the person under probationary supervision by keeping proper contact with him;

- (2) To give the person under probationary supervision such instructions as are deemed necessary and pertinent to make him observe the conditions specified in paragraph 2 of the preceding Article;
- (3) To take other measures necessary to aid him to become a law-abiding member of the society.

*(Method of rehabilitation aid)*

*Article 36.* Rehabilitation aid for those under probationary supervision shall be effected by the following methods:

- (1) To help them obtain means for education and training;
  - (2) To help them obtain medical treatment and recreation;
  - (3) To help them obtain lodging accommodations;
  - (4) To give them vocational guidance and help obtain a job;
  - (5) To reform and adjust their environments;
  - (6) To help them return to a destination deemed most suitable for his rehabilitation;
  - (7) To take other measures necessary to accomplish their rehabilitation.
2. The measures prescribed in item (5) of the preceding paragraph shall not be taken without the consent of their families if these measures are to be taken with respect to their families.

*(Organ in charge of probationary supervision)*

*Article 37.* Probationary supervision over the person who has been placed under probationary supervision shall be exercised by the Probation Office which has jurisdiction over the place of his residence (or the place where he is at present or the last known residence or the place where he has been present, in case he has no fixed residence or such is not known).

*(Prescription and notification of special conditions to observe)*

*Article 38.* When the protective measure prescribed in item (1) of paragraph 1 of Article 24 of the Juvenile Law has been ordered for a person, the chief of the Probation Office in charge of probationary supervision over such person shall, subject to the provisions of Ministry of Justice Ordinance, prescribe special conditions for him to observe while under probationary supervision, after hearing the opinion of the court which has made such disposition.

2. When the chief of the Probation Office has prescribed the special conditions mentioned in the preceding paragraph, he shall notify the subject person in writing of the conditions which he shall observe while under probationary supervision, and make him promise to observe such conditions in writing with his signature or seal.
3. The provision of the proviso to Article 32 shall apply mutatis mutandis in the case prescribed in the preceding paragraph.

*(Officers in charge)*

*Article 39.* Guidance, supervision and rehabilitation aid to be given during the period of probationary supervision shall be given by professional probation officers or volunteer probation officers.

*(Emergency help)*

*Article 40.* In case it is possible that a person placed under probationary supervision may be prevented from rehabilitation by reason of injury or sickness or by lack of proper temporary lodging, residence or job, the chief of the Probation Office shall assist such person to obtain medical care, food, lodging, job or other necessary help from public health and welfare facilities or other institutions; and such institutions or facilities shall be made available within their rules and responsibilities.

2. When such emergency help as is deemed necessary can not be obtained under the provision of the preceding paragraph, the chief of the Probation Office shall give such help and pay necessary expenses within the limits of the budget.

*(Summons and arrest)*

*Article 41.* The RPB or the chief of the Probation Office may at any time summon and interrogate the person who is under probationary supervision.

2. The RPB or the chief of the Probation Office may have the person under probationary supervision arrested, under a warrant of arrest (inchi-jo) issued by the judge in advance in the following cases:

- (1) In case the person under probationary supervision does not reside at a fixed residence; or

- (2) In case there is sufficient reason to believe that the person under probationary supervision has failed to observe the conditions prescribed for him to observe, and does not comply with the summons provided in the preceding paragraph or there is likelihood of his failure to comply with such summons.
3. The warrant of arrest mentioned in the preceding paragraph shall be issued by the judge of the district court, family court or summary court having jurisdiction over the locality wherein the RPB or the Probation Office concerned is located, upon the request of the RPB or the chief of the Probation Office.
  4. The warrant of arrest mentioned in paragraph 2 may be issued by an assistant judge.
  5. The professional probation officer may be caused to make arrest with the warrant of arrest mentioned in paragraph 2. However, in case it is difficult to make the probation officer do so, a police officer may be caused to do so.
  6. The provision of Article 64, the first part of paragraph 1 and paragraph 3 of Article 73, Article 74, and paragraph 1 and paragraph 2 of Article 76 of the Code of Criminal Procedure shall apply mutatis mutandis to the warrant of arrest and arrest mentioned in paragraph 2, in so far as such application does not run counter to the nature of such arrest.
  7. The person arrested under the warrant of arrest prescribed in paragraph 2 shall be released within 24 hours of the time of arrest; provided that the same shall not apply in case the ruling prescribed in Article 45 paragraph 1 has been rendered.

*(Investigation and interrogation of persons concerned)*

- Article 41-2. The RPB or the chief of the Probation Office may, if it is deemed necessary for probationary supervision, cause the professional probation officer or the volunteer probation officer to conduct necessary investigation or interrogation of persons concerned with those placed under supervision.
2. In case the professional probation officer or the volunteer probation officer conducts the investigation or interrogation under the provision of the preceding paragraph, he shall bear an identification card and, whenever demanded by the persons concerned, shall show the same.

*(Notification to family court)*

*Article 42.* When the chief of the Probation Office has found anew such causes as mentioned in item (3) of paragraph 1 of Article 3 of the Juvenile Law with respect to the person who has been subjected to the protective measure mentioned in item (1) of paragraph 1 of Article 24 of the Juvenile Law, he may notify the family court of the case, even if the person is 20 years of age or more.

2. In case the notification of the chief of the Probation Office has been made under the provision of the preceding paragraph, the provisions of Chapter II of the Juvenile Law shall be applicable, the person being regarded as a juvenile notwithstanding the provision of paragraph 1 of Article 2 of the said law.
3. In case the family court renders a protective measure mentioned in item (1) or (3) of paragraph 1 of Article 24 of the Juvenile Law to the juvenile specified in the preceding paragraph, it shall, at the same time, fix the term of probationary supervision or of detention in the juvenile training school, within the period before the person reaches 23 years of age.
4. The provision of paragraph 3 of Article 33 shall not apply to the person for whom the term of probationary supervision has been fixed under the provision of the preceding paragraph.

*(Suspension of probationary supervision)*

*Article 42-2.* The RPB may suspend probationary supervision by means of a ruling at the request of the chief of the Probation Office when probationary supervision can no more be carried out because the parolee does not live at the place of residence where he must live under the provision of Article 34 paragraph 2.

2. In case the whereabouts of the person whose probationary supervision has been suspended by the ruling of the preceding paragraph has become known, the RPB having jurisdiction over the locality wherein he is shall immediately withdraw the suspension by means of a ruling.
3. In case the person whose probationary supervision has been suspended by the ruling of paragraph 1, has been arrested by the warrant of arrest prescribed in Article 41 paragraph 2, it shall be considered that there has been a ruling to withdraw the suspension.

4. The penal term shall cease to run by the ruling of paragraph 1 and begin to run from the time of the ruling of withdrawal of the suspension of probationary supervision.
5. The RPB may not revoke parole on the ground that the parolee has not observed the parole conditions while the probationary supervision over him has been suspended.
6. In case the RPB, after having rendered the ruling prescribed in paragraph 1, has found that the probationary supervision has been suspended without due reason, it shall immediately revoke the ruling provided in the said paragraph by means of a ruling.
7. In case the ruling prescribed in paragraph 1 has been revoked under the provision of the preceding paragraph, it shall be considered retroactively that the ruling prescribed in the said paragraph has not been rendered.

### Section 3. Termination of Probationary Supervision, etc.

*(Measures for parolees from juvenile training school)*

- Article 43.* In case the parolee from the juvenile training school under 23 years of age has violated or is apprehended to violate the conditions to observe, the RPB may, on the request of the chief of the Probation Office, make request to the court from which he has been sent for a ruling to the effect that such person shall be sent back to the juvenile training school and detained therein for a specified period until he reaches the age of 23. The ruling by such court shall be made after an examination, and such examination shall be conducted after the example of paragraph 3 of Article 11 of the Juvenile Training School Law (Law No. 169 of 1948).
2. In case there exist such causes as mentioned in paragraph 5 of Article 11 of the Juvenile Training School Law, in regard to the parolee from the juvenile training school who is 23 years of age or more, the RPB may, on the request of the chief of the Probation Office, make request to the court from which he has been sent for a ruling to the effect that the person shall be sent back to the medical juvenile training school and detained therein while he is mentally defective to a remarkable degree until he reaches the age of 26. The ruling by such court shall be made after an examination, and such examination shall be conducted after the example of paragraph 3 of Article 11 of the Juvenile Training School Law.

*(Revocation of parole)*

*Article 44.* The revocation of parole shall be made, by means of a ruling, by the RPB which has jurisdiction over the locality of the Probation Office in charge of the probationary supervision of the subject person.

2. The ruling of revocation of parole by reason of the violation of the parole conditions shall be rendered on the request of the chief of the Probation Office and after an examination.
3. The provisions of the Code of Criminal Procedure relating to the commitment to the prison shall apply to the recommitment of a person whose parole has been revoked.

*(Detention)*

*Article 45.* In case the RPB deems it necessary to carry out examination with respect to the person who has been arrested under a warrant of arrest provided for in Article 41 paragraph 2 in order to make the request prescribed in Article 43 or to revoke his release on parole from prison, it may render a ruling to the effect that it will start examination.

2. In case the ruling prescribed in the preceding paragraph has been rendered the person who has been arrested under a warrant of arrest may be detained for a period not exceeding 10 days from arrest in the prison, juvenile classification home, or any other appropriate institution. However, if detention is not necessary even during such period, he shall immediately be released.
3. In case the request prescribed in Article 43 has been made with respect to a parolee from juvenile training school during the period provided in the preceding paragraph, he may be uninterruptedly detained until such time when there has been notification from the court of the ruling relating to the request notwithstanding the provision of the main part of the said paragraph. However, the period of detention shall not exceed 20 days in all.
4. In case the parolee from prison has been detained under the provision of paragraph 2, the number of days of such detention shall be computed into the penal term, even if the parole has been revoked.
5. The ruling mentioned in paragraph 1 may be rendered by any one of the members of the RPB designated by the RPB in case of urgency.

6. No appeal under the Administrative Appeal Law may be made against the ruling referred to in paragraph 1.

Article 46. Deleted.

*(Permission of absolute release from juvenile training school)*

Article 47. The RPB shall grant absolute release from the juvenile training school by means of a ruling, upon the request of the superintendent of the juvenile training school with regard to an inmate, or upon the request of the chief of the Probation Office with regard to a parolee if the RPB deems the absolute release appropriate, considering the merits he has achieved while in the juvenile training school or on parole.

2. In case regular release has been granted to a person under the provision of the preceding paragraph, a certificate to that effect shall be issued to him.

*(Termination of indeterminate sentence)*

Article 48. In case the minimum period of the penalty which has been imposed upon a person under the provisions of paragraphs 1 and 2 of Article 52 of the Juvenile Law has passed while he is on parole from the prison, the execution of his sentence may be regarded, despite of the provisions of paragraph 2 of Article 59 of the said law, as having been completed, by a ruling rendered by the RPB on the request of the chief of the Probation Office, if it deems it proper in view of the merits he has achieved while under probationary supervision. The same shall apply in case the said minimum period has passed before his release on parole.

2. In case a request is made by the warden of the prison, with respect to a prison inmate after the minimum period of the punishment imposed upon him under the provisions of paragraphs 1 and 2 of Article 52 of the Juvenile Law has passed, for the termination of the execution of sentence, the RPB shall, if it deems it proper, render a ruling to terminate the execution of sentence.
3. When the RPB has rendered the ruling under the provisions of the preceding paragraph, it shall give a written notification to that effect to the warden who has made the request.
4. The term of the sentence of the person to whom a ruling has been rendered under the provision of paragraph 2, shall be regarded as having expired on the day when the notification mentioned in the preceding paragraph has reached the prison.

5. When a ruling has been rendered to terminate the execution of sentence under the provision of paragraph 1 or 2, a certificate to that effect shall be issued to the person concerned.

#### Section 4. Application for Review of Dispositions

##### *(Application for review)*

*Article 49.* Any person who is dissatisfied with the disposition made by the RPB by means of a ruling may apply to the Commission for its examination of the disposition.

##### *(Filing of application for review)*

*Article 50.* The application of a person committed to the prison or juvenile training school (hereinafter referred to as accommodating institution) for the review may be made by filing a written application for review with the chief of the accommodating institution whereto he has been committed.

2. In the case coming under the preceding paragraph, the chief of the accommodating institution shall send the original of the application to the Commission and its duplicate to the RPB.
3. In computing the prescribed period in the case of making application for review under paragraph 1, it shall be deemed that the application for review is made at the time when the application is filed with the chief of the accommodating institution.

##### *(Suspension of enforcement)*

*Article 51.* When the Commission deems it necessary, it may suspend the enforcement of the disposition concerned at the request of the applicant for review or ex officio.

##### *(Period for decision)*

*Article 51-2.* The Commission shall make a decision within 60 days of its acceptance of an application for review.

##### *(Relation between application for review and suit in court)*

*Article 51-3.* A suit in a court for the revocation of the disposition rendered by the RPB by means of a ruling may not be instituted before the decision is rendered with respect to the application for review.

## Section 5. Miscellaneous Provisions

*(Adjustment for future environments of inmate of prison or juvenile training school)*

*Article 52.* In case the chief of the Probation Office deems it necessary for the purpose of facilitating the return to society of the person who is detained in prison or juvenile training school, he may make a professional probation officer or volunteer probation officer visit and consult with the family or any other person concerned about the matters relating to the adjustment of their circumstances or other environmental conditions.

*(Care for person for whom the execution of sentence is stayed)*

*Article 53.* As for the person for whom the execution of sentence has been stayed under the provision of Article 480 or 482 of the Code of Criminal Procedure, the chief of the Probation Office may take such measures of guidance, supervision and rehabilitation aid as deemed proper, upon request of the public prosecutor concerned.

2. The provisions of Articles 37, 39 and 40 shall apply mutatis mutandis in the case of the preceding paragraph.

*(Recommendation of amnesty)*

*Article 54.* In case the Commission recommends to the Minister of Justice the effectuation of special amnesty, commutation of punishment for a specific person, excuse from the execution of sentence, or restoration of right for a specific person, it shall make investigations in advance into the character of the person to recommend, his behavior, whether he is apprehended to do illegal acts, or public sentiment and other pertinent matters.

2. In case the recommendation of special amnesty, commutation of punishment or excuse from the execution of sentence is made for a prison inmate, his fitness for being released without becoming a threat to the security and welfare of the society shall be investigated.

*(Summons of party concerned)*

*Article 55.* The Commission and the RPB may respectively summon the party concerned at the date and place specified, for questioning, when it is deemed necessary for the investigation of the matters within the powers and duties thereof.

2. Any person who fails to comply with the summons mentioned in the preceding paragraph may be summoned again.
3. Any person who has, without due reason, failed to comply with the repeated summons prescribed in the preceding paragraph shall be liable to a non-criminal fine not exceeding 5,000 Yen.

*(Notification of ruling)*

*Article 55-2.* The ruling of the Commission or RPB shall be made effective by notification to the subject person.

2. The notification mentioned in the preceding paragraph shall be conducted by telling the ruling to the subject person or forwarding a full or extract copy of the written ruling to him in a way which is deemed appropriate. However, in case of urgency other methods may be adopted.
3. In case the subject person is an inmate of the prison or juvenile training school and the full or extract copy of the ruling has been forwarded to the head of the prison or juvenile training school, the subject person shall be deemed to have received the notification.
4. In case the full or extract copy of the ruling has been sent by registered mail addressed to the subject person at the place where he has been designated to live under the provision of Article 34 paragraph 2, and five days have passed since the day of forwarding, the subject person shall be deemed to have received the copy.

*(Payment of expenses)*

*Article 56.* To the person who has complied with the summons mentioned in the preceding Article, travelling expenses, daily allowances and lodging expense shall be paid, as prescribed by Cabinet Order. However, the same shall not apply, in case he has refused to testify, without good reason.

*(Request for cooperation etc.)*

*Article 57.* The Commission, the RPB and the chief of the Probation Office may respectively make request for the necessary aid and cooperation to public offices, local public entities, schools, hospitals, public health and welfare institutions and other organizations in order to completely carry out the work which comes within the scope of its or his authority and jurisdiction.

2. The Commission and the RPB may respectively request the court, public prosecutor, warden of the prison, and the superintendent of the juvenile training school for presentation of records, documents, written opinion and reports, in case they deem it necessary for the investigation of matters coming under their jurisdiction and authority.

*(Archives)*

*Article 58.* The Commission and the RPB shall preserve the records, under the provisions prescribed by Cabinet Order, of any recommendations which have been made by them as to special amnesty, commutation of punishment for a specific person, excuse from the execution of sentence, restoration of right for a specific person, and any rulings which have been rendered by them as to the release on parole from the prison, the conditional release from workhouse, release on parole from juvenile training school, absolute release from the juvenile training school or probationary supervision, and also such rulings as have been rendered under the provisions of Article 48.

2. The records mentioned in the preceding paragraph shall be made available to any person on request, for his inspection. However, the request for inspection may be rejected in case it is apprehended that the rehabilitation of the subject person may be obstructed or the reputation of the parties concerned may be injured.

*(Right to be silent)*

*Article 59.* Any person who is or has been an official of the Commission, the RPB or Probation Office may refuse testimony only with respect to the facts of which he has obtained knowledge while performing his duties and which relate to the secrets of other persons, when he is examined as a witness under the provisions of any other law and if he believes that it is apprehended that it may obstruct the rehabilitation of the subject person. However, the same shall not apply, if the subject person has consented, or if the refusal of testimony is deemed to be nothing but an abuse of right intended merely for the interest of the accused (except when the accused is the subject person) or if there exist any special circumstances which are provided for by the Rules of the Court.

*(Collection of expenses)*

*Article 60.* The chief of the Probation Office shall collect, from the subject person or the person who has duty to support him expenses disbursed under the provision of Article 40 paragraph 2 (including cases where this provision shall apply mutatis mutandis under Article 53 paragraph 2), designating the time limit of payment. However, the same shall not apply in case the subject person or the person who has duty to support him is deemed unable to pay such expenses.

2. The collection of expenses mentioned in the preceding paragraph mayor of the city or heardman of the town or village under the town or village (including the chief of the special ward, hereinafter the same) where the subject person or the person who has duty to support him lives or where their property is located.
3. In case the collection of expenses has been commissioned to the mayor of the city or heardman of the town or village under the provision of the preceding paragraph the government shall deliver to the city, town or village concerned (including special ward) the four per cent of the amount collected.

# THE LAW FOR AFTERCARE OF DISCHARGED OFFENDERS

(Law No. 203 of 1950 as amended by Law No. 268 of 1952,  
Law No. 195 of 1953, Law No. 58 of 1954, Law No. 16 of 1958  
Law No. 98 of 1966 and Law No. 94 of 1968)

## *(Purpose of this Law)*

*Article 1.* The purpose of this Law is to ensure immediate and appropriate rehabilitation aid to those persons who are mentioned below with a view to preventing such persons from repeating any crime after their release from physical restraint inflicted upon them by criminal procedure, and smoothly to render emergency help to the persons under probationary supervision in accordance with the provision of Article 40 paragraph 2 of the Offenders Rehabilitation Law (Law No. 142 of 1949) (including the cases in which this provision is applied mutatis mutandis under Article 26 paragraph 2 of the Anti-Prostitution Law (Law No. 118 of 1956); hereinafter the same) and also to render the aid under Article 6 of the Law for Probationary Supervision of Persons under Suspension of Execution of Sentence (Law No. 58 of 1954) and to promote the sound growth and development of the prisoners' aid services.

- (1) A person who has completely served his sentence of imprisonment with or without forced labor or penal detention;
- (2) A person whose execution of sentence of imprisonment with or without forced labor or penal detention has been excused;
- (3) A person who has been granted the suspension of execution of sentence to imprisonment with or without forced labor and whose sentence has not yet become final;
- (4) A person who has been granted the suspension of execution of sentence to imprisonment with or without forced labor but has not been placed under probationary supervision;
- (5) A person who has not been prosecuted because it has been found unnecessary.

## *(Definition)*

*Article 2.* In this Law "rehabilitation aid" shall mean to help the persons mentioned in each item of the preceding Article to become

law-abiding good members of the society and assist them quickly to be rehabilitated, by such means as rendering them temporary aids, that is, helping them return home and furnishing or lending money or articles to them, or continuous aids, that is, placing them in institutions for rehabilitation aid to help them obtain necessary culture, training, medical treatment, recreation or employment and effecting the betterment and adjustment of their environments, if such persons can not receive aid from their relatives, friends, etc. or when they can not obtain medical treatment, lodging accommodation, employment or other protection from public health, welfare or other institutions or in case it is feared that they may not be rehabilitated merely with such aid or protection.

2. In this Law, the "rehabilitation aid services" shall mean the services for affording rehabilitation aid and the services for guiding, coordinating or promoting such services.

*(Responsibility and extent of rehabilitation aid)*

*Article 3.* The Government shall be responsible for the rehabilitation aid to those persons who are mentioned in each item of Article 1 to an extent necessary for their rehabilitation.

2. Rehabilitation aid shall, under the supervision of the Regional Parole Board, be rendered by the chief of the Probation Office, who shall do such work by himself or by commissioning it to the local public entity or the person operating rehabilitation aid services with the license provided for in Article 5 paragraph 1 (hereinafter referred to as "rehabilitation aid society").
3. Rehabilitation aid shall be provided within the limit of six months from the release of the person from physical restraint put on him by criminal procedure, only in case such aid is not against his will.
4. In providing rehabilitation aid, efforts shall be made to help the subject person obtain necessary help from public health, welfare and other institutions and to promote the efficiency of the rehabilitation aid activities so as to shorten the period of rehabilitation aid and decrease its expenses under this Law.
5. When it is deemed necessary for the purpose of rehabilitation aid to help the person receiving rehabilitation aid to secure employment, the Public Employment Security Office shall, with the cooperation of the person providing the rehabilitation aid, help him obtain an employment fit to his ability under the Employment Security Law (Law No. 141 of 1947).

*(Procedure to commence rehabilitation aid)*

Article 4. Rehabilitation aid shall be provided only if the person has applied for it and the chief of the Probation Office deems it necessary.

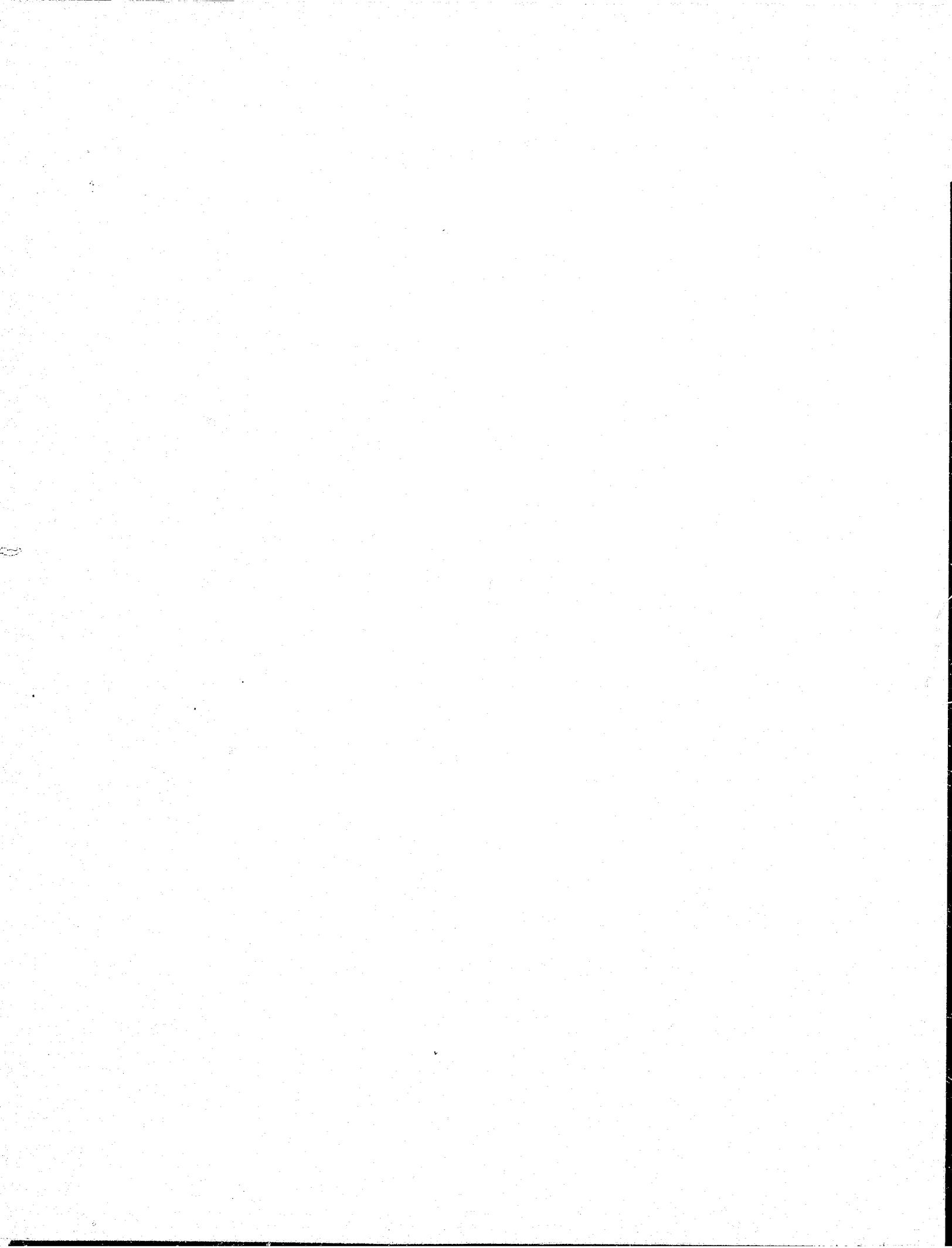
2. The public prosecutor or warden of the prison shall, when any of the persons mentioned in each item of Article 1 is to be released from physical restraint put upon him by criminal procedure, inform him of the rehabilitation aid provided for by this Law and the procedure of applying for it.
3. The chief of the Probation Office shall seek the opinion of the public prosecutor who has participated in the criminal procedure involving the subject person or the warden of the prison wherein he has been detained to determine whether or not the rehabilitation aid is necessary in accordance with the provision of paragraph 1. However, the same shall not apply in case he falls under Article 1 item (1) due to the expiration of the period of release on parole.
4. When the chief of the Probation Office is to commission rehabilitation aid under the provision of paragraph 2 of the preceding Article, he shall make efforts to choose from among the local public entities or rehabilitation aid societies the one best suited to the subject person and get in touch with it in advance for the smooth rendering of rehabilitation aid. The same shall apply when the emergency help provided for in Article 40 paragraph 2 of the Offenders Rehabilitation Law or the help stipulated in Article 6 paragraph 2 of the Law for Probationary Supervision of Persons under Suspension of Execution of Sentence is to be commissioned to the rehabilitation aid society.

*(License for operation of rehabilitation aid services)*

Article 5. Any person other than the Government or local government wishing to operate rehabilitation aid services shall submit an application containing the following items to the Minister of Justice and obtain license from him:

- (1) Name of society (hostel);
- (2) Office;
- (3) Kind and nature of rehabilitation aid services and methods of treatment for persons to be aided;

- (4) Name in full, address, personal history, financial status of founder, and financial status of person responsible for operation;
  - (5) Policy of financing;
  - (6) Scale and structure of building and other equipments for the operation of the services and authority to use them;
  - (7) Name in full and personal history of person responsible for operation and staff members actually engaged in the business of rehabilitation aid;
  - (8) Act of endowment, articles of incorporation and other basic agreements.
2. When an application for license under the preceding paragraph has been made the Minister of Justice shall examine it according to the following standards and grant a license to the person who meets the said standards:
- (1) That the person wishing to operate rehabilitation aid services is financially stable;
  - (2) That the organization of the society (hostel) and its financial policy are those of a non-profit foundation or similar to it;
  - (3) That the person responsible for the operation possesses public confidence;
  - (4) That the scale and structure of the buildings and other equipments are up to the standards set up by the Ministry of Justice Ordinance;
  - (5) That the staff members engaging in rehabilitation work have the qualifications or experiences prescribed by the Ministry of Justice Ordinance and the zeal and ability for rehabilitation aid work;
  - (6) That the methods of education, feeding and other treatment of persons to be aided are up to the standards set forth by the Ministry of Justice Ordinance;
  - (7) That, if the person applying for license wishes personally to conduct employment exchange service, he has a license for such service in accordance with the Employment Security Law.



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**1 OF 2**

3. The Minister of Justice shall, in determining the standards referred to in items (4) and (6) of the preceding paragraph, pay attention to comply with the provisions of the Labor Standard Law (Law No. 49 of 1947) and orders or ordinances issued thereunder and not to violate these provisions.
4. For granting the license under paragraph 1, conditions considered necessary to accomplish the purpose of this Law concerning the period of the operation of rehabilitation aid services, its kind, nature, etc. may be attached.

*(Rehabilitation aid by rehabilitation aid hostel)*

*Article 6.* The rehabilitation aid hostel shall commence the rehabilitation aid when commissioned by the chief of the Probation Office under Article 3 paragraph 2.

2. The rehabilitation aid hostel may be commissioned by the chief of the Probation Office to render the emergency help provided for in Article 40 paragraph 2 of the Offenders Rehabilitation Law or the aid under Article 6 paragraph 2 of the Law for Probationary Supervision of Persons under Suspension of Execution of Sentence.
3. The rehabilitation aid hostel may, in case it is necessary for rendering rehabilitation aid, emergency help or aid to the person concerned, come into contact with the local government, Public Employment Security Office or any other public or private organization or agency concerned and request their cooperation and, when it is deemed especially necessary, may itself conduct the employment exchange service under the Employment Security Law.

*(Alteration of items subject to approval and discontinuation of rehabilitation aid society)*

*Article 7.* When the rehabilitation aid society (hostel) wishes to alter any of the items mentioned in Article 5 paragraph 1 items (1) to (3) or items (5) to (8) it shall obtain the approval of the Minister of Justice in advance by making clear the reason for alteration.

2. The provision of Article 5 paragraph 2 shall apply mutatis mutandis in cases wherein an application has been made for the approval referred to in the preceding paragraph.
3. In case the rehabilitation aid society (hostel) wishes to discontinue rehabilitation work, it shall in advance make clear the reason therefor, how to handle the persons actually receiving rehabilitation aid and also how to dispose of its property, and in case

there is any balance of the expenses which the society has been furnished under the provision of Article 12, it shall return such balance and obtain the sanction of the Minister of Justice as to the time to discontinue its work.

*(Supervision of rehabilitation aid society)*

*Article 8.* The rehabilitation aid society (hostel) shall report to the Minister of Justice in writing on the condition of accounting and the results of its undertakings of the previous fiscal year within 60 days of the expiration of such fiscal year.

2. The rehabilitation aid society (hostel) shall have the following records in its office and make entries of the necessary matters without delay in accordance with the provisions to be fixed by Ministry of Justice Ordinance:

- (1) Record clearly indicating the rehabilitation aid services being rendered;
- (2) Name list of persons receiving rehabilitation aid;
- (3) Account-book;
- (4) Record clearly indicating donors of contributions and amounts of contribution;
- (5) Ledger of money and articles in custody.

3. The Minister of Justice may, in order to attain the purpose of this Law, demand the rehabilitation aid society to report on matters deemed necessary besides those provided for under paragraph 1 and order Ministry officials to inspect its installations, records, the condition of the operation of work and other necessary matters.

4. The Minister of Justice may, in case the rehabilitation aid society is found not meeting the standard provided for in Article 5 paragraph 2, order such rehabilitation aid society to take the steps necessary to reach such standard.

*(Restriction or prohibition of operation)*

*Article 9.* When the rehabilitation aid society (hostel) has failed to fulfill the conditions provided for in Article 5 paragraph 4 or Article 14 paragraph 2, to apply for the approval under Article 7 paragraph 1, to report under paragraph 1 of the preceding Article, to have records and make entries therein under paragraph 2 of the same Article, to comply with the order for reporting under

paragraph 3 of the same Article or to comply with the order under paragraph 4 of the same Article without due reason, the Minister of Justice may restrict the operation of such rehabilitation aid society, order its suspension or revoke the license issued under Article 5 paragraph 1.

2. The same shall apply in case the rehabilitation aid society is a juristic person and its director or any other official who conducts its business has gained private profit through the operation of the society.
3. In case any person who operates rehabilitation work without the license under the provision of Article 5 paragraph 1 (excluding the national and local governments) has gained profit through its operation or performed an improper act relative to the treatment of any person being given rehabilitation aid, the Minister of Justice may restrict his operation of rehabilitation work or order its suspension.
4. When the Minister of Justice is to restrict or suspend rehabilitation work or revoke the license for such work under the preceding three paragraphs, he shall give to the person to be subjected to such disposition an opportunity to explain himself before the official designated by the Minister of Justice. In such case, the Minister of Justice shall notify in writing the person to be subjected to such disposition of the date and place of explanation and the reason for which such disposition is to be taken in advance.
5. The person who has received the notification under the preceding paragraph may send his proxy and present evidence which is favorable to him.
6. The person who has heard the explanation shall prepare a report accompanied by the record of hearing and his opinion concerning the decision of the disposition and submit it to the Minister of Justice.

*(Rehabilitation aid services operated by local public entity)*

Article 10. The local public entity may operate rehabilitation aid services.

2. When the local government wants to operate rehabilitation aid services, it shall notify the Minister of Justice of the matters prescribed in Article 5 paragraph 1 items (1) to (3) and items (5) to (8) in advance. The same shall apply in case the matters notified is to be altered.

3. The provisions of Article 7 paragraph 3 and Article 8 paragraph 2 and paragraph 3 shall apply mutatis mutandis to the local public entity operating rehabilitation aid services.

*(Correction and Rehabilitation Council)*

*Article 11.* The Minister of Justice shall, in the following cases, hear the opinion of the Correction and Rehabilitation Council (hereinafter referred to as "the Council") :

- (1) When he is to grant or not to grant the license under Article 5 paragraph 1;
- (2) When he establishes the Ministry of Justice Ordinance referred to in Article 5 paragraph 2 items (4) to (6);
- (3) When he, under Article 9 paragraph 1 to paragraph 3, restricts the operation of rehabilitation aid services, orders suspension of such operation or revokes the license given under Article 5 paragraph 1.

*(Disbursement and subsidization of expenditure)*

*Article 12.* The Government shall disburse the expenditure resultant from the commissioning of rehabilitation aid under the provision of Article 3 paragraph 2 according to the standards determined by the Minister of Justice in consultation with the Minister of Finance.

2. The Government may grant a subsidy to the rehabilitation aid society, with regard to the expenditures specified in the following items, in accordance with the criteria determined by the Minister of Justice in consultation with the Minister of Finance within the limits of the budget:

- (1) Clerical expenditure;
- (2) Expenditure needed for the improvement of the installations according to the order issued under Article 8 paragraph 4.

3. The commissioning of rehabilitation aid under the provision of Article 3 paragraph 2 shall be made within the limits that the amount paid by the Government under paragraph 1 shall not exceed the budget appropriations.

*(Collection of sum corresponding to expenditure)*

*Article 13.* The chief of the Probation Office shall collect from the subject person or the person who has duty to support him the sum corresponding to the expenditure under paragraph 1 of the

- preceding Article, within the period it designates. However, the same shall not apply in case the subject person or the person having duty to support him is found incapable of paying it.
2. The collection of the sum corresponding to the expenditure under the preceding paragraph may be commissioned to the mayor of the city or the headman of the town or village (including a special ward in Tokyo; hereinafter the same) wherein the subject person or the person having duty to support him lives or wherein his property is.
  3. The Government shall, in case it has commissioned the mayor of the city or the headman of the town or village to collect the sum corresponding to the expenditure under the preceding paragraph, deliver four percent of the sum collected to the mayor or headman.

*(Raising of contribution)*

- Article 14.* The person who is operating or going to operate rehabilitation aid services shall, in case he wants to raise contributions to obtain the funds necessary for the operation of his work, submit a document clarifying the period, area, and method of collection and how to use contributions to the Minister of Justice in accordance with the provisions of a Ministry of Justice Ordinance and obtain his permission at least one month before he starts such project.
2. For giving permission under the preceding paragraph, conditions may be attached relative to the use of contributions and disposition of the property to be obtained by contributions.
  3. The person who has raised contributions with the permission under paragraph 1 shall report its result in accordance with the provisions of a Ministry of Justice Ordinance to the Minister of Justice without delay after the period of the raising of contributions.

*(Commendation)*

- Article 15.* The Minister of Justice shall pay attention to make known to the general public the rehabilitation aid society or the person who is engaged in rehabilitation aid services and has accomplished excellent results in their service, by commending the society or person concerned after hearing the opinion of the Council.

*(Delegation of authority to District Parole Board)*

*Article 15-2.* The authority of the Minister of Justice prescribed by this Law may be delegated to the District Parole Board. However, this shall not apply to his authority mentioned in Article 5 paragraph 1 and Article 9 paragraphs 1 to 3.

*(Complementary provision)*

*Article 16.* The provisions of this Law shall not be interpreted to preclude, in connection with rehabilitation aid services, the application of the provisions of the Labor Standard Law, and orders and ordinances issued thereunder.

*(Penal provisions)*

*Article 17.* Any person falling under any one of the following items shall be punished with imprisonment at forced labor for not more than six months or a fine of not more than 50,000 yen:

- (1) Any person who has violated the restriction of the order of suspension of the work provided for in Article 9 paragraph 1 to paragraph 3;
- (2) Any person who has operated the rehabilitation aid services notwithstanding that the license has been revoked under the provision of Article 9 paragraph 1 or paragraph 2;
- (3) Any person who has raised contributions without the permission provided for in Article 14 paragraph 1;
- (4) Any person who has used the contributions or disposed of the property obtained by the contributions in violation of the conditions under the provision of Article 14 paragraph 2.

*Article 18.* Any person falling under any one of the following items shall be punished with a fine of not more than 10,000 yen:

- (1) Any person who has failed to keep records mentioned in Article 8 paragraph 2 items (3) to (5) or to make necessary entries therein or has made false entries therein;
- (2) Any person who has failed to report or made a false report under the provision of Article 14 paragraph 3.

*(Enforcement regulations)*

*Article 19.* The procedure for the enforcement of this Law and other detailed rules necessary for its enforcement shall be provided for by Ministry of Justice Ordinance.

# THE LAW FOR PROBATIONARY SUPERVISION OF PERSONS UNDER SUSPENSION OF EXECUTION OF SENTENCE

(Law No. 58 of 1954 as amended by Law Nos. 140 and 161 of 1962)

*(Purpose of this Law)*

*Article 1.* The purpose of this Law shall be to stipulate matters for persons who have been placed under probationary supervision under the provision of Article 25-2 paragraph 1 of the Penal Code (Law No. 45 of 1907) to observe throughout the period of their probationary supervision and by prescribing the methods of such probationary supervision and establishing the standards of its operation, pertinently to carry out probationary supervision and help those persons who have been placed under probationary supervision speedily rehabilitate.

*(Method of probationary supervision and standards of its operation)*

*Article 2.* Probationary supervision shall be carried out by guiding and aiding the subject person, recognizing that he naturally has the responsibility to help himself, and by leading and supervising him so that he observes the conditions provided for in Article 5, and in its enforcement uniformity shall be avoided but methods best suited to the individual shall be adopted, taking into full consideration the age, background, occupation, mental and physical condition, home, associates and other environment, etc..

*(Organ handling probationary supervision)*

*Article 3.* The Probation Office having jurisdiction over the area wherein the person who is placed under probationary supervision has his residence (in case he has no place of residence or his place of residence is unknown, the place where he presently stays or his known latest place of residence or stay) shall take charge of his probationary supervision.

*(Adjustment of environments prior to the commencement of probationary supervision)*

*Article 4.* The chief of the Probation Office may see to the adjustment of the environments of the person who is placed under probationary

supervision in order to make the commencement of probationary supervision smooth when there have been the sentence to place him under probationary supervision under the provision of Article 25-2 paragraph 1 of the Penal Code and an application submitted by the subject person prior to the judgement becoming final.

*(Conditions to be observed)*

*Article 5.* The person who has been placed under probationary supervision shall promptly take up a fixed place of residence and report it to the chief of the Probation Office having jurisdiction over the area and observe the following conditions for the period of probationary supervision:

- (1) To maintain good conduct;
- (2) To report to the chief of the Probation Office beforehand when removing his place of residence or travelling for over one month.

*(Guidance and aid)*

*Article 6.* In giving guidance and aid, aid shall be given so that the subject person may secure employment or necessary vocational guidance, medical treatment, living quarters, etc. by obtaining the assistance of public institutions of health, welfare, etc. and his environments shall be adjusted, and such measures shall be taken as giving counsel and making arrangements necessary for the subject person's rehabilitation, etc..

2. In case there is an apprehension that the subject person will be prevented from being rehabilitated due to the fact that he can not obtain necessary aid only from the methods mentioned in the preceding paragraph, expenses for travelling to his release destination, clothings, food, etc. may be supplied, medical treatment or living quarters may be made available for him and other aid necessary for his rehabilitation may be given.

*(Leading and supervision)*

*Article 7.* In leading and supervising the subject person, measures necessary to make him observe the conditions prescribed shall be taken such as to find out, judging from his nature, environments, motive and cause of his offense, etc., concrete matters of what he is feared to violate within the scope of the conditions and make him realize it, and give him proper directions relating to his observance of the conditions while efforts should be made to foster the will of the subject person to rehabilitate.

*(Provisional discharge from probationary supervision)*

*Article 8.* The provisional discharge from probationary supervision under Article 25-2 paragraph 2 of the Penal Code shall be decided on by means of a ruling of the Regional Parole Board (hereinafter referred to as "RPB") having jurisdiction over the area wherein the probation office handling the probationary supervision of the subject person locates, on the application of the chief of such Probation Office.

2. The RPB which has decided to discharge a person provisionally from probationary supervision may revoke the decision of such provisional discharge by means of a ruling, when it deems it proper to recommence the probationary supervision in view of his behavior.

*(Application to public prosecutor)*

*Article 9.* If the chief of the Probation Office deems it proper that the pronouncement of suspension of execution of sentence should be rescinded under the provision of Article 26-2 item (2) of the Penal Code with respect to a person put under probationary supervision after such decree of suspension he shall file a written application provided for in Article 349 paragraph 2 of the Code of Criminal Procedure (Law No. 131 of 1948) with the public prosecutor of the public prosecutors office corresponding to the district court or summary court having jurisdiction over the area wherein the subject person is present or has stayed.

*(Summons and arrest)*

*Article 10.* The RPB or the chief of the Probation Office may summon and question the person who has been placed under probationary supervision.

2. The chief of the Probation Office may cause the person who has been placed under probationary supervision to be arrested, upon a warrant of arrest issued by the judge in advance in any of the following cases:

- (1) When the subject person does not live at a fixed residence;
- (2) When there is an ample room to suspect that the subject person has failed to observe conditions prescribed and does not comply with the summons provided in the preceding paragraph or there is an apprehension of his failure to comply with such summons.

3. To the warrant of arrest and the arrest referred to in the preceding paragraph, the provisions of Article 41 paragraphs 3 to 7 of the Offenders Rehabilitation Law (Law No. 142 of 1949) shall apply mutatis mutandis. In such case, "the ruling under Article 45 paragraph 1" in paragraph 7 of the same Article shall read "the ruling under Article 11 paragraph 1 of the Law for Probationary Supervision of Persons under Suspension of Execution of Sentence."

*(Detention)*

*Article 11.* The chief of the Probation Office may make a ruling to commence examination of the person arrested on the warrant of arrest when he deems it necessary to conduct examination in order to make an application under Article 9.

2. When the ruling under the preceding paragraph has been given the person arrested on the warrant of arrest may be detained in the prison or juvenile classification home or other appropriate institution for a period not more than 10 days from arrest. However, if there is no need of detention, he shall be released at once even during such period.
3. When the demand under Article 349 of the Code of Criminal Procedure has been made within the period referred to in the preceding paragraph the detention can be continued until such time as when the ruling of the court is notified notwithstanding the provision of the main part of the same paragraph. However, the period of detention shall not exceed 20 days in total.
4. When there has been a demand for oral proceedings under Article 349-2 paragraph 2 of the Code of Criminal Procedure the court may extend the period mentioned in the proviso to the preceding paragraph by not more than 10 days by means of a ruling. The notification of the ruling shall be made in the same manner as in cases wherein the notification of a ruling under the Code of Criminal Procedure is made.
5. When the ruling under paragraph 3 rescinds the suspension of execution of sentence, notwithstanding the provision in the first sentence of that paragraph, the detention may be continued until the ruling becomes final.

6. The days of detention under the provisions of paragraphs 2 to the preceding paragraph shall be computed into the term of sentence in case the suspension of execution of sentence has been rescinded.
7. No appeal may be made under the Administrative Appeal Law (Law No. 160 of 1962) against the ruling referred to in paragraph 1.

*(Application for review)*

- Article 12.* Any person who is dissatisfied with the disposition of rescission of the provisional discharge from probationary supervision rendered by the RPB may apply to the National Offenders Rehabilitation Commission (hereinafter referred to as "NOR Commission") for review of the disposition.
2. The provisions of Article 51 and Article 51-2 of the Offenders Rehabilitation Law shall apply mutatis mutandis to the application for review under the preceding paragraph, and the provision of Article 51-3 of the said Law to the application for revocation of the disposition under the said paragraph.

*(Other authorities)*

- Article 13.* The NOR Commission or RPB, or chief of the Probation Office, may exercise its or his authority, following the provisions of Article 16 paragraphs from 1 to 3, Article 41-2, Article 55 paragraphs 1 and 2, Articles from 55-2 to 58 and Article 60 paragraphs 1 and 2 of the Offenders Rehabilitation Law which are applicable mutatis mutandis besides the provisions of this Law. In such case, "the place wherein the subject person shall live under the provision of Article 34 paragraph 2" in Article 55-2 paragraph 4 shall read "the place of residence reported by the subject person under the provision of Article 5 of the Law for Probationary Supervision of Persons under Suspension of Execution of Sentence" and, "the expenses needed for payment mentioned in paragraph 2 of Article 40 (including the case in which this provision is applicable mutatis mutandis under Article 53 paragraph 2)", Article 60 paragraph 1 shall read "expenses needed in the aid under the provision of Article 6 paragraph 2 of the Law for Probationary Supervision of Persons under Suspension of Execution of Sentence" respectively.

2. The provision of Article 55 paragraph 3 or Article 60 paragraph 3 of the Offenders Rehabilitation Law shall apply mutatis mutandis in case the NOR Commission or RPB or chief of the Probation Office exercises its or his authority prescribed in Article 55 paragraph 1 and 2 or Article 60 paragraphs 1 and 2 applicable mutatis mutandis under the provision of the preceding paragraph.
3. Any person who is or has been among the personnel of the NOR Commission, the RPB or the Probation Office may refuse testimony, following the provision of Article 59 of the Offenders Rehabilitation Law which is applicable mutatis mutandis, with respect to facts of which he has obtained knowledge while performing the duties provided for in this Law and which relate to secrets of other persons.

# THE VOLUNTEER PROBATION OFFICER LAW

(Law No. 204 of 1950 as amended by Law No. 268 of 1952)

## *(Mission of volunteer probation officer)*

*Article 1.* The mission of the volunteer probation officer shall be to contribute to the welfare of the individual and the public by helping persons who have committed criminal offenses to improve and be rehabilitated and at the same time by leading public opinion for the prevention of offenses and by cleaning up the community, in the spirit of social service.

## *(Designated area and number of officers)*

*Article 2.* There shall be volunteer probation officers assigned to each of the areas into which the Minister of Justice divides the area of To, Do, Fu or the prefecture (hereinafter referred to as "rehabilitation area").

2. The total number of volunteer probation officers shall not exceed 52,500 in the whole country.
3. The number of volunteer probation officers in each rehabilitation area shall be fixed by the Minister of Justice in consideration of the population, economy, criminality, and other circumstances in the community.

## *(Recommendation and appointment)*

*Article 3.* The volunteer probation officer shall be appointed by the Minister of Justice from among the persons who have all the qualifications enumerated in the following items:

- (1) To have confidence and popularity of the community with respect to his character and conduct;
  - (2) To have enthusiasm for his work and time for such work;
  - (3) To have financial stability;
  - (4) To be healthy and active.
2. The Minister of Justice may delegate the power of appointment under the provision of the preceding paragraph to the chairman of the Regional Parole Board.

3. The appointment under the preceding two paragraphs shall be made from among the persons recommended by the chief of the Probation Office after the opinion of the Volunteer Probation Officer Selection Council under Article 5 is heard.

*(Disqualification)*

Article 4. Any person who falls under any one of the following items shall be disqualified for a volunteer probation officer:

- (1) A person adjudicated incompetent or quasi-incompetent;
- (2) A person sentenced to imprisonment without forced labor or a heavier punishment;
- (3) A person who, on or after the day of enforcement of the Constitution of Japan has organized or become a member of a political party or any other organization which advocates the overthrow of the Constitution of Japan or the government existing thereunder by force and violence.

*(Volunteer Probation Officer Selection Council)*

Article 5. The Volunteer Probation Officer Selection Council shall be set up at the location of each Probation Office.

2. The Volunteer Probation Officer Selection Council shall be composed of members not exceeding 13 in number (not exceeding 15 in the case of the Volunteer Probation Officer Selection Council established in Tokyo) and one of them shall be the chairman.
3. No salary or allowance shall be paid to any member of the Volunteer Probation Officer Selection Council.
4. Except as provided for in this Law, the organization, business, members, and procedure for disposition of the business of the Volunteer Probation Officer Selection Council shall be provided for by the Ministry of Justice Ordinance.

Article 6. Deleted.

*(Term of office)*

Article 7. The volunteer probation officer's term of office shall be two years. However, this shall not preclude him from being appointed again.

*(Area wherein officer performs his duties)*

*Article 8.* The volunteer probation officer shall perform his duties within the rehabilitation area wherein he has been posted. However, this shall not apply when he is otherwise ordered by the Regional Parole Board or the chief of the Probation Office.

*(Service)*

*Article 9.* The volunteer probation officer shall be conscious of his mission, make efforts to become a man of noble character and wide vision and to acquire knowledge and technique necessary for performing his duties and carry out his duties with a positive attitude.

2. The volunteer probation officer shall respect the confidential information concerning the personal affairs of the person concerned which he has come to know in performing his duties and make efforts to maintain his honor.

*Article 10.* Deleted.

*(Payment of expenses)*

*Article 11.* No salary or allowance shall be paid to the volunteer probation officer.

2. The volunteer probation officer may, under the provisions of the Ministry of Justice Ordinance and within the limit of the budget, be paid whole or a part of the expenses needed for the performance of his duties.

*(Discharge from appointment)*

*Article 12.* When a volunteer probation officer has come to fall under any one of the items of Article 3, the Minister of Justice shall discharge him from his appointment.

2. When a volunteer probation officer has come to fall under any one of the following items, the Minister of Justice may discharge him from his appointment after hearing the opinion of the Volunteer Probation Officer Selection Council:

- (1) In case he has lost the qualification mentioned in any one of the items of paragraph 1 of Article 3;
- (2) In case he has contravened or neglected his duties;
- (3) In case he has committed an act which is improper as that of a volunteer probation officer.

3. The discharge from appointment under the preceding two paragraphs shall not be carried out unless the volunteer probation officer concerned has been informed of the reason and given an opportunity for explanation. However, the same shall not apply to the discharge from appointment under item (1) or (2) of Article 4.

*(Commendation)*

*Article 13.* The Minister of Justice shall use attention to commend a volunteer probation officer who has rendered distinguished service and give publicity to such service.

*(Enforcement regulation)*

*Article 14.* The procedures for enforcing this law and other detailed regulations necessary for its execution shall be provided for by Minister of Justice Ordinance.

