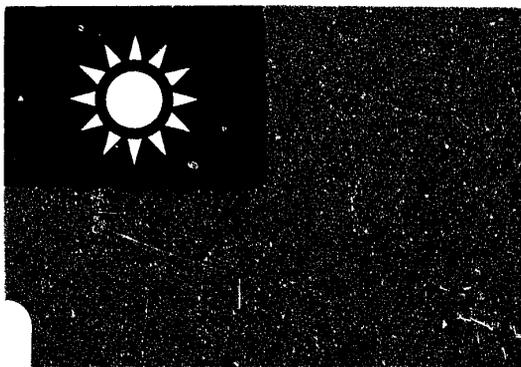


JUVENILE COURTS  
OF THE  
REPUBLIC OF CHINA



53437

MINISTRY OF JUSTICE  
1978

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REGISTRATION

DEC 29 1973

ACQUISITION

**A BRIEF INTRODUCTION  
TO THE  
JUVENILE COURT SYSTEM  
OF THE REPUBLIC OF CHINA**

**(A) ORGANIZATION**

The personnel of the juvenile division of the district court consists of judges, probation officers, clerks and bailiffs. One of the judges is appointed as divisional chief judge, and he has the responsibility of supervising and assigning the work of this division. Judges appointed to juvenile courts must possess, in addition to the usual qualifications required for sitting in a court of general jurisdiction, adequate knowledge and experience in juvenile reform work.

**(B) JURISDICTION**

The juvenile division has jurisdiction in all types of juvenile cases including criminal and reformatory case. Juveniles are those between the age of 12 and 18. Juvenile criminal cases consist of two categories: mandatory criminal cases and discretionary criminal cases.

- (1) Under Paragraph 1 of Article 27 of The Law Governing the Disposition of Juvenile Cases, a mandatory juvenile criminal case is one in which a juvenile has committed an offense for which the minimum penalty provided by the Criminal Code is at least five years' imprisonment. Such cases include homicide, kidnapping, robbery, rape and arson.
- (2) A discretionary juvenile criminal case is one in which

a juvenile has committed one of the offenses specified in Paragraph 2 of Article 27 of the Law governing the Disposition of Juvenile Cases and to which the juvenile judge in his discretion considers it appropriate to impose a criminal penalty on the juvenile. Such cases include the offenses for which the maximum penalty provided by the Criminal Code is above five years of imprisonment, offenses of interference with public functions, offenses of causing bodily harm, preparation to commit an offense of homicide, and offenses of receiving stolen property.

Petty offenses other than the above mentioned are treated as juvenile reformatory cases. This category also includes misbehavior which indicates that a juvenile has the inclination to commit criminal offenses in the future, such as constantly associating with habitual criminals, frequenting places where young people are prohibited, participating in an undesirable juvenile gang, constantly carrying a knife or other weapon for use in fights, and smoking or taking drugs other than marijuana, opium, cocaine, morphine, heroin or one of their compounds.

## (C) PROCEDURE

### (1) Juvenile Criminal Cases

- (a) When a juvenile commits a criminal offense, any one may report the matter to the juvenile division. A judge then assigns the case to a probation officer to investigate the juvenile's social history, and then transfer the juvenile criminal case to the public procurator's office for further investigation. If the

investigation discloses sufficient evidence to prove that the accused juvenile has committed a crime, the procurator should make a public prosecution and the case will be transferred back to the juvenile court for trial.

- (b) The judge of the juvenile division will then hold a trial hearing either public or private at the judge's discretion. The probation officer will appear and express his opinion to the court. After the trial hearing, the judge shall render his judgment within one week.
- (c) A juvenile shall never be sentenced to death or life imprisonment unless he is convicted of killing a lineal ascendent. Otherwise, a juvenile is punished in accordance with the provisions prescribed in the Criminal Code.
- (d) A juvenile who has no previous criminal record and who is sentenced to a maximum of three years imprisonment, can often receive a suspended sentence. If a juvenile has shown good behavior while in prison, he may be released on parole after having served one third of his sentence.
- (e) All juvenile who have received suspended sentences or who are on parole after release from prison are placed on probation.

(2) Juvenile reformatory cases

- (a) If the investigation reveals no reasonable ground to justify any reformatory measure against the

juvenile, the court issues an order announcing its decision not to try the case.

- (b) If the court decides that a trial should be held, it issues a court order announcing commencement of the trial. Upon commencement of the trial, the Juvenile or his parents may appoint an assistant in his defense. Such an assistant is not a defense counsel in nature nor is he required to be an attorney-at-law.
- (c) Hearings in juvenile reformatory cases are never open to the public. However, the juvenile's relatives, school teachers, social workers and other appropriate persons may attend by special permission of the court.
- (d) When the juvenile is questioned by the court during the hearing, the juvenile himself, his parents, the person having custody of him and his appointed assistant are each be given an opportunity to express their opinions.
- (e) In disposing of a juvenile reformatory case, the court orders one of the following reformatory measures for the juvenile:
  - (i) He may be reprimanded.
  - (ii) He may be placed on probation.
  - (iii) He may be sentenced to a reformatory educational institution for reformatory education.In addition to these measures, one of the following actions may also be ordered:
  - (i) If the juvenile is an alcoholic or drug addict,

he may be committed to an appropriate institution for compulsory treatment.

- (ii) If suffering from a physical or mental deficiency, he may be committed to an appropriate institution for medical treatment.
- (f) If the juvenile is already 18 years old before the commencement of the period of probation or reformatory education or if he reaches the age of 18 during the period of probation, the a maximum period of probation, or reformatory education imposed upon the juvenile shall not extend beyond the time he becomes 21 years old.

# THE LAW GOVERNING THE DISPOSITION OF JUVENILE CASES

Approved by the Legislative Yuan (Congress) on January 19, 1962.

Promulgated by President on January 31, 1962.

Effective on July 1, 1971.

Amended on February 12, 1976.

## CHAPTER I General Provisions

### Article 1

The imposition of reformatory measures on juveniles and the disposition of juvenile criminal cases shall be dealt with in accordance with the provisions of this Law. Where there are no applicable provisions in this Law, other Laws shall apply.

### Article 2

The term "juvenile" when used in this Law, means a person twelve years of age or older but less than eighteen years of age.

### Article 3

The following cases are under the jurisdiction of juvenile divisions of district courts and shall be dealt with in accordance with this Law:

1. Where the conduct of a juvenile violates any criminal law or statutes.
2. Where a juvenile with any of the following conducts having the possibility to commit a crime:
  - A. having constantly associated with habitual

criminals.

- B. having frequented places where a juvenile's presence is prohibited.
- C. having constantly played truant or having run away from home,
- D. having participated in an undesirable gang,
- E. having constantly carried a knife, sword or other lethal weapon without a justifiable reason.
- F. having constantly loitered at midnight or habitually violated police law,
- ✓ G. having smoked, taken, or injected drugs other than narcotics, cocaine, heroin, opium, morphine, marijuana, anesthetics or one of their compounds.

#### Article 4

The reformatory measures of this law may be imposed on a juvenile, even though the crime he has committed is exclusively under the jurisdiction of the court martial, except that crime is stipulated in the Statute for the Suppression of Rebellions and Insurrections, or the Statute for the Elimination of Communist Spies during the Period of Rebellion Suppression.

## CHAPTER II

### Organizational Structure of Juvenile Division

#### Article 5

There should be established in each district court a juvenile

division. However, where circumstances so require, personnel on the payroll of the district court may be assigned to concurrently perform the duties and exercise the powers of the juvenile division in accordance with this law.

#### Article 6

The personnel of a juvenile division consists of judges, probation officers, clerks and bailiffs.

#### Article 7

Judges appointed to juvenile divisions must possess, in addition to the usual qualifications required for sitting in a court of general jurisdiction, adequate knowledge and experience in juvenile reformatory work.

#### Article 8

Where there are more than three judges, with a juvenile division, one of them shall be appointed as divisional chief judge with the responsibility of supervising and assigning the work of this division.

#### Article 9

The duties and powers of probation officers are as follows:

1. investigating and collecting data in regard to juvenile delinquency cases;
2. looking after and supervising juveniles kept in observation centers;
3. dealing with juvenile probation;
4. handling such work as prescribed elsewhere in this Law.

In performing their duties and exercising their powers, probation officers shall be subject to the orders and supervisions of the judges.

#### Article 10

Where there are several probation officers with a juvenile division, one of them shall be appointed as chief probation officer to take charge and make assignments of the work relating to their duties and powers.

#### Article 11

Clerks and bailiffs assigned to perform duties together with probation officers shall be subject to the latter's orders.

#### Article 12

Probation officers shall be appointed from persons who meet one of the following qualifications:

1. having passed the civil service examination for probation officers;
2. being a graduate of public or accredited private university or college, majority either in law, education, sociology, or psychology, and having satisfactorily finished a course of training for a probation officer;
3. being a graduate of the National Police College or other colleges, majoring in probation, and having satisfactorily finished a course of training for a probation officer.

#### Article 13

Probation officers are appointed as civil service personnel with the official rank of "tsien zen".

**CHAPTER III**  
**Juvenile Reformatory Cases**  
**Section 1**  
**Investigation and Hearing**

**Article 14**

Juvenile reformatory cases are subject to the jurisdiction of the juvenile division of the locus delicti or of domicile or residence or locality of the offender.

**Article 15**

If it is deemed by the juvenile division, before which a case is pending, that more suitable reformatory measures can be provided for the juvenile by effecting a change of venue, it may, by court order, transfer the case to the juvenile division of another competent district court. The latter shall not authorize a further transfer.

**Article 14**

The provisions of paragraphs 1 and 2 of Article 6, Article 7, and the first part of Article 8 of the code of criminal procedure shall apply mutatis mutandis to juvenile reformatory cases.

**Article 17,**

Whoever having knowledge that any juvenile violates the criminal law or statutes described in item 1 of Article 3 may report to a competent juvenile division.

#### Article 18

Whenever a case described in Article 3 comes to the knowledge of a public procurator or judicial police officer or of a court in the course of performance of his or its duties, such person or court shall hand it over to a competent juvenile division.

The custodian of a juvenile may request the juvenile division to deal with the case described in item 2 of Article 3 involving that juvenile.

#### Article 19

On accepting a case, whether transferred or reported to it, or on the application of police authorities, pursuant to Article 15, Article 17 and the preceding article the juvenile division should investigate into the act or acts allegedly committed by the juvenile and his character, past experience, physical and psychological condition, family situation, social environment and educational standard, as well as other particulars deemed essential to the understanding of the juvenile, so as to decide, on the basis of the findings thereof, whether or not a trial should be held.

The investigation mentioned in the preceding paragraph should first be conducted by a probation officer by order of the juvenile division, unless such investigation is deemed obviously unnecessary by the division.

The probation officer should submit a report together with his opinions to the division after finishing his investigation.

. During the hearing of the persons concerned before the juvenile division, a clerk shall be present to make records of their statements.

#### Article 20

Hearing of a juvenile reformatory case is to be conducted by a single judge.

#### Article 21

In conducting investigation the juvenile division, where it deems necessary, may summon the juvenile, his statutory agent or his custodian to be present at the scene of investigation.

The person or persons mentioned in the preceding paragraph should be summoned to be present in the court at the time of hearing.

The summoning referred to in the preceding two paragraphs should take the form of notification specifying the following items and duly signed by the judge:

1. name, sex, age, hometown, domicile or residence of the person summoned;
2. subject matter of a case;
3. place, date, and time that the person summoned should appear;
4. a statement to the effect that failure to appear in response to the summons without a reason may result in being compelled to appear.

Notification should be served on the person summoned.

#### Article 22

In the event that the juvenile, his statutory agent or his custodian fails to appear at the designated place without a reason upon a notification having been served on him in accordance with law, the juvenile division may issue a warrant to compel his appearance.

A warrant should specify the following items and be signed by the judge issuing it:

1. name, sex, age, hometown, domicile or residence and special features or marks, if any, of the person against whom the warrant is issued. The age, hometown, domicile, or residence may be omitted, if they are unknown to the judge;
2. subject matter of the case;
3. place where the compellee should appear under escort of the executing officer;
4. deadline for execution of warrant.

### Article 23

Execution of warrant is within the province of the probation officer. However, the juvenile division may order the clerk, bailiff, judicial police officer, or judicial police to execute it.

Warrant should be made in duplicate. One of them should be handed over to the arrestee or his family. The executor should pay attention to the body and the reputation of the arrestee in the course of arresting.

On completion of the execution, the executor should record the place, the time and the date that the warrant was executed in the warrant. In the event that the warrant is incapable of being

executed, the executor should record such fact and sign his name therein before returning it to the juvenile division.

#### Article 23.01

Where a juvenile is missing, the juvenile division may request juvenile divisions of other district courts, procurators, judicial police agencies to render assistance to search for him. The request should not be open to the public either in bulletins, newspapers, or other media.

The searching for a juvenile should take the form of searching warrant specifying the following items and duly signed by the judge:

1. name, sex, age, hometown, the file number of identification card, domicile or residence, special features or marks, if any, of the juvenile for whom is being searched; the hometown, the file number of identification card, domicile or residence may be omitted, if they are unknown to the judge;
2. summary contents of the case;
3. cause of searching;
4. place where the juvenile to be escorted to.

The juvenile may be sent to the place referred to above directly under escort of the probation officer, procurator, judicial police officer, judicial police, after he has been found.

The searching warrant should be cancelled immediately, if the searching is found groundless or obviously unnecessary.

The first paragraph of this article shall apply mutatis mutandis to notification for cancelling searching.

#### Article 24

The provisions of the Code of Criminal Procedure with respect to testimony of witnesses, identification, interpretation, examination and autopsy, searches and impoundments shall apply mutatis mutandis to juvenile reformatory cases, except where their application is incompatible with the nature of such cases.

#### Article 25

In performance of its duties, the juvenile division may request police authorities, civic bodies, schools, hospitals, or other government agencies or private organizations to render assistance in time of need.

#### Article 26

In dealing with a juvenile, the juvenile division may decree one of the following measures against him by court order, if it deems necessary:

1. to put the juvenile under the supervision of his statutory agent, the head of his family, his closest relative, his custodian or any other suitable persons; or under the guidance of a probation officer in addition, before the case is concluded;
2. to keep the juvenile under the custody of an observation center, provided that, the supervisory measure referred to above is incapable of being arranged, or when such measure is deemed inadvisable.

During investigation or hearing, a juvenile must not be kept under the custody of an observation center for more than one month respectively. However, the period referred to above

may be renewed one time by court order, before it is expired, if the juvenile division deems it necessary. The period renewed must be less than one month.

The organizational structure of observation centers for juveniles is to be prescribed by other statute.

#### Article 27

Where, from the investigation made, the juvenile division deems the minimum statutory penalty of the crimes allegedly committed by a juvenile is more than five years imprisonment, it should, by court order, transfer the case to a public procurator of a competent court.

Where, from the investigation made, the juvenile division deems it advisable to subject a juvenile to be treated under criminal law, judging from his behavior, character, past experience, may, by court order, make a same transfer as that described above if there exists one of the following situations:

- A. Where the juvenile has allegedly committed a crime other than those described in the first paragraph of this article that the maximum statutory penalty of which is more than five years imprisonment;
- B. Where the juvenile has allegedly committed an offense against public affairs stipulated in paragraphs 1 and 2 of Article 135 of the criminal code;
- C. Where the juvenile has allegedly committed an offense against public order stipulated in Articles 149, 151, or 154 of the Criminal Code;
- D. Where the juvenile has allegedly committed an offense against public safety stipulated in Article 186 of the

criminal code;

- E. Where the juvenile has allegedly committed an offense to undermine public morality or to wreck a family stipulated in paragraphs 1 and 2 of Article 231 or paragraph 1 of Article 240 of the Criminal Code;
- F. Where the juvenile has allegedly committed preparatory homicide stipulated in paragraph 3 of Article 272 of the Criminal Code;
- G. Where the juvenile has allegedly committed wounding stipulated in paragraph 1 of Article 277 or in the first part of Article 283 of the Criminal Code;
- H. Where the juvenile has allegedly committed an offense to purchase loot stipulated in paragraph 1 of Article 349 of the Criminal Code.

Where the juvenile is less than fourteen years of age when he commits an offense, or he has reached eighteen after having committed an offense, paragraphs 1 and 2 of this article shall not apply.

Where the juvenile who has reached eighteen years of age having committed an offense, his case should be, by court order, transferred to a public procurator of a competent court.

## Article 28

Where, from the investigation made, the juvenile division deems that there is no ground to justify any reformatory measure against the juvenile or where it deems that no trial should be held against the juvenile because of any other reason, it shall issue a court order announcing its decision of non-trial of the case.

## Article 29

Where from the investigation made, the juvenile division deems that the offense committed by the juvenile is of a trivial nature, and, therefore, that it is inadvisable to hold a trial of the case, it may issue a court order to that effect, and then simultaneously instruct his statutory agent or his custodian to exercise stricter discipline over him.

Before issuing the court order referred to in the preceding paragraph, the juvenile division, where the circumstances of the case so require, and with the agreement of the victim, may order the juvenile to perform one of the following undertakings, whichever deemed appropriate:

1. To tender his apology to the victim,
2. to make a written repentance pledging not to commit the same crime or bad behavior again,
3. to pay a reasonable amount of compensation to the victim.

The statutory agent or custodian of the juvenile should be jointly and severally liable for the payment of the compensation required by the court order referred to in item 3 of the preceding paragraph. That court order shall be a ground for civil enforcement.

## Article 30

Where, from the investigation made, the juvenile division deems that a trial should be held of the case, it shall issue a court order announcing commencement of the trial.

## Article 31

After commencement of the trial is announced, the statutory agent or custodian of the juvenile may appoint a lawyer or other suitable person as his assistant to defend for him. However, the court may forbid the appointment if it deems him unsuitable.

The provisions of Articles 33 and 34 and paragraph 2 of Article 35 of the code of Criminal Procedure shall apply mutatis mutandis to the assistant appointed for a juvenile.

#### Article 32

Juvenile division should fix a date for hearing of the case and summon such persons as listed in Article 21 to appear in court at the time of hearing, the appointed assistant for the juvenile, if any, should also be notified accordingly.

#### Article 33

At the time of hearing, a clerk should be present in the court with the judge to keep records of the proceedings of the hearing.

#### Article 34

In general, hearings are not open to the public. However, relatives of the juvenile, school teachers, social workers of juvenile welfare and/or other suitable persons may be permitted as an auditor by the judge.

#### Article 35

Hearing should be conducted by the judge in an intimate and friendly manner.

### Article 36

In the course of hearing, when the juvenile is questioned by the judge, the juvenile himself, his statutory agent, his custodian and his appointed assistant, if any, should each be given an opportunity to express his opinions.

### Article 37

Evidences essential to the disposal of the case should be investigated and examined by the judge at the time of hearing.

The causes and facts upon which the reformatory measure against the juvenile is decreed by the judge must be based on evidences.

### Article 38

In the course of hearing, the juvenile division, whenever it deems necessary, may take one of the following measures:

1. forbidding the presence of any other person in the court except the juvenile himself when the latter is making a statement;
2. forbidding the presence of the juvenile in the court when any other person is making a statement.

### Article 39

The probation officer or a staff member of juvenile observation center who possesses qualification of a probation officer should be present in court at time of hearing to express his opinion about the case, unless this is deemed unnecessary by the judge.

#### Article 40

Where, on the basis of the hearing, the juvenile division deems that any situation such as described in Article 27 exists, it shall issue a court order to transfer the case to a public procurator.

#### Article 41

Where, on the basis of the hearing, the juvenile division deems that no reformatory measure is required to be decreed for the case, it shall issue a court order to that effect.

#### Article 42

Except an action has been taken in accordance with either of the preceding two articles, the juvenile division shall, by court order, decree one of the following reformatory measures against the juvenile after hearing:

1. in addition to be reprimanded, he may be quided and assisted on holiday or vacation if needed;
2. to be placed on probation;
3. to be committed to a reformatory educational institution for reformatory education.

Besides those measures referred to in the preceding paragraph, one of the following additional measures may be decreed simultaneously against the juvenile:

- ✓ 1. to be committed to an appropriate institution for compulsory treatment, if he is addicted to drugs such as opium, cocaine, morphine, heroine, marijuana, L.S.D. etc, or is a habitual alcoholic,
2. to be committed to an appropriate institution for

medical treatment if he is obviously suffering from physical or mental deficiency.

The guidance and assistance on holiday or vacation referred to in item 1 of paragraph 1 of this article should be at least three times and not more than ten times. Each time should be within three hours. The number of times for them should be decreed in the court order. However, the period for the execution of the measures prescribed in items 2 and 3 of paragraph 1 of this article should not be set.

#### Article 43

Confiscation stipulated in the Criminal Code or other statutes shall apply mutatis mutandis to the court orders referred to in Article 29 and the preceding article of this law.

#### Article 44

To determine whether or not a reformatory measure should be decreed against the juvenile, the juvenile division, where it deems necessary, may order a probation officer to observe the juvenile for a reasonable period of time.

In issuing the court order referred to in the preceding paragraph, the court may simultaneously decree the following:

1. ordering the juvenile to keep certain rules of conduct;
2. ordering the statutory agent of the juvenile or his custodian to pay close attention to certain matters essential to the supervision and guidance of the juvenile.

After the observation referred to in paragraph 1 of this article the probation officer having charge of the juvenile shall submit a report thereon together with his recommendations.

#### Article 45

Where the juvenile against whom a reformatory measure has been decreed is found to have been sentenced to imprisonment for other offense and the sentence of which has become fixed, the juvenile division may, by court order, have that reformatory measure set aside.

Where the juvenile having being decreed a reformatory measure prescribed in this law is found to have been decreed for another reformatory measure prescribed in the Criminal Code, the juvenile division made the former decree should determine, by court order, which one is to be executed.

#### Article 46

Where a juvenile against whom two or more separately fixed reformatory measures prescribed in this law have been meted out for different offenses, the division which decreed the latter measure may, by court order, determine which one is to be executed.

After making the court order in accordance with the preceding paragraph, the other reformatory measure or measures regardless of whether its or their execution(s) has/have been commenced or not, is or are deemed to be set aside.

#### Article 47

Where, subsequent to the decreeing of a reformatory measure, the juvenile division discovers that it has no jurisdiction over the case, it itself shall, by court order, set aside the measure previously decreed and transfer the said case to a competent court.

Where the agency responsible for the execution of the reformatory measure discovers any documents or data revealing the

existence of a situation described in the preceding paragraph, it shall notify the juvenile division of such discovery.

Where a juvenile has become over eighteen years of age after having committed an offense, the decree as prescribed by the first paragraph of this article shall apply mutatis mutandis.

#### Article 48

For any court order issued by the juvenile division an exemplification thereof shall be served on the juvenile concerned, his statutory agent or his custodian and the victim.

#### Article 49

The provisions of the Code of Civil Procedure concerning service of process shall apply to the service of documents in juvenile cases. However, in no case shall public notification be resorted to, nor shall documents be served through the post in case of failure by a party to designate a person to receive documents on behalf of himself.

### Section 2

#### Execution of Reformatory Measures

#### Article 50

In administering a reprimand, the judge of the juvenile division should point out to the juvenile his misbehavior and admonish him of such rules of conduct that he must observe in future. In addition, the judge may order the juvenile to

make a written repentance pledging not to commit the same crime or bad behavior again.

The statutory agent of the juvenile or his custodian and his appointed assistant, if any, shall be notified to be present in the court when the juvenile is being reprimanded.

“Guidance and assistance to a juvenile on holiday or vacation” is executed by a probation officer, other suitable agencies, organizations, or persons at the request of the juvenile division. Its purposes are to educate him to be of good character, to assist his school work or other work, to make him get accustomed to obeying the law and be diligent through force labor.

#### Article 51

All matters relating to the probation of the juvenile shall be dealt with by the probation officer who should apprise the juvenile under his surveillance of such rules of conduct as the latter must observe. Furthermore, the probation officer should maintain constant contact with the juvenile, watching closely the latter's activities and advising and teaching him from time to time. He should also take whatever measures that are deemed appropriate to assist and guide the juvenile in such matters as his education, support, medical care in case of illness, obtaining of employment, improvement of environment, and the like.

In fulfilling the various tasks referred to in the preceding paragraph the probation officer should make necessary discussions and coordinations with the statutory agent of the juvenile or his custodian.

The juvenile division may, upon recommendation of the probation officer, award the juvenile to a youth welfare organiza-

tion, police agency, civic body, benevolent society, a closest relative of his, or any other suitable person for care and surveillance, subject to the guidance and direction of the probation officer.

#### Article 52

Juvenile delinquents are to be committed by orders of juvenile divisions to appropriate reformatory educational institutions for reformatory education at different levels basing upon the nature of their offenses and their educational standards.

The organizational structure of reformatory educational institutions is to be prescribed separately by statute.

#### Article 53

In no case shall the period of probation or of reformatory education exceed three years.

On successful completion of the reformatory education, the government educational authorities at the place where the reformatory educational institution is situated may issue a certificate to the juvenile after examining his general educational standard.

#### Article 54

If the juvenile is already eighteen years old before the commencement of the execution of probation or of reformatory education, or if he reaches the age of eighteen during the execution thereof, the maximum period of execution imposed upon him shall not extend beyond the age of twenty-one.

## Article 55

If the juvenile successfully rehabilitates himself and further assistance is deemed unnecessary, or the execution of probation becomes inadvisable owing to the factual reasons, after the probation has been executed for more than six months, the probation officer may make a request with reasons and evidences to the juvenile division for the approval of the exemption from further execution of the probation.

If the juvenile under probation has violated the rules of probation more than two times and disobeyed the advices of the probation officers, compulsory observation is thus deemed necessary, the juvenile division may, by court order, commit the juvenile to an observation center for observation not longer than twenty-four hours at the request of the probation officer.

If the juvenile under probation has seriously violated the rules of probation, or repeatedly violated that rules after having been compulsorily observed in accordance with the preceding paragraph, and the probation is thus deemed insufficient to his rehabilitation, the juvenile division may, by court order, have the probation set aside and commit the juvenile to a reformatory educational institution instead, for the remaining period of the unexecuted probation. If that period is less than six months, it should last six months.

## Article 56

If it is deemed that further reformatory education is unnecessary after that education has been executed for more than six months, the executing agency may submit a report with supporting evidence to its superior agency for a waiver or suspension of the

execution of the reformatory education. A report should also be submitted by the executing agency to the juvenile division for record purpose.

Where reformatory education is suspended in accordance with the preceding paragraph the juvenile division should, by court order, place the juvenile on probation for the remaining part of the decreed period of the reformatory education.

The provision of the preceding Article shall apply mutatis mutandis to the probation referred to in the preceding paragraph of this Article. If the juvenile is ordered to be re-committed to the reformatory educational institution for continuing education according to the third paragraph of the preceding Article, the period that reformatory education has been suspended is to be excluded from the period of execution.

#### Article 57

The measure referred to in item 1 of paragraph 1 of Article 42 should be executed within one year, after the court order decreeing it was made, otherwise the execution of it should be waived.

These measures referred to in items 2 and 3 of paragraph 1 of Article 42 and paragraph 2 of the same Article should not be executed without the permission of the juvenile division in case these measures have not been executed for three years or more, since they should be executed.

#### Article 58

The period for compulsory treatment and medical attention prescribed respectively in items 1 and 2 of paragraph 2 of Article

42 shall continue till the juvenile has been completely relieved of bad habit or recovered from the sickness or till he reaches the age of twenty. Where any one of the measures referred to above is decreed together with probation by the same court order, both of them shall be executed simultaneously. Where that measure is decreed together with a reformatory education the former shall be executed prior to the reformatory education. However, if its execution will not interfere in any way with the carrying out of the reformatory education, both may be executed at the same time.

#### Article 59

For the execution of a decreed reformatory measure, the juvenile division may issue a notification or warrant against the juvenile concerned, or ask the agencies concerned to render assistance to search for him.

Paragraphs 3 and 4 of Article 21, paragraph 2 of Article 22 and Articles 23 and 23.01 shall apply mutatis mutandis to the notification and the warrant for arrest or search referred to in the preceding paragraph.

#### Article 60

Upon fixation of a court order decreeing a reformatory measure, the juvenile division may, by court order, ask the juvenile concerned or the person under obligation to support him to pay in whole or in part the expenses required for the education and support of the juvenile, depending upon the financial ability of such individuals. However, a waiver may be granted, if the individual is extremely poor and thus unable to bear such expenses.

The court order referred to in the preceding paragraph may be taken as a ground for civil enforcement. The juvenile division may request the Civil Enforcement Department of a district court to render assistance for its enforcement. That enforcement shall be free of charge.

### Section 3 Appeal and Retrial

#### Article 61

In the event that the juvenile, his statutory agent, his custodian or his appointed assistant takes exception to the court order of the juvenile division decreeing any of the following reformatory measures, an appeal may be filed therefrom. Nevertheless, no appointed assistant may file an appeal contrary to the express intention of the appointer:

1. measures decreed in accordance with Article 42,
2. a measure having the probation set aside and committing the juvenile to a reformatory educational institution instead, in accordance with paragraph 3 of Article 55,
3. a measure re-committing a juvenile to a reformatory educational institution for continuing education in accordance with paragraph 3 of Article 56,
4. court order asking someone to pay the expenses required for the education and support of the juvenile in accordance with Article 60.

## Article 62

The victim of a juvenile offense may file an appeal from any of the following court orders issued by the juvenile division:

1. court order decreeing non-trial issued in accordance with Article 28 and paragraph 1 of Article 29,
2. court order decreeing non-imposition of reformatory measure issued in accordance with Article 41.

## Article 63

Appeals are within the jurisdiction of the court superior to the court to which the juvenile division belongs.

No further appeal may be filed from the decision of the court of appeal.

## Article 64

The provisions of Articles 406 to 412 and of the first part of Article 413 and Article 414 of the Code of Criminal Procedure shall apply mutatis mutandis to appeals prescribed in this section.

### Article 64.01

After a court order decreeing a reformatory measure becomes fixed, the juvenile against whom that measure was decreed, his statutory agent, his custodian, or his appointed assistant may apply, to the juvenile division which has made that court order, for a retrial, if there exists one of the following circumstances that would make the court order decreeing a reformatory measure become groundless except the juvenile has died:

1. The application of laws or statutes is obviously wrong and sufficiently affect the result of the court order,

2. Basing upon the new evidence discovered after the court order was made that the juvenile against whom a reformatory measure was decreed should have been adjudged free from being imposed a reformatory measure,
3. Any of the grounds for retrial prescribed in item 1, 2, 4 or 5 of paragraph 1 of Article 420 of the Code of Criminal Procedure exists.

The provisions of Article 423, Article 429, first part of Article 430, Article 431 to Article 434, paragraphs 1 and 2 of Article 435, Article 436 shall apply mutatis mutandis to the procedure of the retrial referred to in the preceding paragraph.

Where the juvenile division which has decreed the reformatory measure discovers any of the circumstances prescribed in each item of the first paragraph may by court order, decree a retrial for that case, without any application.

After the retrial, even the juvenile division deems that the juvenile is subject to be treated under the criminal law, that case involving the juvenile still should not be transferred to a public procurator of a competent district court, neither should the juvenile be put at a disadvantage therefrom if the reformatory measure has been executed.

## CHAPTER IV

### Juvenile Criminal Cases

Article 65

Prosecution and punishment against a juvenile for his offense are limited to cases that have been transferred to a public procurator in accordance with Article 27.

The provisions of private prosecution prescribed in the Code of Criminal Procedure shall not apply to juvenile criminal cases.

#### Article 66

After receiving a criminal case transferred by a juvenile division, the procurator should conduct investigation immediately.

The period for the investigation is limited to one month.

#### Article 67

After investigation and judging from all the circumstances prescribed in Article 57 of the Criminal Law, if, the procurator, deems it advisable to pardon the juvenile, and the maximum statutory penalty of the offense allegedly committed by the juvenile is under five years imprisonment the procurator may make a ruling not to prosecute and then transfer the case back to the juvenile division to be treated as a reformatory case. If it is deemed advisable to make a public prosecution, a ruling to that effect may be made. If the case involved an adult and should be tried separately in accordance with Article 68, the prosecution should be made separately.

#### Article 68

In general, if a juvenile criminal case is closely related to an ordinary criminal case as prescribed in Article 7 of the Code of

Criminal Procedure, they should be tried separately. However, if it is inadvisable to be tried separately, they may be tried together either by a juvenile division or an ordinary criminal division.

#### Article 69

Where a reformatory measure has been decreed against a juvenile for committing an offense in accordance with Article 42, he may not be further prosecuted or punished under criminal law for the same offense, except where the reformatory measure decreed has been set aside in accordance with the provisions of Article 45 or Article 47.

#### Article 70

The provisions of sections 1 and 3 of chapter 3 shall apply mutatis mutandis to investigation and trial of a juvenile criminal case.

#### Article 71

Unless it is deemed necessary, a juvenile accused shall not be detained.

#### Article 72

During the investigation and trial, a juvenile accused must be separated from other accused.

#### Article 73

Trials may be held in closed session.

The proviso of Article 34 shall apply mutatis mutandis to trials held in closed session. •

Where a public trial is requested by a lineal ascendant relative of the juvenile or by his custodian, such request shall not be rejected.

#### Article 74

After the trial of a juvenile criminal case prescribed in Article 27, the juvenile division may remit the juvenile's punishment and place him on probation or commit him to a reformatory educational institution for reformatory education, if the maximum penalty of the offense committed by the juvenile is under five years of imprisonment, and the offense is committed under trivial or extenuating circumstance that even the punishment is reduced in accordance with the provisions of Article 59 is still considered too severe.

If the juvenile referred to in the preceding paragraph is a habitual alcoholic he may be committed to an appropriate institution for compulsory treatment simultaneously; if he is obviously suffering from physical or mental deficiency, he may also be committed to an appropriate institution for medical treatment.

The period for the execution of the measures referred to in the preceding two paragraphs should not be set. The provisions of section 2 of chapter 3 shall apply to the execution of these measures.

#### Article 75

In no case, shall a juvenile be sentenced to death or life imprisonment for the commission of an offense, except he or she violates paragraph 1 of Article 272 of the criminal law.

#### Article 76

The provisions of this law with respect to reduction of punishment shall not apply to the offenses against penal laws or statutes committed by a juvenile who has been a participant in an undesirable juvenile gang detrimental to the public safety and order. Moreover, the statutory penalty of the offense committed by the leaders of the gang may be increased up to one half.

#### Article 77

Article 3 of the Statute for Imposing Reformatory Measures on the Criminal of Larceny and Receiving Stolen Property shall not apply to the juvenile delinquent.

#### Article 78

Deprivation of civil rights shall not be imposed on a juvenile.

In applying laws and ordinances with respect to competence to exercise civil rights, a juvenile who has served the full term of a sentence of imprisonment, or has been remitted by virtue of a pardon, shall be deemed to have no previous criminal record.

#### Article 79

Where a juvenile who is sentenced to imprisonment for not more than three years, or to confinement at hard labor, or to a fine, meets any of the conditions set forth in items 1 and 2 of Article, 74 of the Criminal Law and where it is deemed advisable to withhold temporarily the sentence from execution, suspended sentence may be decreed.

#### Article 80

In the execution of a sentence of imprisonment against a juvenile, attention should be paid to the provisions of Article 3, Article 8 and second paragraph of Article 39 of the Law Governing the Execution of Punishment in Jail.

#### Article 81

If there is substantial evidence of showing repentance and good conduct during the execution of a sentence of imprisonment against a juvenile, he may be released on parole after having served seven years of imprisonment in case of life imprisonment or after having served one third of the term of imprisonment in case of imprisonment for a fixed term.

The provision of the preceding paragraph shall apply mutatis mutandis to a juvenile, if, he is serving a sentence of imprisonment when this law comes into effect or shall apply to a case sentencing him to imprisonment which has been fixed before this law comes into effect and which is to be executed after this law comes into effect.

#### Article 82

A juvenile, having received suspended sentence, or being on parole after release from a prison shall be placed on probation under the protection and surveillance of a probation officer of a juvenile division.

## CHAPTER V

### Addenda

#### Article 83

Unless officially released by a juvenile division, any report or photograph concerning the hearing of a juvenile reformatory case, the prosecution or trial of a juvenile criminal case is forbidden to be published in newspapers, magazines or any other periodicals, lest the readers of these media of mass communication should easily recognize who is the person being on trial or under prosecution, by virtue of the information furnished, such as the age, profession, domicile, residence or visage of the juvenile.

Those violating the provision of the preceding paragraph may be punished by the agency concerned in accordance with the Law of Publication.

#### Article 83.01

If a juvenile has not been decreed a reformatory measure, or sentenced to imprisonment repeatedly within five years, since his first decree of a reformatory measure or first sentence of imprisonment was executed or remitted, it will be deemed that no such decree or sentence has ever been made.

#### Article 84

Where a statutory agent of a juvenile having failed to exercise due care to guide and support the juvenile which resulted the latter to repeat an offense, a fine of not more than two thousand Yuans may be imposed upon the former in case any one of the following situation exists:

1. having been ordered to exercise stricter discipline over the juvenile by a juvenile division pursuant to paragraph 1 of Article 27, or being the person charged with the protection and surveillance of the juvenile during his probation period pursuant to paragraph 3 of Article 51,
2. having received a notification to be present in the court when the juvenile was being reprimanded pursuant to the provision of paragraph 1 of Article 50.

The court order of a fine referred to in the preceding paragraph is decreed by a juvenile division. The person fined may appeal to the superior court. Article 63 of this Law and Article 406 to Article 414 of the Code of Criminal Procedure shall apply mutatis mutandis to the procedure of the appeal.

The court order referred to in the preceding paragraph may be taken as a ground for enforcement in a civil case. The juvenile division may request the civil Enforcement Department of a district court to render assistance for its enforcement. That enforcement shall be free of charge.

After the court order to fine a statutory agent becomes fixed, the juvenile division should promulgate the name of him.

#### Article 85

Where an adult aids or abets or takes advantage of a juvenile in committing an offense or to be an accomplice or confederate of a juvenile, the statutory penalty of the offense committed by the adult should be increased up to one half.

#### Article 85.01

Where a person under twelve years of age having violated the criminal law or statute is subject to be treated by a juvenile division in accordance with the provision governing the reformatory case.

The reformatory measure referred to in the preceding paragraph should be executed in accordance with the ordinance promulgated by the Ministry of the Justice after holding consultation with the Ministry of the Interior. The drawing up of that ordinance should take into consideration the Law for the Welfare of Children.

#### Article 86

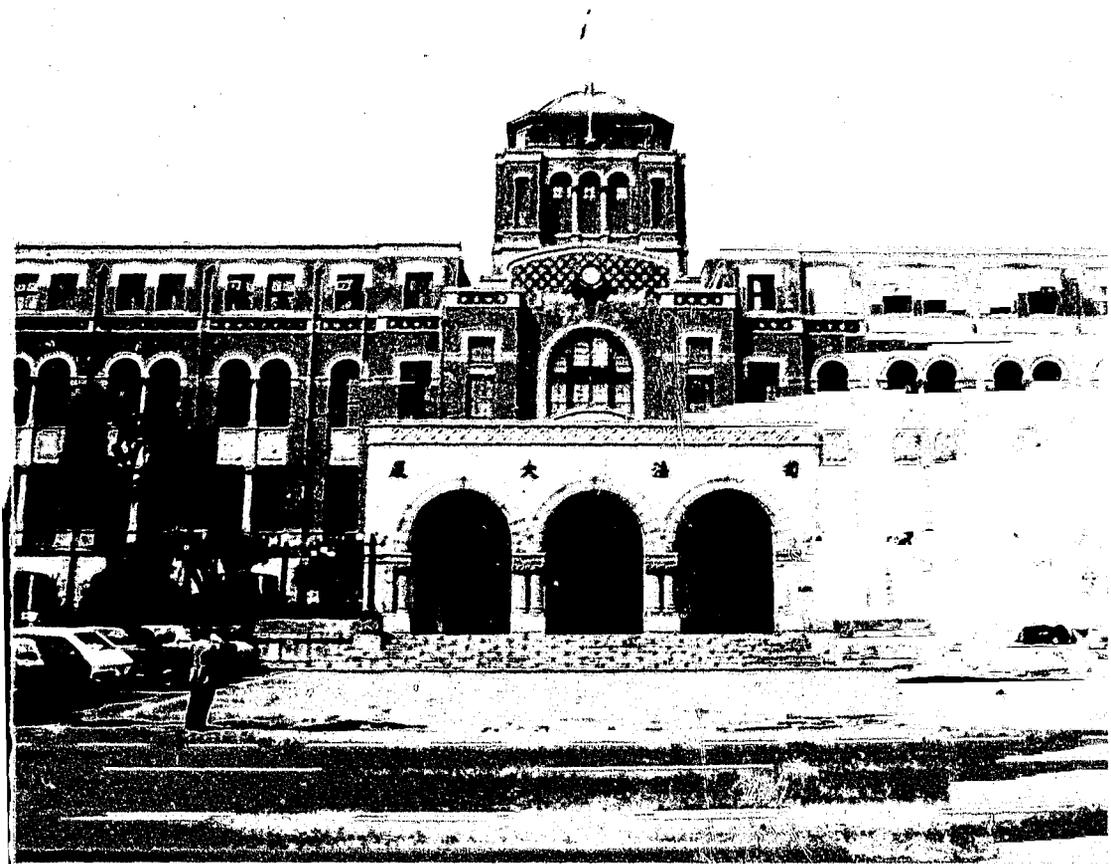
The rule for the enforcement of this law and the rule governing the hearing of juvenile criminal cases are to be drawn up by the Ministry of Justice.

Procedure in respect to the execution of juvenile reformatory measures are to be drawn up by the Ministry of Justice after holding consultation with the Ministry of Interior.

The ordinance for the prevention of juvenile delinquencies and pre-juvenile delinquencies is to be drawn up by the Ministry of Interior after holding consultation with the Ministry of Justice and Education.

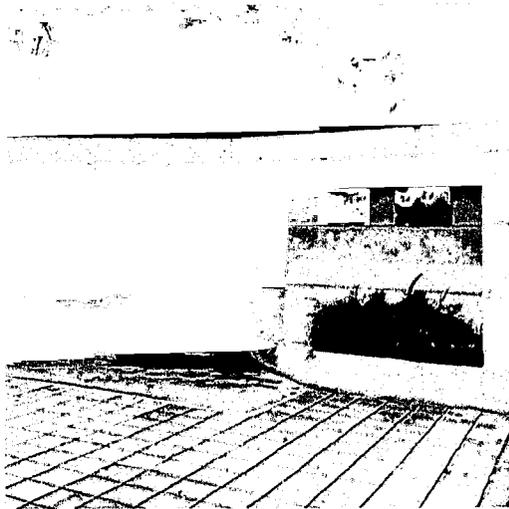
#### Article 87

The date for the enforcement of this Law is July 1, 1971.



The Judiciary Building of the Republic of China

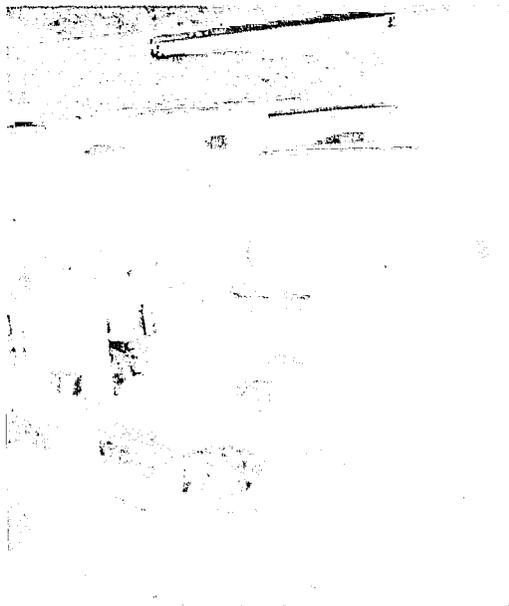
# PHOTOGRAPHS SHOWING JUVENILE ACTIVITIES



The Juvenile Division  
of Taipei District Court.



A procurator is making prosecution  
against juveniles



A judge is hearing a juvenile criminal case



A judge is hearing a juvenile reformatory case



Juveniles under probation are cooking



Juveniles under probation are eating food made by themselves



Juveniles under probation are playing chess.



Juveniles under probation are playing basketball.



The Juvenile Observation Center of Taipei District Court



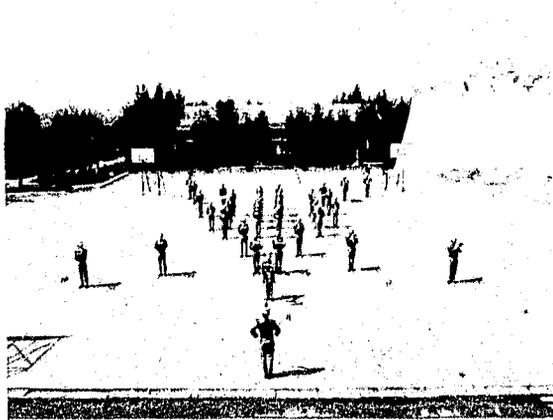
Juveniles are watching television programs for education in a classroom



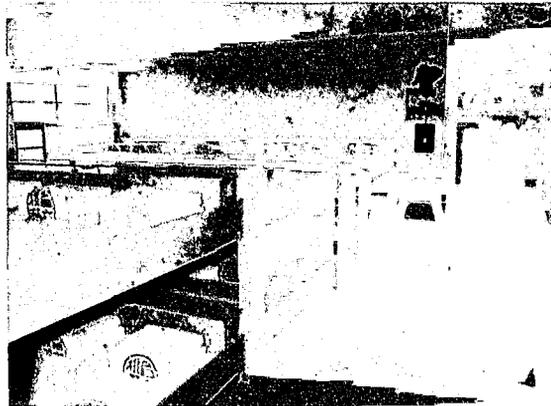
A teacher is doing psychological tests for juveniles



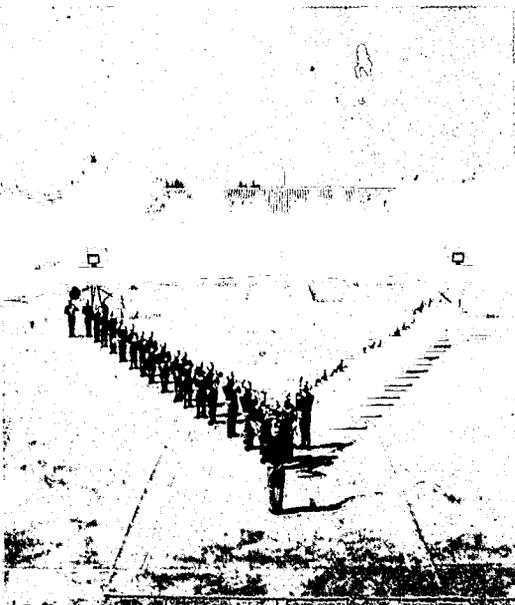
Juvenile guards of honor is performing



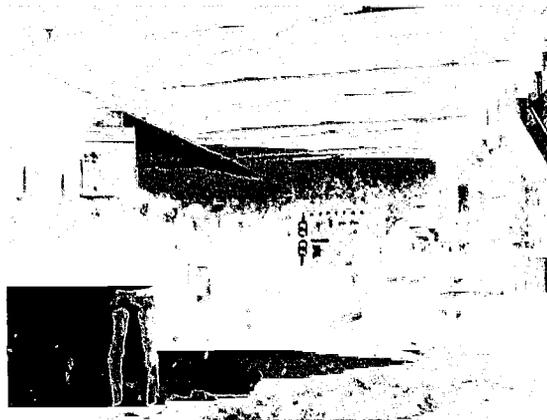
Juvenile guards of honor is performing



A bedroom for juveniles



A juvenile band is performing



Juveniles are learning to fix a car



**END**