

# Penal Code

(Act No. 45 of April 24, 1907)

## PART I GENERAL PROVISIONS

### Chapter I Scope of Application

(Crimes Committed within Japan)

Article 1 (1) This Code shall apply to anyone who commits a crime within the territory of Japan.

(2) The same shall apply to anyone who commits a crime on board a Japanese vessel or aircraft outside the territory of Japan.

(Crimes Committed outside Japan)

Article 2 This Code shall apply to anyone who commits one of the following crimes outside the territory of Japan:

(i) Deleted;

(ii) The crimes prescribed under Articles 77 through 79 (Insurrection; Preparations; Plots; Accessoryship to Insurrection);

(iii) The crimes prescribed under Articles 81 (Instigation of Foreign Aggression), 82 (Assistance to the Enemy), 87 (Attempts) and 88 (Preparation; Plots);

(iv) The crime prescribed under Article 148 (Counterfeiting of Currency and Uttering of Counterfeit Currency) as well as an attempt thereof;

(v) The crimes prescribed under Article 154 (Counterfeiting of Imperial or State Documents), 155 (Counterfeiting of Official Documents), 157 (False Entries in the Original of Notarized Deeds) and 158 (Uttering of Counterfeit Official Documents), and the crime concerning an electromagnetic record which should be created by a public office or a public official in Article 161-2 (Unauthorized Creation of Electromagnetic Records);

(vi) The crimes prescribed under Articles 162 (Counterfeiting of Securities) and 163 (Uttering of Counterfeit Securities);

(vii) The crimes prescribed under Articles 163-2 through 163-5 (Unauthorized Creation of Payment Cards with an Electromagnetic Record; Possession of Payment Cards with an Unauthorized Electromagnetic Record; Preparation for Unauthorized Creation of Payment Cards with an Electromagnetic Record; Attempts);

(viii) The crimes prescribed under Articles 164 through 166 (Counterfeiting or Unauthorized Use of the Imperial Seal; Counterfeiting or Unauthorized Use of Official Seals; Counterfeiting or Unauthorized Use of Official Marks) as

well as an attempt of the crimes prescribed under paragraph (2) of Article 164, paragraph (2) of Article 165, and paragraph (2) of Article 166.

(Crimes Committed by Japanese Nationals outside Japan)

Article 3 This Code shall apply to any Japanese national who commits one of the following crimes outside the territory of Japan:

- (i) The crimes prescribed under Article 108 (Arson of Inhabited Buildings) and paragraph (1) of Article 109 (Arson of Uninhabited Buildings), and other crimes which shall be dealt with in the same manner as the preceding crimes provided therein, as well as an attempt of the above-mentioned crimes;
- (ii) The crime prescribed under Article 119 (Damage to Inhabited Buildings by Flood);
- (iii) The crimes prescribed under Articles 159 through 161 (Counterfeiting of Private Documents; Falsifying of Medical Certificates; Utterance of Counterfeit Private Documents) and the crime regarding electromagnetic records in Article 161-2 except that which shall fall within item (v) of the preceding Article;
- (iv) The crimes prescribed under Article 167 (Counterfeiting or Unauthorized Use of Private Seals) and an attempt of the crimes prescribed under paragraph (2) of that Article;
- (v) The crimes prescribed under Articles 176 through 179 (Forcible Indecency; Rape; Quasi Forcible Indecency and Quasi Rape; Gang Rape; Attempts), 181 (Forcible Indecency Causing Death or Injury) and 184 (Bigamy);
- (vi) The crime prescribed under Article 199 (Homicide) and attempt thereof;
- (vii) The crimes prescribed under Articles 204 (Injury) and 205 (Injury Causing Death);
- (viii) The crimes prescribed under Articles 214 through 216 (Abortion through Professional Conduct; Causing Death or Injury thereof; Abortion without Consent; Abortion without Consent Causing Death or Injury);
- (ix) The crime prescribed under Article 218 (Abandonment by a Person Responsible for Protection) and the crime of 219 (Abandonment Causing Death or Injury);
- (x) The crimes prescribed under Articles 220 (Capture; Confinement) and 221 (Unlawful Capture or Confinement Causing Death or Injury);
- (xi) The crimes prescribed under Articles 224 through 228 (Kidnapping of Minors; Kidnapping for Profit; Kidnapping for Ransom; Kidnapping for Transportation out of a Country; Buying or Selling of Human Beings; Transportation of Kidnapped Persons out of a Country; Delivery of Kidnapped Persons; Attempts);
- (xii) The crime prescribed under Article 230 (Defamation);
- (xiii) The crimes prescribed under Articles 235 through 236 (Larceny; Taking

- Unlawful Possession of Real Estate; Robbery), 238 through 241 (Constructive Robbery; Robbery through Causing Unconsciousness; Robbery Causing Death or Injury; Rape on the Scene of Robbery; Causing Death Thereby), and 243 (Attempts);
- (xiv) The crimes prescribed under Articles 246 through 250 (Fraud; Computer Fraud; Breach of Trust; Quasi Fraud; Extortion; Attempts);
- (xv) The crime prescribed under Article 253 (Embezzlement in the Pursuit of Social Activities);
- (xvi) The crimes prescribed under paragraph (2) of Article 256 (Acceptance of Stolen Property).

(Crimes Committed by Non-Japanese Nationals outside Japan)

Article 3-2 This Code shall apply to any non-Japanese national who commits one of the following crimes against a Japanese national outside the territory of Japan.

- (i) The crimes prescribed under Articles 176 through 179 (Forcible Indecency; Rape; Quasi Forcible Indecency and Quasi Rape; Gang Rape; Attempts), 181 (Forcible Indecency Causing Death or Injury);
- (ii) The crime prescribed under Articles 199 (Homicide) and attempt thereof;
- (iii) The crimes prescribed under Articles 204 (Injury) and 205 (Injury Causing Death);
- (iv) The crimes prescribed under Articles 220 (Capture; Confinement) and 221 (Unlawful Capture or Confinement Causing Death or Injury);
- (v) The crimes prescribed under Articles 224 through 228 (Kidnapping of Minors; Kidnapping for Profit; Kidnapping for Ransom; Kidnapping for Transportation out of a Country; Buying or Selling of Human Beings; Transportation of Kidnapped Persons out of a Country; Delivery of Kidnapped Persons; Attempts);
- (vi) The crimes prescribed under Articles 236 (Robbery), 238 through 241 (Constructive Robbery; Robbery through Causing Unconsciousness; Death or Injury on the Occasion of Robbery; Rape on the Scene of Robbery; Causing Death Thereby), and 243 (Attempts).

(Crimes Committed by Public Officials outside Japan)

Article 4 This Code shall apply to any public official of Japan who commits one of the following crimes outside the territory of Japan:

- (i) The crime prescribed under Article 101 (Assistance in Escape by a Guard) as well as an attempt thereof;
- (ii) The crime prescribed under Article 156 (Making of False Official Documents);
- (iii) The crimes prescribed under Article 193 (Abuse of Authority by Public

Officials), paragraph (2) of Article 195 (Assault and Cruelty by Special Public Officials) and Articles 197 through 197-4 (Acceptance of Bribes; Acceptance on a Request; Acceptance in Advance; Passing of Bribes to a Third Party; Aggravated Acceptance; Acceptance after Resignation of Office; Acceptance for Exertion of Influence), and the crime of causing death or injury through commission of the crime prescribed under paragraph (2) of Article 195.

(Crimes Committed outside Japan Governed by a Treaty)

Article 4-2 In addition to the provisions of Article 2 through the preceding Article, this Code shall also apply to anyone who commits outside the territory of Japan those crimes prescribed under Part II which are governed by a treaty even if committed outside the territory of Japan.

(Effect of Foreign Judgments)

Article 5 Even when a final and binding decision has been rendered by a foreign judiciary against the criminal act of a person, it shall not preclude further punishment in Japan with regard to the same act; provided, however, that when the person has already served either the whole or part of the punishment abroad, execution of the punishment shall be mitigated or remitted.

(Change in Punishments)

Article 6 When a punishment is changed by law after the commission of a crime, the lesser punishment shall be applied.

(Definition)

Article 7 (1) The term "public officer" as used in this Code shall mean a national or local government official, a member of an assembly or committee, or other employees engaged in the performance of public duties in accordance with laws and regulations.

(2) The term "public office" as used in this Code shall mean an office where public officers perform their duties.

Article 7-2 The term "electromagnetic record" as used in this Code shall mean any record which is produced by electronic, magnetic or any other means unrecognizable by natural perceptive functions and is used for data-processing by a computer.

(Application of General Provisions)

Article 8 The general provisions of this Part shall also apply to crimes for which punishments are provided by other laws and regulations, except as otherwise provided in such laws and regulations.

## Chapter II Punishments

### (Categories of Punishments)

Article 9 The principal punishments are categorized as the death penalty, imprisonment with work, imprisonment without work, fine, misdemeanor imprisonment without work and petty fine, with confiscation as a supplementary punishment.

### (Gravity of Punishments)

Article 10 (1) The order of gravity of the principal punishments shall be according to the order in which they are provided for in the preceding Article; provided, however, that imprisonment without work for life is greater than imprisonment with work for a definite term, and imprisonment without work for a definite term is greater than imprisonment with work for a definite term when the maximum term prescribed for the former exceeds the term by twice as much as that prescribed for the latter.

(2) Between punishments of the same class, the punishment prescribed with a higher maximum term or amount is greater; and when the maximum terms or amounts are equal, the punishment prescribed with the higher minimum term or amount is greater.

(3) Between death penalties or punishments of the same class which have equal maximum and minimum terms or amounts, the order of gravity shall be determined in light of the circumstances of the crimes.

### (Death Penalty)

Article 11 (1) The Death penalty shall be executed by hanging at a penal institution.

(2) A person who has been sentenced to the death penalty shall be detained in a jail until its execution.

### (Imprisonment with Work)

Article 12 (1) Imprisonment with work shall be either for life or with a definite term, and the definite term of imprisonment with work shall be not less than one month but not more than 20 years.

(2) Imprisonment with work shall consist of confinement in a penal institution with assigned work.

### (Imprisonment without Work)

Article 13 (1) Imprisonment without work shall be either for life or for a definite term, and a definite term of imprisonment without work shall be not less than

one month but not more than 20 years.

(2) Imprisonment without work shall consist of confinement in a penal institution.

(Limit of Aggravation and Mitigation)

Article 14 (1) In cases where the death penalty, or imprisonment with or without work for life shall be reduced to imprisonment with or without work for a definite term, its maximum term shall be 30 years.

(2) In cases where imprisonment with or without work for a definite term shall be aggravated, the term may be extended to 30 years, and in cases where it shall be reduced, the term may be reduced to less than one month.

(fine)

Article 15 A fine shall be not less than 10,000 yen; provided, however, that in cases where it shall be reduced, the amount may be reduced to less than 10,000 yen.

(Misdemeanor Imprisonment without Work)

Article 16 Misdemeanor imprisonment without work shall consist of confinement in a penal institution for not less than 1 day but less than 30 days.

(Petty Fines)

Article 17 A petty fine shall be not less than 1,000 yen but less than 10,000 yen.

(Detention in a Workhouse in lieu of Payment of Fines)

Article 18 (1) A person who defaults in payment of a fine in full shall be detained in a workhouse for a term of not less than one day but not more than two years.

(2) A person who defaults in payment of a petty fine in full shall be detained in a workhouse for a term of not less than one day but not more than 30 days.

(3) When fines are imposed cumulatively or when a fine and a petty fine are imposed cumulatively, the term of detention may not exceed three years. When petty fines are imposed cumulatively, the term of detention may not exceed 60 days.

(4) When rendering a sentence of a fine or petty fine the court shall simultaneously determine and render a term of detention in a workhouse in the case of default of the full payment thereof.

(5) Except with the consent of the sentenced person, confinement for default of a fine may not be executed within 30 days from the time when the decision has become final and binding, and confinement for default of a petty fine may not be executed within 10 days from the time when the decision has become final and binding.

(6) When a person sentenced to a fine or petty fine has made payment of part of

the fine, the term of confinement shall be calculated by dividing the amount of the unpaid payment by the amount for one day (a remainder less than one day is deemed as one whole day) reduced by a period of days in proportion to the amount of payment made for the fine or petty fine imposed.

(Confiscation)

Article 19 (1) The following objects may be confiscated:

- (i) An object which is a component of a criminal act;
  - (ii) An object used or intended for use in the commission of a criminal act;
  - (iii) An object produced or acquired by means of a criminal act or an object acquired as reward for a criminal act;
  - (iv) An object received in exchange for the object set forth in the preceding item.
- (2) An object set forth in the preceding paragraph may be confiscated only if it does not belong to a person other than the criminal; provided, however, that it may be confiscated when a person other than the criminal acquires the object after the crime with knowledge of the applicability of the preceding items.

(Collection of a Sum of Equivalent Value)

Article 19-2 When the whole or part of the object prescribed in items (iii) and (iv) of paragraph (1) of Article 19 cannot be confiscated, a sum of money equivalent thereto may be collected.

(Restrictions on Confiscation)

Article 20 There may be no confiscation with regard to crimes punishable only by misdemeanor imprisonment without work or a petty fine, except where specifically so provided; provided, however, that this shall not apply to the object set forth in item (i) of paragraph (1) of Article 19.

(Inclusion of Period of Pre-Sentencing Detention into Sentence)

Article 21 The days spent in pre-sentencing detention may be included in whole or in part into the sentence imposed.

### **Chapter III Calculation of the Period of Time**

(Calculation of the Period of Time)

Article 22 When a term is expressed in months or years, it is to be calculated in accordance with the calendar.

(Calculation of the Term of Imprisonment)

Article 23 (1) The term of imprisonment shall be calculated from the day on which such sentence becomes final and binding.

(2) The days when the criminal is not actually confined shall not be included into the term of punishment, even if they are after the sentence has become final and binding.

(First Day and Last Day of Imprisonment)

Article 24 (1) The first day of imprisonment shall be calculated as one whole day regardless of the number of hours actually imprisoned. The same shall apply to the first day of the period of prescription.

(2) Final release from imprisonment shall take place on the day after completion of the term of imprisonment.

#### **Chapter IV Suspension of Execution of the Sentence**

(Suspension of Execution of the Sentence)

Article 25 (1) When any one of the following persons has been sentenced to imprisonment with or without work for not more than 3 years or a fine of not more than 500,000 yen, execution of the sentence may, in light of circumstances, be suspended for a period of not less than 1 year but not more than 5 years from the day on which the sentence becomes final and binding:

(i) A person not previously sentenced to imprisonment without work or a greater punishment;

(ii) A person who, although previously sentenced to imprisonment without work or a greater punishment, has not subsequently been sentenced to imprisonment without work or a greater punishment within five years from the day on which execution of the former punishment was completed or remitted.

(2) When a person, who has been sentenced to imprisonment without work or a greater punishment and has been granted suspension of execution of the sentence, is sentenced subsequently to imprisonment with or without work for not more than 1 year and there are circumstances especially favorable to the person, the person may be granted suspension of execution of the sentence as with the persons prescribed for in the preceding paragraph; provided, however, that the same shall not apply to a person who has been placed under probation in accordance with the provisions of paragraph (1) of Article 25-2 and commits a crime again within the period of such probation.

(Probation)

Article 25-2 (1) In a case prescribed for in paragraph (1) of Article 25, the subject person may be placed under probation through the period of suspended execution of the sentence; and in a case prescribed for in paragraph (2) of Article 25, the subject person shall be placed under probation through the

period of suspended execution of the sentence.

- (2) Probation may be provisionally cancelled by a disposition of a government agency.
- (3) When probation is provisionally cancelled, the person shall, for the purpose of the provisions of paragraph (2) of Article 25 and of item (ii) of Article 26-2, be deemed not to be under probation until the provisional cancellation is revoked.

(Mandatory Revocation of the Suspension of Execution of Sentence)

Article 26 Suspension of the execution of the sentence shall be revoked in the following cases; provided, however, that item (iii) does not apply when the person falls under item (ii) of paragraph (1) of Article 25 or item (iii) of Article 26-2:

- (i) When a further crime is committed within the period of suspension and imprisonment without work or a greater punishment is imposed for the crime without suspension of execution of such sentence;
- (ii) When the person who was granted suspension is sentenced to imprisonment without work or a greater punishment for a crime committed before such grant, and is not granted suspension of execution of such sentence;
- (iii) When it is discovered that, before a person was granted a suspended execution of sentence for a crime, the person had been sentenced to imprisonment without work or a greater punishment for another crime before such grant.

(Discretionary Revocation of the Suspension of Execution of Sentence)

Article 26-2 Suspension of execution of the sentence may be revoked in the following cases:

- (i) When a further crime is committed within the period of suspension and a fine is imposed for the crime;
- (ii) When a person placed under probation in accordance with the provisions of paragraph (1) of Article 25-2 fails to observe any of the conditions of the probation and the circumstances related to such failure are serious;
- (iii) When it is discovered that, before a person was granted suspension for a crime, the person had been sentenced to imprisonment without work or a greater punishment for another crime and granted suspension of execution of such sentence.

(Revocation of Concurrent Suspensions of Executions of Sentences)

Article 26-3 When a suspension of execution of sentence to imprisonment without work or a greater punishment is revoked pursuant to the provision of the preceding two Articles, the concurrent suspension of execution of another sentence to imprisonment without work or a greater punishment shall also be

revoked.

(Effect of Elapsing of Period of Suspension)

Article 27 When a period of suspension progresses without rescission, the sentence shall cease to be effective.

## **Chapter V Parole**

(Parole)

Article 28 When a person sentenced to imprisonment with or without work evinces signs of substantial reformation, the person may be paroled by a disposition of a government agency after that person has served one-third of the definite term sentenced or 10 years in the case of a life imprisonment.

(Revocation of Parole)

Article 29 (1) Parole may be revoked in the following cases:

- (i) When a further crime is committed within the period of parole and a fine or greater punishment is imposed for the crime;
  - (ii) When a fine or greater punishment is imposed for a crime committed before the parole;
  - (iii) When a fine or greater punishment is imposed for another crime before the parole is implemented;
  - (iv) When the person fails to observe any of the conditions of the parole.
- (2) When a parole is revoked, the number of days during the parole shall not be included into the term of imprisonment.

(Provisional Release)

Article 30 (1) A person under misdemeanor imprisonment without work may be provisionally released by a disposition of a government agency at any time when circumstances so warrant.

(2) The same shall apply to a person under detention owing to payment default of a fine or petty fine.

## **Chapter VI Prescription and Extinction of Punishment**

(Prescription of Sentence)

Article 31 Prescription shall have the effect of remitting the sentence of a person who has been sentenced to punishment.

(Period of Prescription)

Article 32 Prescription takes effect when a punishment has not been executed

within any of the following periods after a sentence has become final and binding:

- (i) Thirty years for the death penalty;
- (ii) Twenty years for life imprisonment with or without work;
- (iii) Fifteen years for imprisonment with or without work for a definite term of 10 years or more;
- (iv) Ten years for imprisonment with or without work for a definite term of 3 years or more but less than 10 years;
- (v) Five years for imprisonment with or without work for a definite term of less than 3 years;
- (vi) Three years for a fine;
- (vii) One year for a misdemeanor imprisonment without work, a petty fine and confiscation.

(Suspension of Prescription)

Article 33 Prescription shall not run while execution of the sentence is suspended or stayed in accordance with laws and regulations.

(Interruption of Prescription)

Article 34 (1) The period which has run toward the prescription shall be interrupted when the sentenced person is in custody for the purpose of execution of the death penalty, imprisonment with or without work, or misdemeanor imprisonment without work.

(2) The period which has run toward the prescription of a fine, petty fine or confiscation shall be interrupted when an act of execution takes place.

(Extinction of Punishment)

Article 34-2 (1) When ten years have passed since a person completed the imprisonment without work or a greater punishment or the person had such punishment remitted without another sentence of a fine or a greater punishment being imposed, the sentence shall cease to have effect. The same shall apply when five years have passed since a person completed the execution of a fine or a lighter punishment or the person had the execution of such punishment remitted without another sentence to a fine or a greater punishment being imposed.

(2) In the case of a person who was sentenced to a remitted punishment without being further sentenced to a fine or a greater punishment during a period of two years since such sentence became final and binding, the sentence shall cease to have effect.

## **Chapter VII Unpunishable Acts and Reduction or Remission of**

## **Punishment**

### (Justifiable Acts)

Article 35 An act performed in accordance with laws and regulations or in the pursuit of lawful business is not punishable.

### (Self-Defense)

Article 36 (1) An act unavoidably performed to protect the rights of oneself or any other person against imminent and unlawful infringement is not punishable.

(2) An act exceeding the limits of self-defense may lead to the punishment being reduced or may exculpate the offender in light of the circumstances.

### (Averting present Danger)

Article 37 (1) An act unavoidably performed to avert a present danger to the life, body, liberty or property of oneself or any other person is not punishable only when the harm produced by such act does not exceed the harm to be averted; provided, however, that an act causing excessive harm may lead to the punishment being reduced or may exculpate the offender in light of the circumstances.

(2) The preceding paragraph does not apply to a person under special professional obligation.

### (Intent)

Article 38 (1) An act performed without the intent to commit a crime is not punishable; provided, however, that the same shall not apply in cases where otherwise specially provided for by law.

(2) When a person who commits a crime is not, at the time of its commission, aware of the facts constituting a greater crime, the person shall not be punished for the greater crime.

(3) Lacking knowledge of law shall not be deemed lacking the intention to commit a crime; provided, however, that punishment may be reduced in light of the circumstances.

### (Insanity and Diminished Capacity)

Article 39 (1) An act of insanity is not punishable.

(2) An act of diminished capacity shall lead to the punishment being reduced.

Article 40 Deleted.

### (Infancy)

Article 41 An act of a person less than 14 years of age is not punishable.

(Surrender)

Article 42 (1) The punishment of a person who committed a crime and surrendered him/herself before being identified as a suspect by an investigative authority may be reduced.

(2) With respect to a crime to be prosecuted only upon complaint, the same shall apply to a person who surrendered him/herself to a person with the right to make the complaint.

### **Chapter VIII Attempts**

(Reduction or Exculpation of Punishments for Attempts)

Article 43 The punishment of a person who commences a crime without completing it may be reduced; provided, however, that voluntary abandonment of commission of the crime, shall lead to the punishment being reduced or the offender being exculpated.

(Attempts)

Article 44 An attempt is punishable only when specifically so provided in the Article concerned.

### **Chapter IX Consolidated Punishments**

(Consolidated Punishments)

Article 45 Two or more crimes which have been committed but for which no judgment has yet become final and binding shall constitute crimes for consolidated punishment. When a judgment imposing imprisonment without work or a greater punishment becomes final and binding for a crime, only that crime and other crimes committed before such judgment became final and binding shall constitute crimes for consolidated punishment.

(Restriction on Cumulative Imposition of Punishments)

Article 46 (1) When a death penalty is rendered for one of the crimes for consolidated punishments, no other punishments except confiscation may be imposed.

(2) When a punishment of life imprisonment with or without work is to be rendered for one of the crimes for consolidated punishment, no other punishment except a fine, petty fine and confiscation may be imposed.

(Aggravation of Punishment)

Article 47 When the crimes for consolidated punishment include two or more crimes punishable by imprisonment with or without work for a definite term, the maximum term of the punishment to be imposed for such crimes shall be half as much again as the maximum term prescribed for the crime of the greatest punishment, but may not exceed the total of the maximum terms of the punishments prescribed for each of the crimes.

(Cumulative Imposition of Fines)

Article 48 (1) A fine and other punishments shall be imposed cumulatively, except in the case prescribed for in paragraph (1) of Article 46.

(2) The maximum amount of a fine to be imposed for a crime for consolidated punishment shall not exceed the total of the maximum amount of the fine prescribed for each crime.

(Addition of Confiscation)

Article 49 (1) With respect to the crimes for consolidated punishment, even when confiscation is not imposed for the crime of the greatest punishment, confiscation may be imposed for the other crimes if there are grounds to do so.

(2) Two or more confiscations shall be imposed cumulatively.

(Unsentenced Crimes)

Article 50 When the punishment for one of the crimes for consolidated punishment has become final and binding, a punishment shall be rendered as to the other crimes.

(Execution of Two or More Punishments Pertaining to Consolidated Punishments)

Article 51 (1) When two or more punishments have been rendered in regard to the crimes for consolidated punishment, the punishments shall be executed cumulatively; provided, however, that when the death penalty is to be executed, no other punishment except confiscation shall be executed, and when imprisonment with or without work for life is to be executed, no other punishments except a fine, petty fine and confiscation shall be executed.

(2) When two or more punishments of imprisonment with or without work for a definite term are executed in accordance with the preceding paragraph, the maximum term to be executed shall not exceed the term half as much again as the maximum term prescribed for the crime of the greatest punishment.

(General Amnesty for One of the Crimes for Consolidated Punishments)

Article 52 When a person who has been sentenced for crimes for consolidated punishment is granted general amnesty for any of such crimes, the punishment

to be executed for the other crimes shall be redetermined.

(Cumulative Imposition of Misdemeanor Imprisonments without Work or Petty Fines)

Article 53 (1) Misdemeanor imprisonment without work or a petty fine shall be imposed cumulatively with other punishments; provided, however, that the same shall not apply in the cases prescribed for in Article 46.

(2) Two or more misdemeanor imprisonments without work or petty fines shall be imposed cumulatively.

(Concurrence of Crimes)

Article 54 (1) When a single act constitutes two or more separate crimes, or when an act as the means or results of a crime constitutes another crime, the greatest among the punishments prescribed for such crimes shall be imposed.

(2) The provision of paragraph (2) of Article 49 shall apply in the cases prescribed for in the preceding paragraph.

Article 55 Deleted.

## **Chapter X Repeated Convictions**

(Second Conviction)

Article 56 (1) When a person who has been sentenced to imprisonment with work, commits a crime again within five years from the day on which the execution of the former punishment was completed or remitted, and is to be sentenced to imprisonment with work for a definite term, this crime constitutes a second conviction.

(2) The same shall apply when a person who has been sentenced to the death penalty for a crime for which imprisonment with work is prescribed as an alternative punishment commits a crime again within five years from the day on which the execution of the death penalty sentence was remitted or, from the day on which the reduced sentence was completed or remitted after the death penalty was reduced to imprisonment with work, and the person is to be sentenced to imprisonment with work for a definite term.

(3) When a person has been sentenced to consolidated punishment for crimes in any of which imprisonment with work is prescribed, but was not sentenced to imprisonment with work because the crime prescribing imprisonment with work was not the greatest, the person shall be deemed to have been sentenced to imprisonment with work in the application of provisions related to a second conviction.

(Aggravated Punishments for a Second Conviction)

Article 57 The maximum term of punishment for a second conviction shall be twice the maximum term of imprisonment with work prescribed in relation to such crime.

Article 58 Deleted.

(Third or Further Repeated Conviction)

Article 59 A person to be sentenced for a third or further conviction shall be dealt with as with the second conviction.

## **Chapter XI Complicity**

(Co-Principals)

Article 60 Two or more persons who commit a crime in joint action are all principals.

(Inducement)

Article 61 (1) A person who induces another to commit a crime shall be dealt with in sentencing as a principal.

(2) The same shall apply to a person who induces another to induce.

(Accessoryship)

Article 62 (1) A person who aids a principal is an accessory.

(2) A person who induces an accessory shall be dealt with in sentencing as an accessory.

(Reduced Punishment for Accessories)

Article 63 The punishment of an accessory shall be reduced from the punishment for the principal.

(Exception of Punishment for Inducement and Accessoryship)

Article 64 A person who induces or aids a crime subject only to misdemeanor imprisonment without work or a petty fine shall not be punished for a crime except as otherwise specially provided.

(Complicity and Status)

Article 65 (1) When a person collaborates in a criminal act in which the status of the criminal establishes the criminal's punishability, the person is an accomplice even without such status.

(2) When the gravity of a punishment varies depending upon whether or not a

criminal has a certain status, a normal punishment shall be imposed on a person without such status.

### **Chapter XII Reduction of Punishment in Light of Extenuating Circumstances**

(Reduction of Punishment in Light of Extenuating Circumstances)

Article 66 Punishment may be reduced in light of the extenuating circumstances of a crime.

(Statutory Aggravation or Reduction and Reduction in Light of Extenuating Circumstances)

Article 67 Even if the punishment is aggravated or reduced in accordance with a statute, it may be reduced in light of circumstances.

### **Chapter XIII Rules for Aggravation and Reduction**

(Rules for Statutory Reduction)

Article 68 When there are one or more statutory grounds for reduction of punishment, the following rules shall apply:

- (i) When the death penalty is to be reduced, it shall be reduced to imprisonment with or without work either for life or for a definite term of not less than 10 years;
- (ii) When imprisonment with or without work for life is to be reduced, it shall be reduced to imprisonment with or without work for a definite term of not less than 7 years;
- (iii) When imprisonment with or without work for a definite term is to be reduced, its maximum and minimum term of punishment shall be reduced by one half;
- (iv) When a fine is to be reduced, its maximum and minimum amount shall be reduced by one half;
- (v) When a misdemeanor imprisonment without work is to be reduced, the maximum term shall be reduced by one half;
- (vi) When a petty fine is to be reduced, the maximum amount shall be reduced by one half.

(Statutory Reduction and Choice of Several Punishments)

Article 69 When a statutory reduction of punishment is to be made in a case where two or more classes of punishments are prescribed in the applicable provision, it shall be made after the classes of punishments to be imposed have been determined.

(Rounding down Fractions)

Article 70 When a fraction of less than one day remains as a result of reduction of the imprisonment with or without work, or misdemeanor imprisonment without work, such fraction shall be rounded down.

(Rules for Reduction of Punishment in Light of Extenuating Circumstances)

Article 71 The rules prescribed in Article 68 and the preceding Article shall also apply when a reduction is to be made in light of extenuating circumstances.

(Order of Aggravation and Reduction)

Article 72 When a punishment is to be aggravated or reduced in the same case, the following order shall apply:

- (i) An aggravation for a second conviction;
- (ii) A statutory reduction;
- (iii) An aggravation for consolidated punishment;
- (iv) A reduction in light of extenuating circumstances.

## **PART II CRIMES**

### **Chapter I Deleted**

Article 73, 74, 75 and 76 Deleted

### **Chapter II Crimes Related to Insurrection**

(Insurrection)

Article 77 (1) A person who commits an act of riot for the purpose of overthrowing the government, usurping the territorial sovereignty of the State, or otherwise subverting constitutional order, thereby committing the crime of insurrection shall be sentenced according to the following distinctions:

- (i) A ringleader shall be punished by death or life imprisonment without work;
  - (ii) A person who participates in a plot or directs a mob shall be punished by imprisonment without work either for life or for a definite term of not less than 3 years; a person who performs other leading functions shall be punished by imprisonment without work for not less than 1 year but not more than 10 years;
  - (iii) A person who merely follows others or otherwise merely joins in the riot shall be punished by imprisonment without work for not more than 3 years.
- (2) An attempt of the crime prescribed under the preceding paragraph shall be punished; provided, however, that the same shall not apply to a person provided for in item (iii) of the same paragraph.

(Preparations; Plots)

Article 78 A person who prepares for or plots an insurrection shall be punished by imprisonment without work for not less than 1 year but not more than 10 years.

(Accessoryship to Insurrection)

Article 79 A person who aids the commission of any of the crimes prescribed under the preceding two Articles by the supply of arms, funds or food, or by any other act, shall be punished by imprisonment without work for not more than 7 years.

(Surrender)

Article 80 A person who, after committing any of the crimes prescribed under the preceding two Articles, surrenders him/herself before the act of riot is performed, shall be exculpated.

### **Chapter III Crimes Related to Foreign Aggression**

(Instigation of Foreign Aggression)

Article 81 A person who agrees with a foreign state and thereby causes the state to exercise armed force against Japan shall be punished by the death penalty.

(Assistance to the Enemy)

Article 82 A person who, when a foreign state exercises armed force against Japan, sides with the state by engaging in the military service of such state, or otherwise affords military advantage to such state, shall be punished by the death penalty or imprisonment with work either for life or for a definite term of not less than 2 years.

Article 83, 84, 85 and 86 Deleted.

(Attempts)

Article 87 An Attempt of any of the crimes prescribed under Articles 81 and 82 shall be punished.

(Preparations; Plots)

Article 88 A person who prepares for or plots any of the crimes prescribed under Articles 81 and 82 shall be punished by imprisonment with work for not less than 1 year but not more than 10 years.

Article 89 Deleted.

#### **Chapter IV Crimes Related to Foreign Relations**

Article 90 and 91 Deleted.

(Damage of Foreign National Flag)

Article 92 (1) A person who, for the purpose of insulting a foreign state, damages, removes or defiles the national flag or other national emblem of the state shall be punished by imprisonment with work for not more than 2 years or a fine of not more than 200,000 yen.

(2) The crime prescribed under the preceding paragraph shall not be prosecuted without the request of the government of such state.

(Preparations or Plots for Private War)

Article 93 A person who prepares or plots to wage war privately upon a foreign state shall be punished by imprisonment without work for not less than 3 months but not more than 5 years; provided, however, that the person who surrenders him/herself shall be exculpated.

(Violations of Neutrality Orders)

Article 94 A person who violates an order of neutrality in a war between foreign states shall be punished by imprisonment without work for not more than 3 years or a fine of not more than 500,000 yen.

#### **Chapter V Crimes of Obstruction of Performance of Public Duty**

(Obstructing or Compelling Performance of Public Duty)

Article 95 (1) A person who commits an act of assault or intimidation against a public officer in the performance of public duty shall be punished by imprisonment with or without work for not more than 3 years or a fine of not more than 500,000 yen.

(2) The same shall apply to a person who commits an act of assault or intimidation against a public officer in order to cause the official to perform or not to perform the act as an official or in order to cause the official to resign.

(Destruction of Seals)

Article 96 A person who damages or by any other means impairs a seal or a mark of attachment which has been affixed by a public officer, shall be punished by imprisonment with work for not more than 2 years or a fine of not more than 200,000 yen.

(Obstruction of Compulsory Execution)

Article 96-2 A person who for the purpose of avoiding compulsory execution conceals, damages or fakes a transfer of the debtor's property to another or disguises a debt shall be punished by imprisonment with work for not more than 2 years or a fine of not more than 500,000 yen.

(Obstruction of Auctions)

Article 96-3 (1) A person who by the use of fraudulent means or force commits an act which impairs the fairness of a public auction or bid, shall be punished by imprisonment with work for not more than 2 years or a fine of not more than 2,500,000 yen.

(2) The same shall apply to a person who colludes for the purpose of preventing a fair determination of price or acquiring a wrongful gain.

## **Chapter VI Crimes of Escape**

(Escape)

Article 97 When a sentenced or unsentenced person confined on a judge's order escapes, imprisonment with work for not more than 1 year shall be imposed.

(Aggravated Escape)

Article 98 When a person who is provided for in the preceding Article or held under a subpoena escapes either by damaging the facilities or instruments of restraint for confinement, by committing an act of assault or intimidation, or together in agreement with another person escapes, imprisonment with work for not less than 3 months but not more than 5 years shall be imposed.

(Removal of Detainees)

Article 99 A person who removes from the authorities another detained or confined in accordance with laws and regulations shall be punished by imprisonment with work for not less than 3 months but not more than 5 years.

(Assistance in Escape)

Article 100 (1) A person who, for the purpose of causing the escape of another detained or confined in accordance with laws and regulations, furnishes the confined person with a tool or instrument or performs any other act which would facilitate the confined person's escape, shall be punished by imprisonment with work for not more than 3 years.

(2) A person who commits an act of assault or intimidation for the purpose prescribed in the preceding paragraph shall be punished by imprisonment with

work for not less than 3 months but not more than 5 years.

(Assistance in Escape by a Guard)

Article 101 When a person, guarding or escorting another detained or confined in accordance with laws and regulations engenders the detainee's escape, imprisonment with work for not less than 1 year but not more than 10 years shall be imposed.

(Attempts)

Article 102 An attempt of the crimes prescribed under this Chapter shall be punished.

## **Chapter VII Crimes of Harboring Criminals and Suppressing Evidence**

(Harboring of Criminals)

Article 103 A person who harbors or enables the escape of another person who has either committed a crime punishable with a fine or greater punishment or has escaped from confinement shall be punished by imprisonment with work for not more than 2 years or a fine of not more than 200,000 yen.

(Suppression of Evidence)

Article 104 A person who suppresses, damages, counterfeits or alters evidence relating to a criminal case of another person, or who uses counterfeit or altered evidence, shall be punished by imprisonment with work for not more than 2 years or a fine of not more than 200,000 yen.

(Special Provision for Crimes by Relatives)

Article 105 When a crime prescribed under the preceding two Articles is committed for the benefit of the criminal or fugitive by a relative of such person, the relative may be exculpated.

(Intimidation of Witnesses)

Article 105-2 A person who, in relation to his/her own criminal case or the criminal case of another person, forcibly demands without justifiable grounds a meeting with any person or intimidates any person deemed to have knowledge necessary for investigation or trial of such case, or a relative of such person, shall be punished by imprisonment with work for not more than 1 year or a fine of not more than 200,000 yen.

## **Chapter VIII Crimes of Disturbance**

(Disturbance)

Article 106 A person who assembles in a crowd and commits an act of assault or intimidation thereby commits the crime of disturbance and shall be sentenced according to the following distinctions:

- (i) A ringleader shall be punished by imprisonment with or without work for not less than 1 year but not more than 10 years;
- (ii) A person who directs others or takes the lead in stirring up others shall be punished by imprisonment with or without work for not less than 6 months but not more than 7 years;
- (iii) A person who merely follows others shall be punished by a fine of not more than 100,000 yen.

(Failure to Disperse)

Article 107 When a crowd assembles for the purpose of committing an act of assault or intimidation and fails to disperse after being ordered three times or more to disperse by a public officer with authority, the ringleader shall be punished by imprisonment with or without work for not more than 3 years and the others by a fine of not more than 100,000 yen.

## **Chapter IX Crimes of Arson and Fire Caused through Negligence**

(Arson of Inhabited Buildings)

Article 108 A person who sets fire to and burns a building, train, tram, vessel or mine actually used as a dwelling or in which a person is actually present shall be punished by the death penalty or imprisonment with work for life or for a definite term of not less than 5 years.

(Arson of Uninhabited Buildings)

Article 109 (1) A person who sets fire to and burns a building, vessel, or mine not actually used as dwelling or in which persons are not actually present shall be punished by imprisonment with work for a definite term of not less than 2 years.

(2) When the object prescribed for in the preceding paragraph belongs to the offender, imprisonment with work for not less than 6 months but not more than 7 years shall be imposed; provided, however, that if there is no resulting danger to the public, such act is not punishable.

(Setting Fire to Objects Other than Structures)

Article 110 (1) A person who sets fire to and burns any object not provided for in the preceding two Articles and thereby endangers the public shall be punished by imprisonment with work for not less than 1 year but not more than 10 years.

(2) When the object prescribed for in the preceding paragraph belongs to the offender, imprisonment with work for not more than 1 year or a fine of not more than 100,000 yen shall be imposed.

(Spread of Fire to Structures)

Article 111 (1) When, as a result of commission of the crime prescribed under paragraph (2) of Article 109 or paragraph (2) of the preceding Article, a fire spreads to and burns any object provided in Article 108 or paragraph (1) of Article 109, imprisonment with work for not less than 3 months but not more than 10 years shall be imposed.

(2) When, as a result of commission of the crime prescribed under paragraph (2) of the preceding Article, the fire spreads to and burns any object prescribed in paragraph (1) of that Article, imprisonment with work for not more than 3 years shall be imposed.

(Attempts)

Article 112 An attempt of the crimes prescribed under Article 108 and paragraph (1) of Article 109 shall be punished.

(Preparations)

Article 113 A person who prepares for the commission of a crime prescribed under Article 108 or paragraph (1) of Article 109, shall be punished by imprisonment with work for not more than 2 years; provided, however, that the person may be exculpated in light of circumstances.

(Obstruction to Fire Fighting)

Article 114 A person who, on the occasion of a fire, obstructs fire-fighting by concealing or damaging a fire-fighting equipment or by any other means, shall be punished by imprisonment with work for not less than 1 year but not more than 10 years.

(Special Provision for Offender's Own Objects)

Article 115 Even when the object prescribed in paragraph (1) of Article 109 or paragraph (1) of Article 110 belongs to an offender, the offender shall be dealt with as an offender who has burned another person's object when the object is subject to attachment, encumbrance, lease or insurance.

(Fire Caused through Negligence)

Article 116 (1) A person who causes a fire through negligence and thereby burns the object provided for in Article 108 or the object provided for in Article 109 which belongs to another person shall be punished by a fine of not more than

500,000 yen.

- (2) The same shall apply to a person who causes a fire through negligence and thereby burns any of the person's own objects provided for in Article 109 or any object provided for in Article 110 and thereby endangers the public.

(Detonating of Explosives)

Article 117 (1) A person who damages the object prescribed in Article 108 or the object prescribed in Article 109 which belongs to another person by detonating gunpowder, a steam-boiler or other explosive objects shall be dealt with in the same manner as in the case of committing arson. The same shall also apply to a person who damages the object prescribed in Article 109 which belongs to the person or the object prescribed in Article 110 and thereby endangers the public.

- (2) When an act provided for in the preceding paragraph is caused through negligence, it shall be dealt with in the same manner as in the case of fire caused through negligence.

(Fire Caused through Negligence in the Pursuit of Social Activities)

Article 117-2 When an act prescribed for in Article 116 or in paragraph (1) of the preceding Article is committed as a result of a failure to exercise necessary care in the pursuit of social activities or through gross negligence, imprisonment without work for not more than 3 years or a fine of not more than 1,500,000 yen shall be imposed.

(Leakage of Gas)

Article 118 (1) A person who causes gas, electricity, or steam to leak or flow out or to be cut off and thereby endangers the life, body or property of another person shall be punished by imprisonment with work for not more than 3 years or a fine of not more than 100,000 yen.

- (2) A person who causes gas, electricity or steam to leak or flow out or to be cut off and thereby causes the death or injury of another person shall be sentenced to the punishment prescribed for the crimes of injury or the preceding paragraph whichever is greater.

## **Chapter X Crimes Related to Floods and Water Management**

(Damage to Inhabited Buildings by Flood)

Article 119 A person who causes a flood to damage a building, train, tram, or mine actually used as a dwelling or in which a person is actually present shall be punished by the death penalty or imprisonment with work for life or for a definite term of not less than 3 years.

(Damage to Other Objects by Flood)

- Article 120 (1) A person who causes a flood to damage any object not provided in the preceding Article and thereby endangers the public shall be punished by imprisonment with work for not less than 1 year but not more than 10 years.
- (2) When the object damaged by flood belongs to the offender, the provision of the preceding paragraph shall apply only when the object is subject to attachment, encumbrance, lease or insurance.

(Obstruction to Flood Prevention)

- Article 121 A person who, on the occasion of a flood, obstructs flood prevention by concealing or damaging flood prevention equipment or by any other means, shall be punished by imprisonment with work for not less than one year but not more than 10 years.

(Damage by Flood Caused through Negligence)

- Article 122 A person who through negligence causes a flood either to damage an object provided for in Article 119 or to damage an object provided for in Article 120 and thereby endangers the public, shall be punished by a fine of not more than 200,000 yen.

(Obstruction to Water Management)

- Article 123 A person who causes an embankment to collapse, destroys a water gate or commits any other act which is to obstruct water management or to cause a flood shall be punished by imprisonment with work or imprisonment without work for not more than 2 years or a fine of not more than 200,000 yen.

## **Chapter XI Crimes of Obstruction of Traffic**

(Obstruction of Traffic and Causing Death or Injury Thereby)

- Article 124 (1) A person who obstructs the flow of traffic by damaging, or blocking a road, waterway or bridge shall be punished by imprisonment with work for not more than 2 years or a fine of not more than 200,000 yen.
- (2) A person who commits a crime prescribed under the preceding paragraph, and thereby causes the death or injury to another person shall be dealt with by the punishment prescribed for the crimes of injury or the preceding paragraph whichever is greater.

(Endangering Traffic)

- Article 125 (1) A person who endangers the passage of a train or tram by damaging a railway track or railway sign, or by any other means, shall be punished by imprisonment with work for a definite term of not less than two

years.

- (2) The same shall apply to a person who endangers the passage of a vessel by damaging a lighthouse or a buoy, or by any other means.

(Overturning of Trains)

Article 126 (1) A person who overturns or destroys a train or a tram in which a person is actually present shall be punished by imprisonment with work for life or for a definite term of not less than 3 years.

- (2) The same shall apply to a person who capsizes, sinks or destroys a vessel in which a person is actually present.

- (3) A person who, by commission a crime prescribed under the preceding two paragraphs, causes the death of another person shall be punished by the death penalty or life imprisonment with work.

(Endangering Traffic by Overturning of a Train)

Article 127 A person who commits a crime prescribed under Article 125 and thereby overturns or destroys a train or a tram or capsizes, sinks or destroys a vessel shall be dealt with in the same manner as prescribed for in the preceding Article.

(Attempts)

Article 128 An attempt of the crimes prescribed under paragraph (1) of Articles 124, Article 125 and paragraphs (1) and (2) of Article 126 shall be punished.

(Endangering Traffic through Negligence)

Article 129 (1) A person who, through negligence, endangers the passage of a train, tram or vessel, or overturns or destroys a train or tram, or capsizes, sinks or destroys a vessel shall be punished by a fine of not more than 300,000 yen.

- (2) When a person, through professional conduct, commits the crime prescribed under the preceding paragraph, imprisonment without work for not more than 3 years or a fine of not more than 500,000 yen shall be imposed.

## **Chapter XII Crimes of Breaking into a Residence**

(Breaking into a Residence)

Article 130 A person who, without justifiable grounds, breaks into a residence of another person or into the premises, building or vessel guarded by another person, or who refuses to leave such a place upon demand shall be punished by imprisonment with work for not more than 3 years or a fine of not more than 100,000 yen.

Article 131 Deleted.

(Attempts)

Article 132 An attempt of the crime prescribed under Article 130 shall be punished.

### **Chapter XIII Crimes of Violating Confidentiality**

(Unlawful Opening of Letters)

Article 133 A person who, without justifiable grounds, opens a sealed letter shall be punished by imprisonment with work for not more than 1 year or a fine of not more than 200,000 yen.

(Unlawful Disclosure of Confidential Information)

Article 134 (1) When a physician, pharmacist, pharmaceuticals distributor, midwife, attorney, defense counsel, notary public or any other person formerly engaged in such profession disclose, without justifiable grounds, another person's confidential information which has come to be known in the course of such profession, imprisonment with work for not more than 6 months or a fine of not more than 100,000 yen shall be imposed.

(2) The same shall apply to the case where a person who is or was engaged in a religious occupation discloses, without justifiable grounds, another person's confidential information which has come to be known in the course of such religious activities.

(Complaints)

Article 135 The crimes prescribed under this Chapter shall be prosecuted only upon complaint.

### **Chapter XIV Crimes Related to Opium for Smoking**

(Importation of Opium for Smoking)

Article 136 A person who imports, manufactures or sells opium for smoking or possesses it for the purpose of sale shall be punished by imprisonment with work for not less than 6 months but not more than 7 years.

(Import of Opium Smoking Implements)

Article 137 A person who imports, manufactures or sells an implement for smoking opium, or possesses it for the purpose of sale shall be punished by imprisonment with work for not less than 3 months but not more than 5 years.

(Import of Opium for Smoking by Customs Official)

Article 138 When a customs official imports or permits the import of opium for smoking or an implement for smoking opium, imprisonment with work for not less than 1 year but not more than 10 years shall be imposed.

(Smoking and Providing Places for Smoking Opium)

Article 139 (1) A person who smokes opium shall be punished by imprisonment with work for not more than 3 years.

(2) A person who for the purpose of making profit provides a building or room for smoking opium shall be punished by imprisonment with work for not less than 6 months but not more than 7 years.

(Possession of Opium for Smoking)

Article 140 A person who possesses opium for smoking or an implement for smoking opium shall be punished by imprisonment with work for not more than 1 year.

(Attempts)

Article 141 An attempt of the crimes prescribed under this Chapter shall be punished.

## **Chapter XV Crimes Related to Drinking Water**

(Pollution of Drinking Water)

Article 142 A person who pollutes water which is intended for human drinking to render the water undrinkable shall be punished by imprisonment with work for not more than 6 months or a fine of not more than 100,000 yen.

(Pollution of Water Supplies)

Article 143 A person who pollutes water which is supplied to the public for drinking purposes by a water supply system, or who pollutes the source thereof to render the water undrinkable, shall be punished by imprisonment with work for not less than 6 months but not more than 7 years.

(Pollution of Drinking Water with Poisonous Materials)

Article 144 A person who pollutes drinking water with poisonous materials or any other substance harming human health shall be punished by imprisonment with work for not more than 3 years.

(Pollution of Drinking Water Causing Death or Injury)

Article 145 A person who commits a crime prescribed under the preceding three Articles and thereby causes the death or injury of another person shall be dealt with by the punishment prescribed for the crimes of injury or the preceding paragraph whichever is greater.

(Pollution of Water Supplies with Poisonous Materials and Causing Death Thereby)

Article 146 A person who pollutes water which is supplied to the public for drinking purposes or a water supply system with poisonous materials or any other substance harming human health, shall be punished by imprisonment with work for a definite term of not less than 2 years. If the death of another is thereby caused, the offender shall be punished by the death penalty or imprisonment with work for life or for a definite term of not less than 5 years.

(Damage or Obstruction of a Water Supply System)

Article 147 A person who damages or obstructs a water supply system shall be punished by imprisonment with work for not less than 1 year but not more than 10 years.

## **Chapter XVI Crimes of Counterfeiting of Currency**

(Counterfeiting of Currency or Uttering of Counterfeit Currency)

Article 148 (1) A person who counterfeits or alters a current coin, bank note or bill for the purpose of uttering shall be punished by imprisonment with work for life or for a definite term of not less than 3 years.

(2) The same shall apply to a person who utters, or delivers or imports for the purpose of uttering, a counterfeited or altered coin, bank note or bill.

(Counterfeiting of Foreign Currency or Uttering of Foreign Currency)

Article 149 (1) A person who counterfeits or alters a foreign coin, bank note or bill which is used in transaction in Japan for the purpose of uttering shall be punished by imprisonment with work for a definite term of not less than 2 years.

(2) The same shall apply to a person who utters, or delivers or imports for the purpose of uttering, a counterfeit or altered foreign coin, bank note or bill.

(Acquisition of Counterfeit Currency)

Article 150 A person, who acquires a counterfeit or altered coin, bank note or bill for the purpose of uttering, shall be punished by imprisonment with work for not more than 3 years.

(Attempts)

Article 151 An attempt of the crimes prescribed under the preceding three Articles shall be punished.

(Uttering of Counterfeit Currency with Knowledge after Acquisition)

Article 152 A person who, after acquiring a coin, bank note or bill, utters or passes it to another for the purpose of uttering thereof, knowing that it is counterfeit or altered, shall be punished by a fine or petty fine of not more than three times the face value thereof; provided, however, that the minor fine shall not be less than 2,000 yen.

(Preparations of Implements for Currency Counterfeited)

Article 153 A person who prepares implements or materials for the purpose of counterfeiting or altering a coin, money bill or bank note or bill shall be punished by imprisonment with work for not less than 3 months but not more than 5 years.

## **Chapter XVII Crimes of Counterfeiting of Documents**

(Counterfeit of Imperial or State Documents)

Article 154 (1) A person who, for the purpose of uttering, counterfeits an Imperial rescript or other Imperial official document with the Imperial Seal, State Seal or Imperial Signature, or counterfeits an Imperial rescript or other official Imperial document with a counterfeit Imperial Seal, State Seal or Imperial Signature, shall be punished by imprisonment with work for life or for a definite term of not less than three years.

(2) The same shall apply to a person who alters an Imperial rescript or other Imperial official document bearing the Imperial Seal, the State Seal or the Imperial Signature.

(Counterfeiting of Official Documents)

Article 155 (1) A person who, for the purpose of uttering, counterfeits with the seal or signature of a public office or a public officer, a document or drawing to be made by a public office or a public officer, or counterfeits, with a counterfeited seal or signature of such public office or public officer, a document or drawing to be made by a public office or a public officer, shall be punished by imprisonment with work for not less than 1 year but not more than 10 years.

(2) The same shall apply to a person who alters a document or drawing bearing the seal or signature of a public office or a public officer.

(3) Except for the cases provided for in the preceding two paragraphs, a person

who counterfeits a document or drawing to be made by a public office or a public officer or who alters a document or drawing which has been made by a public office or a public officer shall be punished by imprisonment with work for not more than 3 years or a fine of not more than 200,000 yen.

(Making of False Official Documents)

Article 156 A public officer who, in connection with his/her official duty, makes a false official document or drawing, or alters an official document or drawing, for the purpose of uttering, shall be dealt with in the same manner as prescribed for in the preceding two Articles, depending on whether or not the document bears a seal or signature.

(False Entries in the Original of Notarized Deeds)

Article 157 (1) A person, who makes a false statement before a public officer and thereby causes the official to make a false entry in the original of a notarized deed, such as the registry or family registry, relating to rights or duties or to create a false record on the electromagnetic record to be used as the original of a notarized deed relating to rights or duties, shall be punished by imprisonment with work for not more than 5 years or a fine of not more than 500,000 yen.

(2) A person, who makes a false statement before a public officer and thereby causes the official to make a false entry in a license, permit or passport, shall be punished by imprisonment with work for not more than 1 year or a fine of not more than 200,000 yen.

(3) An attempt of the crimes prescribed under the preceding two paragraphs shall be punished.

(Uttering of Counterfeit Official Documents)

Article 158 (1) A person, who utters a document or drawing prescribed for in the preceding four Articles or provides the electromagnetic record prescribed for in paragraph (1) of the preceding Article for use as the original of a notarized deed, shall be punished by the same penalty as a person who counterfeits or alters a document or drawing, makes a false document or drawing, or causes a false entry or record to be made.

(2) An attempt of the crimes prescribed under the preceding paragraph shall be punished.

(Counterfeiting of Private Documents)

Article 159 (1) A person who, for the purpose of uttering, counterfeits, with the use of a seal or signature of another, a document or drawing relating to rights, duties or certification of facts or counterfeits a document or drawing relating to

rights, duties or certification of facts with the use of a counterfeit seal or signature of another, shall be punished by imprisonment with work for not less than 3 months but not more than 5 years.

- (2) The same shall apply to a person who alters a document or drawing bearing the seal or signature of another and relating to rights, duties or certification of facts.
- (3) Except for the cases provided in the preceding two paragraphs, a person who counterfeits or alters a document or picture relating to rights, duties or certification of facts shall be punished by imprisonment with work for not more than 1 year or a fine of not more than 100,000 yen.

(Falsifying Medical Certificates)

Article 160 When a physician makes a false entry in a medical certificate, an autopsy report or a death certificate to be submitted to a public office, imprisonment without work for not more than 3 years or a fine of not more than 300,000 yen shall be imposed.

(Uttering of Counterfeit Private Documents)

- Article 161 (1) A person who utters a document or drawing prescribed for in the preceding two Articles shall be punished by the same penalty as a person who counterfeits or alters a document or drawing or makes a false entry.
- (2) An attempt of the crime prescribed under the preceding paragraph shall be punished.

(Unauthorized Creation of Electromagnetic Records)

- Article 161-2 (1) A person who, with the intent to bring about improper administration of the matters of another person, unlawfully creates without due authorization an electromagnetic record which is for use in such improper administration and is related to rights, duties or certification of facts, shall be punished by imprisonment with work for not more than 5 years or a fine of not more than 500,000 yen.
- (2) When the crime prescribed under the preceding paragraph is committed in relation to an electromagnetic record to be created by a public office or a public officer, the offender shall be punished by imprisonment with work for not more than 10 years or a fine of not more than 1,000,000 yen shall be imposed.
  - (3) A person who, with the intent prescribed for in paragraph (1), puts an electromagnetic record created without due authorization and related to rights, duties or certification of facts into use for the administration of the matters of another shall be punished by the same penalty as the person who created such an electromagnetic record.
  - (4) An attempt of the crime prescribed under the preceding paragraph shall be

punished.

## **Chapter XVIII Crimes of Counterfeiting of Securities**

(Counterfeiting of Securities)

Article 162 (1) A person who, for the purpose of uttering, counterfeits or alters a public bond, securities of a government agency, share certificate of a corporation or other securities shall be punished by imprisonment with work for not less than 3 months but not more than 10 years.

(2) The same shall apply to a person who, for the purpose of uttering, makes a false entry in a security.

(Uttering Counterfeit Securities)

Article 163 (1) A person who utters a counterfeit or altered security or security in which a false entry has been made, or who, for the purpose of uttering, delivers to another person or imports such security, shall be punished by imprisonment with work for not less than 3 months but not more than 10 years.

(2) An attempt of the crimes prescribed under the preceding paragraph shall be punished.

## **Chapter XVIII-2 Crimes Related to Electromagnetic Records of Payment Cards**

(Unauthorized Creation of Electromagnetic Records of Payment Cards)

Article 163-2 (1) A person who, for the purpose of bringing about improper administration of the financial affairs of another person, creates without due authorization an electromagnetic record which is for the use in such improper administration and is encoded in a credit card or other cards for the payment of charges for goods or services, shall be punished by imprisonment for not more than 10 years or a fine of not more than 1,000,000 yen. The same shall apply to a person who creates without due authorization an electromagnetic record which is encoded in a card for withdrawal of money.

(2) A person who, for the purpose prescribed for in the preceding paragraph, puts an unlawfully created electromagnetic record prescribed for in the same paragraph into for administration of the financial affairs of another person, shall be dealt with in the same way prescribed in the same paragraph.

(3) A person who, for the purpose prescribed for in paragraph (1), transfers, lends or imports a card encoded with an unlawful electromagnetic record prescribed for in the same paragraph, shall be dealt with in the same way prescribed in the same paragraph.

(Possession of Payment Cards with Unauthorized Electromagnetic Records)

Article 163-3 A person who, for the purpose prescribed for in paragraph (1) of the preceding Article, possesses the card prescribed for in paragraph (3) of the same Article, shall be punished by imprisonment with work for not more than 5 years or a fine of not more than 500,000 yen.

(Preparation for Unauthorized Creation of Electromagnetic Records of Payment Cards)

Article 163-4 (1) A person who, for the purpose of use in for the commission of a criminal act prescribed for in paragraph (1) of Article 163-2, obtains information for the electromagnetic record prescribed for in the same paragraph, shall be punished by imprisonment with work for not more than 3 years or a fine of not more than 500,000 yen. The same shall apply to a person who, knowing the purpose of the obtainer, provides the information.

(2) A person who, for the purpose prescribed for in the preceding paragraph, stores the illegally obtained information of an electromagnetic record prescribed for in paragraph (1) of Article 163-2, shall be dealt with in the same way prescribed for in the preceding paragraph.

(3) A person who, for the purpose prescribed for in paragraph (1), prepares instruments or materials, shall be dealt with in the same way prescribed for in the same paragraph.

(Attempts)

Article 163-5 An attempt of the crimes prescribed under Article 163-2 and paragraph (1) of the preceding Article shall be punished.

## **Chapter XIX Crimes of Counterfeiting of Seals**

(Counterfeiting or Unauthorized Use of the Imperial Seal)

Article 164 (1) A person who, for the purpose of uttering, counterfeits the Imperial Seal, State Seal or Imperial Signature, shall be punished by imprisonment with work for a definite term of not less than 2 years.

(2) The same shall apply to a person who uses without due authorization the Imperial Seal, State Seal or Imperial Signature, or who uses a counterfeit Imperial Seal, State Seal or Imperial Signature.

(Counterfeiting or Unauthorized Use of Official Seals)

Article 165 (1) A person who, for the purpose of unauthorized use, counterfeits the seal or signature of a public office or public officer shall be punished by imprisonment with work for not less than 3 months but not more than 5 years.

(2) The same shall apply to a person who uses without due authorization the seal

or signature of a public office or public officer, or who uses a counterfeit seal or signature of a public office or public officer.

(Counterfeiting or Unauthorized Use of Official Marks)

Article 166 (1) A person who, for the purpose of unauthorized use, counterfeits the mark of a public office shall be punished by imprisonment with work for not more than 3 years.

(2) The same shall apply to a person who uses without due authorization the mark of a public office or who uses a counterfeit mark of a public office.

(Counterfeiting or Unauthorized Use of Private Seals)

Article 167 (1) A person who, for the purpose of unauthorized use, counterfeits the seal or signature of another person shall be punished by imprisonment with work for not more than 3 years.

(2) The same shall apply to a person who uses without due authorization the seal or signature of another or who uses a counterfeit seal or signature of another person.

(Attempts)

Article 168 An attempt of the crimes prescribed under paragraph (2) of Article 164, paragraph (2) of Article 165, paragraph (2) of Article 166 and paragraph (2) of the preceding Article shall be punished.

## **Chapter XX Crimes of Perjury**

(Perjury)

Article 169 When a witness who has sworn in accordance with law gives false testimony, imprisonment with work for not less than 3 months but not more than 10 years shall be imposed.

(Confessions)

Article 170 When a person who has committed the crime prescribed under the preceding Article confesses before a judgment becomes final and binding or before a disciplinary action is taken in the case in which he/she testified, such confession may lead to the punishment being reduced or may exculpate the offender.

(False Expert Opinion or Interpreting)

Article 171 An expert witness or interpreter who has sworn in accordance with laws and gives a false expert opinion or makes a false interpretation or translation shall be dealt with in the same manner as prescribed for in the

preceding two Articles.

### **Chapter XXI Crimes of False Complaints**

(False Complaint)

Article 172 A person who submits a false complaint, accusation or other denunciation for the purpose of having a punishment or disciplinary action imposed upon another shall be punished by imprisonment with work for not less than 3 months but not more than 10 years.

(Confessions)

Article 173 When a person who has committed the crime prescribed under the preceding Article confesses before a judgment becomes final and binding or before a disciplinary action is taken in the case in which he submitted such complaint, accusation or denunciation, such confession may lead to the punishment being reduced or may exculpate the offender.

### **Chapter XXII Crimes of Obscenity, Rape and Bigamy**

(Public Indecency)

Article 174 A person who commits an indecent act in public shall be punished by imprisonment with work for not more than 6 months, a fine of not more than 300,000 yen, misdemeanor imprisonment without work or a petty fine.

(Distribution of Obscene Objects)

Article 175 A person who distributes, sells or displays in public an obscene document, drawing or other objects shall be punished by imprisonment with work for not more than 2 years, a fine of not more than 2,500,000 yen or a petty fine. The same shall apply to a person who possesses the same for the purpose of sale.

(Forcible Indecency)

Article 176 A person who, through assault or intimidation, forcibly commits an indecent act upon a male or female of not less than thirteen years of age shall be punished by imprisonment with work for not less than 6 months but not more than 10 years. The same shall apply to a person who commits an indecent act upon a male or female under thirteen years of age.

(Rape)

Article 177 A person who, through assault or intimidation, forcibly commits sexual intercourse with a female of not less than thirteen years of age commits

the crime of rape and shall be punished by imprisonment with work for a definite term of not less than 3 years. The same shall apply to a person who commits sexual intercourse with a female under thirteen years of age.

(Quasi Forcible Indecency; Quasi Rape)

Article 178 (1) A person who commits an indecent act upon a male or female by taking advantage of loss of consciousness or inability to resist, or by causing a loss of consciousness or inability to resist, shall be punished in the same manner as prescribed for in Article 176.

(2) A person who commits sexual intercourse with a female by taking advantage of a loss of consciousness or inability to resist, or by causing a loss of consciousness or inability to resist, shall be punished in the same matter as prescribed in the preceding Article.

(Gang Rape)

Article 178-2 When two or more persons jointly commit the crimes prescribed under Article 177 or paragraph (2) of Article 178, they shall be punished by imprisonment with work for a definite term of not less than 4 years.

(Attempts)

Article 179 An attempt of the crimes prescribed for in Articles 176 through the preceding Article shall be punished.

(Complaints)

Article 180 (1) The crimes prescribed for in Articles 176 through Article 178 and attempts of the above-mentioned crimes shall be prosecuted only upon complaint.

(2) The provision of the preceding paragraph shall not apply when the crimes prescribed under Article 176, paragraph (1) of Article 178 or attempts of the above-mentioned crimes are committed jointly by two or more persons who are at the scene of crime.

(Forcible Indecency Causing Death or Injury)

Article 181 (1) A person who commits a crime prescribed under Article 176, paragraph (1) of Article 178 or an attempt of the above-mentioned crimes and thereby causes the death or injury of another shall be punished by imprisonment with work for life or for a definite term of not less than 3 years.

(2) A person who commits a crime prescribed under Article 177, paragraph (2) of Article 178 or an attempt of the above-mentioned crimes and thereby causes the death or injury of another shall be punished by imprisonment with work for life or for a definite term of not less than 5 years.

(3) A person who commits a crime prescribed for in Article 178-2 or an attempt of the above-mentioned crimes and thereby causes the death or injury of another shall be punished by imprisonment with work for life or for a definite term of not less than 6 years.

(Inducement to Promiscuous Intercourse)

Article 182 A person who, for the purpose of profit, induces a female without a promiscuous habit to engage in sexual intercourse, shall be punished by imprisonment with work for not more than 3 years or a fine of not more than 300,000 yen.

Article 183 Deleted.

(Bigamy)

Article 184 When a married person enters into another marriage, imprisonment with work for not more than 2 years shall be imposed. The same shall apply to the other party who enters into such marriage.

### **Chapter XXIII Crimes Related to Gambling and Lotteries**

(Gambling)

Article 185 A person who gambles shall be punished by a fine of not more than 500,000 yen or a petty fine; provided, however, that the same shall not apply to a person who bets a thing which is provided for momentary entertainment.

(Habitual Gambling; Running a Gambling Place for the Purpose of Gain)

Article 186 (1) A person who habitually gambles shall be punished by imprisonment with work for not more than 3 years.

(2) A person who, for the purpose of profit, runs a place for gambling or organizes a group of habitual gamblers shall be punished by imprisonment with work for not less than 3 months but not more than 5 years.

(Lotteries)

Article 187 (1) A person who sells a lottery ticket shall be punished by imprisonment with work for not more than 2 years or a fine of not more than 1,500,000 yen.

(2) A person who acts as an intermediary in the sale of a lottery ticket shall be punished by imprisonment with work for not more than 1 year or a fine of not more than 1,000,000 yen.

(3) Except for the cases provided for in the preceding two paragraphs, a person who delivers or receives a lottery ticket shall be punished by a fine of not more

than 200,000 yen or a petty fine.

## **Chapter XXIV Crimes Related to Places of Worship and Graves**

(Profaning Places of Worship; Interference with Religious Service)

Article 188 (1) A person who in public profanes a shrine, temple, cemetery or any other place of worship shall be punished by imprisonment with or without work for not more than 6 months or a fine of not more than 100,000 yen.

(2) A person who interferes with a sermon, worship or a funeral service shall be punished by imprisonment with or without work for not more than 1 year or a fine of not more than 100,000 yen.

(Excavation of Graves)

Article 189 A person who excavates a grave shall be punished by imprisonment with work for not more than 2 years.

(Destruction of Corpses)

Article 190 A person who damages, abandons or unlawfully possesses a corpse, the ashes or hair of a dead person, or an object placed in a coffin shall be punished by imprisonment with work for not more than 3 years.

(Excavation of Graves and Damage of Corpses)

Article 191 A person who commits the crime prescribed under Article 189 and damages, abandons or unlawfully possesses a corpse, the ashes or hairs of a dead person, or an object placed in a coffin shall be punished by imprisonment with work for not less than 3 months but not more than 5 years.

(Secret Burial of Persons Dying from an Unnatural Death)

Article 192 A person who, without a postmortem examination, buries a person who died an unnatural death shall be punished by a fine of not more than 100,000 yen or a petty fine.

## **Chapter XXV Crimes of Corruption**

(Abuse of Authority by public officers)

Article 193 When a public officer abuses his or her authority and causes another to perform an act which the person has no obligation to perform, or hinders another from exercising such person's right, imprisonment with work or imprisonment without work for not more than 2 years shall be imposed.

(Abuse of Authority by Special public officers)

Article 194 When a person performing or assisting in judicial, prosecutorial or police duties, abuses his or her authority and unlawfully captures or confines another, imprisonment with or without work for not less than 6 months but not more than 10 years shall be imposed.

(Assault and Cruelty by Special public officers)

Article 195 (1) When a person performing or assisting in judicial, prosecutorial or police duties commits, in the performance of his or her duties, an act of assault or physical or mental cruelty upon the accused, suspect or any other person, imprisonment with or without work for not more than 7 years shall be imposed.

(2) The same shall apply when a person who is guarding or escorting another person detained or confined in accordance with laws and regulations commits an act of assault or physical or mental cruelty upon the person.

(Abuse of Authority Causing Death or Injury by Special public officers)

Article 196 A person who commits a crime prescribed under the preceding two Articles and thereby causes the death or injury of another shall be dealt with by the punishment prescribed for the crimes of injury or the preceding two Articles whichever is greater.

(Acceptance of Bribes; Acceptance upon Request; Acceptance in Advance of Assumption of Office)

Article 197 (1) A public officer who accepts, solicits or promises to accept a bribe in connection with his/her duties shall be punished by imprisonment with work for not more than 5 years; and when the official agrees to perform an act in response to a request, imprisonment with work for not more than 7 years shall be imposed.

(2) When a person to be appointed a public officer accepts, solicits or promises to accept a bribe in connection with a duty to be assumed with agreement to perform an act in response to a request, the person shall be punished by imprisonment with work for not more than 5 years in the event of appointment.

(Passing of Bribes to a Third Party)

Article 197-2 When a public officer, agreeing to perform an act in response to a request, causes a bribe in connection with the official's duty to be given to a third party or solicits or promises such bribe to be given to a third party, imprisonment with work for not more than 5 years shall be imposed.

(Aggravated Acceptance; Acceptance after Resignation of Office)

Article 197-3 (1) When a public officer commits a crime prescribed under the

preceding two Articles and consequently acts illegally or refrains from acting in the exercise of his or her duty, imprisonment with work for a definite term of not less than 1 year shall be imposed.

- (2) The same shall apply when a public officer accepts, solicits or promises to accept a bribe, or causes a bribe to be given to a third party or solicits or promises a bribe to be given to a third party, in connection with having acted illegally or having refrained from acting in the exercise of the official's duty.
- (3) When a person who resigned from the position of a public officer accepts, solicits or promises to accept a bribe in connection with having acted illegally or having refrained from acting in the exercise of his or her duty with agreement thereof in response to a request, the person shall be punished by imprisonment with work for not more than 5 years.

(Acceptance for Exertion of Influence)

Article 197-4 A public officer who accepts, solicits or promises to accept a bribe as consideration for the influence which the official exerted or is to exert, in response to a request, upon another public officer so as to cause the other to act illegally or refrain from acting in the exercise of official duty shall be punished by imprisonment with work for not more than 5 years.

(Confiscation and Collection of a Sum of Equivalent Value)

Article 197-5 A bribe accepted by an offender or by a third party with knowledge shall be confiscated. When the whole or a part of the bribe cannot be confiscated, an equivalent sum of money shall be collected.

(Giving of Bribes)

Article 198 A person who gives, offers or promises to give a bribe provided for in Articles 197 through 197-4 shall be punished by imprisonment with work for not more than 3 years or a fine of not more than 2,500,000 yen.

## **Chapter XXVI Crimes of Homicide**

(Homicide)

Article 199 A person who kills another shall be punished by the death penalty or imprisonment with work for life or for a definite term of not less than 5 years.

Article 200 Deleted.

(Preparation)

Article 201 A person who prepares for the commission of a crime prescribed under Article 199 shall be punished by imprisonment with work for not more

than 2 years; provided, however, that the person may be exculpated in light of circumstances.

(Inducing or Aiding Suicide; Homicide with Consent)

Article 202 A person who induces or aids another to commit suicide, or kills another at the other's request or with other's consent, shall be punished by imprisonment with or without work for not less than 6 months but not more than 7 years.

(Attempts)

Article 203 An attempt of the crimes prescribed under Article 199 and the preceding Article shall be punished.

## **Chapter XXVII Crimes of Injury**

(Injury)

Article 204 A person who causes another to suffer injury shall be punished by imprisonment with work for not more than 15 years or a fine of not more than 500,000 yen.

(Injury Causing Death)

Article 205 A person who causes another to suffer injury resulting in death shall be punished by imprisonment with work for a definite term of not less than 3 years.

(Incitement of Injury)

Article 206 A person who incites the offender in the commission of a crime at the scene of a crime prescribed under the preceding two Articles shall, even if the person does not directly cause another to suffer injury, be punished by imprisonment with work for not more than 1 year, a fine of not more than 100,000 yen or a petty fine.

(Special Provision for Simultaneous Injuries)

Article 207 When two or more persons assault another causing injury and it is impossible to know the relative extent of the injury caused by each individual offender or which offender caused the injury, the offenders shall be dealt with as co-principals even though they did not act in concert.

(Assault)

Article 208 When a person assaults another without injuring the other person, the person shall be punished by imprisonment with work for not more than 2

years, a fine of not more than 300,000 yen, misdemeanor imprisonment without work or a petty fine.

(Dangerous Driving Causing Death or Injury)

Article 208-2 (1) A person who drives a vehicle under the influence of alcohol or drugs making it difficult for the person to drive safely shall be punished by imprisonment with work for not more than 15 years when the person thereby causes injury; imprisonment with work for a definite term of not less than 1 year, when the person thereby causes death. The same shall apply when a person drives a vehicle at such high speed that it is exceedingly difficult for the person to control the vehicle, or the person lacks the skills to control it, and thereby causes death or injury.

(2) The preceding paragraph shall also apply when a person who drives a vehicle, with the intent to obstruct the passage of another person or vehicle, cuts in directly in front of the running vehicle or approaches in close proximity to the passing person or vehicle, at a speed that causes serious danger to traffic, and thereby causes death or injury. The same shall apply when a person who drives a vehicle, deliberately ignores a red signal light or its equivalent at a speed that will cause serious danger to traffic, and thereby causes death or injury.

(Unlawful Assembly with Weapons)

Article 208-3 (1) When two or more persons assemble for the purpose of jointly harming the life, body or property of another, any participant of the assembly who has prepared weapons or knows that weapons have been prepared, shall be punished by imprisonment with work for not more than 2 years or a fine of not more than 300,000 yen.

(2) In the case of the preceding paragraph, a person who, having prepared weapons or knowing that weapons have been prepared, causes another to assemble, shall be punished by imprisonment with work for not more than 3 years.

## **Chapter XXVIII Crimes of Injury through Negligence**

(Causing Injury through Negligence)

Article 209 (1) A person who causes another to suffer injury through negligence shall be punished by a fine of not more than 300,000 yen or a petty fine.

(2) The crime prescribed under the preceding paragraph shall be prosecuted only upon complaint.

(Causing Death through Negligence)

Article 210 A person who causes the death of another through negligence shall

be punished by a fine of not more than 500,000 yen.

(Causing Death or Injury through Negligence in the Pursuit of Social Activities)

Article 211 (1) A person who fails to exercise due care required in the pursuit of social activities and thereby causes the death or injury of another shall be punished by imprisonment with or without work for not more than 5 years or a fine of not more than 1,000,000 yen. The same shall apply to a person who through gross negligence, causes the death or injury of another.

(2) A person who fails to exercise due care required in driving a vehicle and thereby causes the death or injury of another shall be punished by imprisonment with or without work for not more than 7 years or a fine of not more than 1,000,000 yen; provided, however, that the person may be exculpated in the light of circumstances if the injury is minor.

## **Chapter XXIX Crimes of Abortion**

(Abortion)

Article 212 When a pregnant woman causes her own abortion by drugs or any other means, imprisonment with work for not more than 1 year shall be imposed.

(Abortion with Consent; Causing Death or Injury)

Article 213 A person who, at the request of a woman or with her consent, causes her abortion, shall be punished by imprisonment with work for not more than 2 years. If the person thereby causes the death or injury of the woman, the person shall be punished by imprisonment with work for not less than 3 months but not more than 5 years.

(Abortion through Professional Conduct; Causing Death or Injury)

Article 214 When a physician, midwife, pharmacist or pharmaceuticals distributor, at the request of a woman or with her consent, causes her abortion, imprisonment with work for not less than 3 months but not more than 5 years shall be imposed. If such person thereby causes the death or injury of the woman, imprisonment with work for not less than 6 months but not more than 7 years shall be imposed.

(Abortion without Consent)

Article 215 (1) A person who, without the request of the woman or her consent, causes her abortion shall be punished by imprisonment with work for not less than 6 months but not more than 7 years.

(2) An attempt of the crime prescribed under the preceding paragraph shall be punished.

(Abortion without Consent Causing Death or Injury)

Article 216 A person who commits the crime prescribed under the preceding Article and thereby causes the death or injury of the woman shall be dealt with by the punishment prescribed for either the crimes of injury or the preceding Article, whichever is greater.

### **Chapter XXX Crimes of Abandonment**

(Abandonment)

Article 217 A person who abandons another who, by reason of senility, immaturity, physical handicap or disease, is in need of support shall be punished by imprisonment with work for not more than 1 year.

(Abandonment by a Person Responsible for Protection)

Article 218 When a person who is responsible for protection of a senile, immature, physically disabled or sick person, abandons, or fails to give necessary protection to such person, the person shall be punished by imprisonment with work for not less than 3 months but not more than 5 years.

(Abandonment Causing Death or Injury)

Article 219 A person who commits a crime prescribed under the preceding two Articles and thereby causes the death or injury of another, shall be dealt with by the punishment prescribed for either the crimes of injury or the preceding Articles, whichever is greater.

### **Chapter XXXI Crimes of Unlawful Capture and Confinement**

(Unlawful Capture and Confinement)

Article 220 A person who unlawfully captures or confines another shall be punished by imprisonment with work for not less than 3 months but not more than 7 years.

(Unlawful Capture or Confinement Causing Death or Injury)

Article 221 A person who commits the crime prescribed under the preceding Article and thereby causes the death or injury of another, shall be dealt with by the punishment prescribed for either the crimes of injury or the preceding Article, whichever is greater.

## **Chapter XXXII Crimes of Intimidation**

### **(Intimidation)**

Article 222 (1) A person who intimidates another through a threat to another's life, body, freedom, reputation or property shall be punished by imprisonment with work for not more than 2 years or a fine of not more than 300,000 yen.

(2) The same shall apply to a person who intimidates another through a threat to the life, body, freedom, reputation or property of the relatives of another.

### **(Compulsion)**

Article 223 (1) A person who, by intimidating another through a threat to another's life, body, freedom, reputation or property or by use of assault, causes the other to perform an act which the other person has no obligation to perform, or hinders the other from exercising his or her rights, shall be punished by imprisonment with work for not more than 3 years.

(2) The same shall apply to a person who, by intimidating another through a threat to the life, body, freedom, reputation or property of the relatives of another, causes the other to perform an act which the other person has no obligation to perform, or hinders the other from exercising his or her rights.

(3) An attempt of the crimes prescribed under the preceding two paragraphs shall be punished.

## **Chapter XXXIII Crimes of Kidnapping and Buying or Selling of Human Beings**

### **(Kidnapping of Minors)**

Article 224 A person who kidnaps a minor by force or enticement shall be punished by imprisonment with work for not less than 3 months but not more than 7 years.

### **(Kidnapping for Profit)**

Article 225 A person who kidnaps another by force or enticement for the purpose of profit, indecency, marriage or threat to the life or body shall be punished by imprisonment with work for not less than 1 year but not more than 10 years.

### **(Kidnapping for Ransom)**

Article 225-2 (1) A person who kidnaps another by force or enticement, for the purpose of causing the kidnapped person's relatives or any other person who would be concerned about the kidnapped person's safety to deliver any property, taking advantage of such concern, shall be punished by imprisonment with work for life or for a definite term of not less than 3 years.

(2) The same shall apply to a person, who having kidnapped another by force or enticement, causes or demands the kidnapped person's relatives or any other person who would be concerned about the kidnapped person's safety to deliver any property, taking advantage of such concern.

(Kidnapping for Transportation out of a Country)

Article 226 A person who kidnaps another by force or enticement for the purpose of transporting another from one country to another country shall be punished by imprisonment with work for a definite term of not less than 2 years.

(Buying or Selling of Human Beings)

Article 226-2 (1) A person who buys another shall be punished by imprisonment with work for not less than 3 months but not more than 5 years.

(2) A person who buys a minor shall be punished by imprisonment with work for not less than 3 months but not more than 7 years.

(3) A person who buys another for the purpose of profit, indecency, marriage or threat to the life or body, shall be punished by imprisonment with work for not less than 1 year but not more than 10 years.

(4) The preceding paragraph shall apply to a person who sells another.

(5) A person who sells or buys another for the purpose of transporting him/her from one country to another country shall be punished by imprisonment with work for not less than 2 years.

(Transportation of Kidnapped Persons out of a Country)

Article 226-3 A person who transports another kidnapped by force or enticement or another who has been bought or sold, from one country to another country, shall be punished by imprisonment with work for not less than 2 years.

(Delivery of Kidnapped Persons)

Article 227 (1) A person who, for the purpose of aiding another who has committed any of the crime prescribed under Articles 224, 225 or the preceding three Articles, delivers, receives, transports or hides a person who has been kidnapped by force or enticement or has been bought or sold, shall be punished by imprisonment with work for not less than 3 months but not more than 5 years.

(2) A person who, for the purpose of aiding another who has committed the crime prescribed under paragraph (1) of Article 225-2, delivers, receives, transports or hides a person who has been kidnapped shall be punished by imprisonment with work for not less than 1 year but not more than 10 years.

(3) A person who, for the purpose of profit, indecency or threat to the life or body, receives a person who has been kidnapped or sold, shall be punished by

imprisonment with work for not less than 6 months but not more than 7 years.  
(4) A person who, for purpose prescribed under paragraph (1) of Article 225-2, receives a person who has been kidnapped shall be punished by imprisonment with work for a definite term of not less than 2 years. The same shall apply to a person, who has received a kidnapped person and causes or demands such person's relative or any other person who would be concerned about the safety of the kidnapped person to deliver any property, taking advantage of such concern.

(Attempts)

Article 228 An attempt of the crimes prescribed under Articles 224, 225, paragraph (1) of Article 225-2, Articles 226 through 226-3 and paragraphs (1) through (3) and the first sentence of paragraph (4) of the preceding Article shall be punished.

(Reduction of Punishment in the Case of Release)

Article 228-2 In cases where a person who has committed the crime prescribed under Article 225-2 or paragraph (2) or (4) of Article 227 releases the kidnapped person in a safe location before being prosecuted, the punishment shall be reduced.

(Preparation for Kidnapping for Ransom)

Article 228-3 A person who prepares for commission of the crime prescribed under paragraph (1) of Article 225-2 shall be punished by imprisonment with work for not more than 2 years; provided, however, that the person who surrenders him/herself before the person commences the crime shall be reduced or exculpated.

(Complaints)

Article 229 The crimes prescribed under Articles 224 and 225, the crimes prescribed under paragraph (1) of Article 227 which are committed for the purpose of aiding the person who has committed the crimes above, the crimes prescribed under paragraph (3) of Article 227 and the attempts of these crimes shall be prosecuted only upon complaint unless committed for the purpose of profit or threat to the life or body; provided, however, that when the person who has been kidnapped or sold has married the offender, the complaint shall have no effect until a judgment invalidating or rescinding the marriage has been rendered.

## **Chapter XXXIV Crimes against Reputation**

(Defamation)

Article 230 (1) A person who defames another by alleging facts in public shall, regardless of whether such facts are true or false, be punished by imprisonment with or without work for not more than 3 years or a fine of not more than 500,000 yen.

(2) A person who defames a dead person shall not be punished unless such defamation is based on a falsehood.

(Special Provision for Matters Concerning Public Interest)

Article 230-2 (1) When an act prescribed under paragraph (1) of the preceding Article is found to relate to matters of public interest and to have been conducted solely for the benefit of the public, the truth or falsity of the alleged facts shall be examined, and punishment shall not be imposed if they are proven to be true.

(2) In application of the preceding paragraph, matters concerning the criminal act of a person who has not been prosecuted shall be deemed to be matters of public interest.

(3) When the act prescribed under paragraph (1) of the preceding Article is made with regard to matters concerning a public officer or a candidate for election, punishment shall not be imposed if an inquiry into the truth or falsity of the alleged facts is made and they are proven to be true.

(Insults)

Article 231 A person who insults another in public, even if it does not allege facts, shall be punished by misdemeanor imprisonment without work or a petty fine.

(Complaints)

Article 232 (1) The crimes prescribed under this Chapter shall be prosecuted only upon complaint.

(2) When the person who is to make a complaint is the Emperor, Empress, Grand Empress Dowager, Empress Dowager or Imperial Heir, the Prime Minister shall file a complaint on his or her behalf, and when such person is the Sovereign or President of a foreign state, a representative of the state shall make a complaint on his or her behalf.

## **Chapter XXXV Crimes against Credit and Business**

(Damage to Credit; Obstruction of Business)

Article 233 A person who damages the credit or obstructs the business of another by spreading false rumors or by the use of fraudulent means shall be

punished by imprisonment with work for not more than 3 years or a fine of not more than 500,000 yen.

(Forcible Obstruction of Business)

Article 234 A person who obstructs the business of another by force shall be dealt with in the same manner as prescribed under the preceding Article.

(Obstruction of Business by Damaging a Computer)

Article 234-2 A person who obstructs the business of another by interfering with the operation of a computer utilized for the business of the other or by causing such computer to operate counter to the purpose of such utilization by damaging such computer or any electromagnetic record used by such computer, by inputting false data or giving unauthorized commands or by any other means, shall be punished by imprisonment with work for not more than 5 years or a fine of not more than 1,000,000 yen.

## **Chapter XXXVI Crimes of Theft and Robbery**

(Theft)

Article 235 A person who steals the property of another commits the crime of theft and shall be punished by imprisonment with work for not more than 10 years or a fine of not more than 500,000 yen.

(Taking Unlawful Possession of Real Estate)

Article 235-2 A person who unlawfully takes possession of the real estate of another shall be punished by imprisonment with work for not more than 10 years.

(Robbery)

Article 236 (1) A person who robs the property of another through assault or intimidation commits the crime of robbery and shall be punished by imprisonment with work for a definite term of not less than 5 years.  
(2) The same shall apply to a person who obtains or causes another to obtain a profit by the means prescribed under the preceding paragraph.

(Preparation for Robbery)

Article 237 A person who prepares for the commission of a robbery shall be punished by imprisonment with work for not more than 2 years.

(Constructive Robbery)

Article 238 When a person who has committed the crime of theft uses assault or

intimidation in order to retain the stolen property, evade arrest or destroy evidence, the person shall be dealt with in the same manner as with robbery.

(Robbery by Causing Unconsciousness)

Article 239 A person who steals the property of another by causing another to become unconscious shall be dealt with in the same manner as with robbery.

(Robbery Causing Death or Injury)

Article 240 When a person who has committed the crime of robbery causes another to suffer injury at the scene of the robbery, the person shall be punished by imprisonment with work for life or for a definite term of not less than 6 years, and in the case of causing death, the death penalty or imprisonment with work for life shall be imposed.

(Rape at the Scene of a Robbery; Causing Death Thereby)

Article 241 When a person committing the crime of robbery rapes a female, imprisonment with work for life or for a definite term of not less than 7 years shall be imposed, and in the case of causing death thereby, the death penalty or imprisonment for life with work shall be imposed.

(Offender's Own Property)

Article 242 With regard to the crimes prescribed under this Chapter, the offender's own property shall be deemed to be the property of another when it is in the possession of another or under the guard of another in compliance with an order issued by a public office.

(Attempts)

Article 243 An attempt of the crimes prescribed under Articles 235 through 236 and 238 through 241 shall be punished.

(Special Provision for Theft Committed against Relatives)

Article 244 (1) A person who commits the crime prescribed under Article 235 or 235-2 or attempts thereof against a spouse, lineal blood relative or relative living together, shall be exculpated.

(2) A person who commits the crime prescribed under the preceding paragraph against a relative other than those provided in the paragraph, shall not be prosecuted without a complaint.

(3) The preceding two paragraphs shall not apply to accomplices who are not relatives.

(Electricity)

Article 245 With regard to the crimes prescribed under this Chapter, electricity shall be deemed to be property.

### **Chapter XXXVII Crimes of Fraud and Extortion**

#### (Fraud)

Article 246 (1) A person who defrauds another of property shall be punished by imprisonment with work for not more than 10 years.

(2) The same shall apply to a person who obtains or causes another to obtain a profit by the means prescribed under the preceding paragraph.

#### (Computer Fraud)

Article 246-2 In addition to the provisions of Article 246, a person who obtains or causes another to obtain a profit by creating a false electromagnetic record relating to acquisition, loss or alteration of property rights by inputting false data or giving unauthorized commands to a computer utilized for the business of another, or by putting a false electromagnetic record relating to acquisition, loss or alteration of property rights into use for the administration of the matters of another shall be punished by imprisonment with work for not more than 10 years.

#### (Breach of Trust)

Article 247 When a person who is in charge of the affairs of another, for the purpose of promoting his/her own interest or the interest of a third party, or inflicting damage on another, commits an act in breach of legal duty and causes financial loss to another, imprisonment with work for not more than 5 years or a fine of not more than 500,000 yen shall be imposed.

#### (Quasi Fraud)

Article 248 A person who, by taking advantage of the insufficiency of consideration of a minor or the mental deficiency of another, causes another to deliver another's property, or obtains or causes a third person to obtain an illegal profit, shall be punished by imprisonment with work for not more than 10 years.

#### (Extortion)

Article 249 (1) A person who extorts another to deliver property shall be punished by imprisonment with work for not more than 10 years.

(2) The same shall apply to a person who obtains or causes another to obtain a profit by the means prescribed under the preceding paragraph.

(Attempts)

Article 250 An attempt of the crimes prescribed under this Chapter shall be punished.

(Application, Mutatis Mutandis)

Article 251 Articles 242, 244 and 245 shall apply mutatis mutandis to the crimes prescribed under this Chapter.

### **Chapter XXXVIII Crimes of Embezzlement**

(Embezzlement)

Article 252 (1) A person who embezzles property in his/her possession which belongs to another, shall be punished by imprisonment with work for not more than 5 years.

(2) The same shall apply to a person who embezzles his/her own property when the person has been ordered by a public office to hold the property in custody.

(Embezzlement in the Pursuit of Social Activities)

Article 253 A person who embezzles property which belongs to another in the person's possession in the pursuit of social activities, shall be punished by imprisonment with work for not more than 10 years.

(Embezzlement of Lost Property)

Article 254 A person, who embezzles lost property, drift property or any other property which belongs to another person and is in no one's possession shall be punished by imprisonment with work for not more than 1 year, a fine of not more than 100,000 yen or a petty fine.

(Application, Mutatis Mutandis)

Article 255 Article 244 shall apply mutatis mutandis to the crimes prescribed under this Chapter.

### **Chapter XXXIX Crimes Related to Stolen Property**

(Acceptance of Stolen Property)

Article 256 (1) A person who accepts free of charge stolen property or any other property obtained through a property crime shall be punished by imprisonment with work for not more than 3 years.

(2) A person who transports, retains or receives with compensation or arranges disposal for compensation, property provided for in the preceding paragraph shall be punished by imprisonment with work for not more than 10 years and a

fine of not more than 500,000 yen.

(Special Provision Concerning Crimes against Relatives)

Article 257 (1) A person who commits a crime prescribed under the preceding Article against a spouse, lineal blood relatives or relatives living together, or the spouse of such relatives, shall be exculpated.

(2) The preceding paragraph shall not apply to accomplices who are not relatives.

## **Chapter XL Crimes of Destruction and Concealment**

(Damaging of Documents for Government Use)

Article 258 A person who damages a document or an electromagnetic record in use by a public office shall be punished by imprisonment with work for not less than 3 months but not more than 7 years.

(Damaging of Documents for Private Use)

Article 259 A person who damages a document or electromagnetic record of another that concerns rights or duties shall be punished by imprisonment with work for not more than 5 years.

(Damage to Buildings; Causing Death or Injury)

Article 260 A person who damages a building or vessel of another shall be punished by imprisonment with work for not more than 5 years. If such person thereby causes the death or injury of another, the person shall be dealt with by the punishment prescribed for the crimes of injury or the preceding paragraph, whichever is greater.

(Damage to Property)

Article 261 A person who damages or injures property not prescribed under the preceding three Articles shall be punished by imprisonment with work for not more than 3 years, a fine of not more than 300,000 yen or a petty fine.

(Damage to the Offender's Property)

Article 262 Even when the property prescribed for in the preceding three Articles belongs to the offender, the offender shall be dealt with as an offender who has damaged another person's property when the property has been attached, encumbered or leased.

(Damaging of Boundaries)

Article 262-2 A person who damages, moves or removes a boundary mark or otherwise makes a boundary unrecognizable shall be punished by

imprisonment with work for not more than 5 years or a fine of not more than 500,000 yen.

(Concealment of Letters)

Article 263 A person who conceals a letter of another shall be punished by imprisonment with work or imprisonment for not more than 6 months, a fine of not more than 100,000 yen or a petty fine.

(Complaints)

Article 264 The crimes prescribed under Articles 259, 261 and the preceding Article shall be prosecuted only upon complaint.