

刑法

Penal Code

(明治四十年四月二十四日法律第四十五号)
(Act No. 45 of April 24, 1907)

第一編 総則

PART I GENERAL PROVISIONS

第一章 通則

Chapter I Scope of Application

(国内犯)

(Crimes Committed within Japan)

第一条 この法律は、日本国内において罪を犯したすべての者に適用する。

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

2 日本国外にある日本船舶又は日本航空機内において罪を犯した者についても、前項と同様とする。

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

(すべての者の国外犯)

(Crimes Committed outside Japan)

第二条 この法律は、日本国外において次に掲げる罪を犯したすべての者に適用する。

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

一 削除

(i) Deleted;

二 第七十七条から第七十九条まで（内乱、予備及び陰謀、内乱等幫助）の罪

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

三 第八十一条（外患誘致）、第八十二条（外患援助）、第八十七条（未遂罪）及び第八十八条（予備及び陰謀）の罪

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

四 第一百四十八条（通貨偽造及び行使等）の罪及びその未遂罪

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

五 第一百五十四条（詔書偽造等）、第一百五十五条（公文書偽造等）、第一百五十七条

(公正証書原本不実記載等)、第百五十八条(偽造公文書行使等)及び公務所又は公務員によって作られるべき電磁的記録に係る第百六十一条の二(電磁的記録不正作出及び供用)の罪

(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);

六 第百六十二条(有価証券偽造等)及び第百六十三条(偽造有価証券行使等)の罪

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

七 第百六十三条の二から第百六十三条の五まで(支払用カード電磁的記録不正作出等、不正電磁的記録カード所持、支払用カード電磁的記録不正作出準備、未遂罪)の罪

(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);

八 第百六十四条から第百六十六条まで(御璽偽造及び不正使用等、公印偽造及び不正使用等、公記号偽造及び不正使用等)の罪並びに第百六十四条第二項、第百六十五条第二項及び第百六十六条第二項の罪の未遂罪

(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.

(国民の国外犯)

(Crimes Committed by Japanese Nationals outside Japan)

第三条 この法律は、日本国外において次に掲げる罪を犯した日本国民に適用する。

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

一 第百八条(現住建造物等放火)及び第百九条第一項(非現住建造物等放火)の罪、これらの規定の例により処断すべき罪並びにこれらの罪の未遂罪

(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;

二 第百十九条(現住建造物等侵害)の罪

- (ii) The crime prescribed under Article 119 (Damage to Inhabited Buildings by Flood);
- 三 第一百五十九条から第一百六十一条まで（私文書偽造等、虚偽診断書等作成、偽造私文書等行使）及び前条第五号に規定する電磁的記録以外の電磁的記録に係る第一百六十一条の二の罪
- (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;
- 四 第一百六十七条（私印偽造及び不正使用等）の罪及び同条第二項の罪の未遂罪
- (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;
- 五 第一百七十六条から第一百七十九条まで（強制わいせつ、強姦、準強制わいせつ及び準強姦、集団強姦等、未遂罪）、第一百八十一条（強制わいせつ等致死傷）及び第一百八十四条（重婚）の罪
- (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);
- 六 第一百九十九条（殺人）の罪及びその未遂罪
- (vi) The crime prescribed under Article 199 (Homicide) and attempt thereof;
- 七 第二百四条（傷害）及び第二百五条（傷害致死）の罪
- (vii) The crimes prescribed under Articles 204 (Injury) and 205 (Injury Causing Death);
- 八 第二百十四条から第二百十六条まで（業務上墮胎及び同致死傷、不同意墮胎、不同意墮胎致死傷）の罪
- (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);
- 九 第二百十八条（保護責任者遺棄等）の罪及び同条の罪に係る第二百十九条（遺棄等致死傷）の罪
- (ix) The crime prescribed under Article 218 (Abandonment by a Person Responsible for Protection) and the crime of 219 (Abandonment Causing Death or Injury);
- 十 第二百二十条（逮捕及び監禁）及び第二百二十一条（逮捕等致死傷）の罪
- (x) The crimes prescribed under Articles 220 (Capture; Confinement) and 221 (Unlawful Capture or Confinement Causing Death or Injury);
- 十一 第二百二十四条から第二百二十八条まで（未成年者略取及び誘拐、営利目的等略取及び誘拐、身の代金目的略取等、所在国外移送目的略取及び誘拐、人身売買、被略取者等所在国外移送、被略取者引渡し等、未遂罪）の罪

(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);

十二 第二百三十条（名誉毀損）の罪

(xii) The crime prescribed under Article 230 (Defamation);

十三 第二百三十五条から第二百三十六条まで（窃盗、不動産侵奪、強盗）、第二百三十八条から第二百四十一条まで（事後強盗、昏酔強盗、強盗致死傷、強盗強姦及び同致死）及び第二百四十三条（未遂罪）の罪

(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);

十四 第二百四十六条から第二百五十条まで（詐欺、電子計算機使用詐欺、背任、準詐欺、恐喝、未遂罪）の罪

(xiv) The crimes prescribed under Articles 246 through 250 (Fraud; Computer Fraud; Breach of Trust; Quasi Fraud; Extortion; Attempts);

十五 第二百五十三条（業務上横領）の罪

(xv) The crime prescribed under Article 253 (Embezzlement in the Pursuit of Social Activities);

十六 第二百五十六条第二項（盗品譲受け等）の罪

(xvi) The crimes prescribed under paragraph (2) of Article 256 (Acceptance of Stolen Property).

（国民以外の者の国外犯）

(Crimes Committed by Non-Japanese Nationals outside Japan)

第三条の二 この法律は、日本国外において日本国民に対して次に掲げる罪を犯した日本国民以外の者に適用する。

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.

一 第一百七十六条から第一百七十九条まで（強制わいせつ、強姦、準強制わいせつ及び準強姦、集団強姦等、未遂罪）及び第八十一条（強制わいせつ等致死傷）の罪

(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);

二 第九十九条（殺人）の罪及びその未遂罪

(ii) The crime prescribed under Article 199 (Homicide) and attempt thereof;

三 第二百四条（傷害）及び第二百五条（傷害致死）の罪

(iii) The crimes prescribed under Articles 204 (Injury) and 205 (Injury Causing Death);

四 第二百二十条（逮捕及び監禁）及び第二百二十一条（逮捕等致死傷）の罪

(iv) The crimes prescribed under Articles 220 (Capture; Confinement) and 221 (Unlawful Capture or Confinement Causing Death or Injury);

五 第二百二十四条から第二百二十八条まで（未成年者略取及び誘拐、営利目的等略取及び誘拐、身の代金目的略取等、所在国外移送目的略取及び誘拐、人身売買、被略取者等所在国外移送、被略取者引渡し等、未遂罪）の罪

(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);

六 第二百三十六条（強盗）及び第二百三十八条から第二百四十一条まで（事後強盗、昏酔強盗、強盗致死傷、強盗強姦及び同致死）の罪並びにこれらの罪の未遂罪

(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).

（公務員の国外犯）

(Crimes Committed by Public Officials outside Japan)

第四条 この法律は、日本国外において次に掲げる罪を犯した日本国の公務員に適用する。

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

一 第一百一条（看守者等による逃走援助）の罪及びその未遂罪

(i) The crime prescribed under Article 101 (Assistance in Escape by a Guard) as well as an attempt thereof;

二 第一百五十六条（虚偽公文書作成等）の罪

(ii) The crime prescribed under Article 156 (Making of False Official Documents);

三 第九十三条（公務員職権濫用）、第九十五条第二項（特別公務員暴行陵虐）及び第九十七条から第九十七条の四まで（収賄、受託収賄及び事前収賄、第三者供賄、加重収賄及び事後収賄、あっせん収賄）の罪並びに第九十五条第二項の罪に係る第九十六条（特別公務員職権濫用等致死傷）の罪

(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.

(条約による国外犯)

(Crimes Committed outside Japan Governed by a Treaty)

第四条の二 第二条から前条までに規定するもののほか、この法律は、日本国外において、第二編の罪であつて条約により日本国外において犯したときであつても罰すべきものとされているものを犯したすべての者に適用する。

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.

(外国判決の効力)

(Effect of Foreign Judgments)

第五条 外国において確定裁判を受けた者であつても、同一の行為について更に処罰することを妨げない。ただし、犯人が既に外国において言い渡された刑の全部又は一部の執行を受けたときは、刑の執行を減輕し、又は免除する。

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.

(刑の変更)

(Change in Punishments)

第六条 犯罪後の法律によって刑の変更があつたときは、その軽いものによる。

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

(定義)

(Definition)

第七条 この法律において「公務員」とは、国又は地方公共団体の職員その他法令により公務に従事する議員、委員その他の職員をいう。

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 この法律において「公務所」とは、官公庁その他公務員が職務を行う所をいう。

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

第七条の二 この法律において「電磁的記録」とは、電子的方式、磁氣的方式その他人の知覚によっては認識することができない方式で作られる記録であつて、電子計算機による情報処理の用に供されるものをいう。

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.

(他の法令の罪に対する適用)

(Application of General Provisions)

第八条 この編の規定は、他の法令の罪についても、適用する。ただし、その法令に特別の規定があるときは、この限りでない。

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.

第二章 刑

Chapter II Punishments

(刑の種類)

(Categories of Punishments)

第九条 死刑、懲役、禁錮、罰金、拘留及び科料を主刑とし、没収を付加刑とする。

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.

(刑の軽重)

(Gravity of Punishments)

第十条 主刑の軽重は、前条に規定する順序による。ただし、無期の禁錮と有期の懲役とでは禁錮を重い刑とし、有期の禁錮の長期が有期の懲役の長期の二倍を超えるときも、禁錮を重い刑とする。

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 同種の刑は、長期の長いもの又は多額の多いものを重い刑とし、長期又は多額が同

じであるときは、短期の長いもの又は寡額の多いものを重い刑とする。

(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 二個以上の死刑又は長期若しくは多額及び短期若しくは寡額が同じである同種の刑は、犯情によってその軽重を定める。

(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.

(死刑)

(Death Penalty)

第十一条 死刑は、刑事施設内において、絞首して執行する。

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

2 死刑の言渡しを受けた者は、その執行に至るまで刑事施設に拘置する。

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

(懲役)

(Imprisonment with Work)

第十二条 懲役は、無期及び有期とし、有期懲役は、一月以上二十年以下とする。

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 懲役は、刑事施設に拘置して所定の作業を行わせる。

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

(禁錮)

(Imprisonment without Work)

第十三条 禁錮は、無期及び有期とし、有期禁錮は、一月以上二十年以下とする。

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 禁錮は、刑事施設に拘置する。

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

(有期の懲役及び禁錮の加減の限度)

(Limit of Aggravation and Mitigation)

第十四条 死刑又は無期の懲役若しくは禁錮を減輕して有期の懲役又は禁錮とする場合においては、その長期を三十年とする。

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 有期の懲役又は禁錮を加重する場合においては三十年にまで上げることができ、これを減輕する場合においては一月未満に下げることができる。

(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.

(罰金)

(fine)

第十五条 罰金は、一万円以上とする。ただし、これを減輕する場合においては、一万円未満に下げることができる。

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.

(拘留)

(Misdemeanor Imprisonment without Work)

第十六条 拘留は、一日以上三十日未満とし、刑事施設に拘置する。

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.

(科料)

(Petty Fines)

第十七条 科料は、千円以上一万円未満とする。

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

(労役場留置)

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

第十八条 罰金を完納することができない者は、一日以上二年以下の期間、労役場に留置する。

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 科料を完納することができない者は、一日以上三十日以下の期間、労役場に留置する。

(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 罰金を併科した場合又は罰金と科料とを併科した場合における留置の期間は、三年

を超えることができない。科料を併科した場合における留置の期間は、六十日を超えることができない。

(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 罰金又は科料の言渡しをするときは、その言渡しとともに、罰金又は科料を完納することができない場合における留置の期間を定めて言い渡さなければならない。

(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 罰金については裁判が確定した後三十日以内、科料については裁判が確定した後十日以内は、本人の承諾がなければ留置の執行をすることができない。

(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 罰金又は科料の一部を納付した者についての留置の日数は、その残額を留置一日の割合に相当する金額で除して得た日数（その日数に一日未満の端数を生じるときは、これを一日とする。）とする。

(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.

(没収)

(Confiscation)

第十九条 次に掲げる物は、没収することができる。

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

一 犯罪行為を組成した物

(i) An object which is a component of a criminal act;

二 犯罪行為の用に供し、又は供しようとした物

(ii) An object used or intended for use in the commission of a criminal act;

三 犯罪行為によって生じ、若しくはこれによって得た物又は犯罪行為の報酬として得た物

(iii) An object produced or acquired by means of a criminal act or an object acquired as reward for a criminal act;

四 前号に掲げる物の対価として得た物

(iv) An object received in exchange for the object set forth in the preceding item.

2 没収は、犯人以外の者に属しない物に限り、これを行うことができる。ただし、犯人以外の者に属する物であっても、犯罪の後にその者が情を知って取得したものであるときは、これを没収することができる。

(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.

(追徴)

(Collection of a Sum of Equivalent Value)

第十九条の二 前条第一項第三号又は第四号に掲げる物の全部又は一部を没収することができないときは、その価額を追徴することができる。

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.

(没収の制限)

(Restrictions on Confiscation)

第二十条 拘留又は科料のみに当たる罪については、特別の規定がなければ、没収を科することができない。ただし、第十九条第一項第一号に掲げる物の没収については、この限りでない。

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.

(未決勾留日数の本刑算入)

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

第二十一条 未決勾留の日数は、その全部又は一部を本刑に算入することができる。

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

第三章 期間計算

Chapter III Calculation of the Period of Time

(期間の計算)

(Calculation of the Period of Time)

第二十二条 月又は年によって期間を定めたときは、暦に従って計算する。

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

(刑期の計算)

(Calculation of the Term of Imprisonment)

第二十三条 刑期は、裁判が確定した日から起算する。

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

2 拘禁されていない日数は、裁判が確定した後であっても、刑期に算入しない。

(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.

(受刑等の初日及び釈放)

(First Day and Last Day of Imprisonment)

第二十四条 受刑の初日は、時間にかかわらず、一日として計算する。時効期間の初日についても、同様とする。

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 刑期が終了した場合における釈放は、その終了の日の翌日に行う。

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

第四章 刑の執行猶予

Chapter IV Suspension of Execution of the Sentence

(執行猶予)

(Suspension of Execution of the Sentence)

第二十五条 次に掲げる者が三年以下の懲役若しくは禁錮又は五十万円以下の罰金の言渡しを受けたときは、情状により、裁判が確定した日から一年以上五年以下の期間、その執行を猶予することができる。

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:

一 前に禁錮以上の刑に処せられたことがない者

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

二 前に禁錮以上の刑に処せられたことがあっても、その執行を終わった日又はその執行の免除を得た日から五年以内に禁錮以上の刑に処せられたことがない者

(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 前に禁錮以上の刑に処せられたことがあってもその執行を猶予された者が一年以下の懲役又は禁錮の言渡しを受け、情状に特に酌量すべきものがあるときも、前項と同様とする。ただし、次条第一項の規定により保護観察に付せられ、その期間内に更に罪を犯した者については、この限りでない。

(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.

(保護観察)

(Probation)

第二十五条の二 前条第一項の場合においては猶予の期間中保護観察に付することができ、同条第二項の場合においては猶予の期間中保護観察に付する。

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 保護観察は、行政官庁の処分によって仮に解除することができる。

(2) Probation may be provisionally cancelled by a disposition of a government agency.

3 保護観察を仮に解除されたときは、前条第二項ただし書及び第二十六条の二第二号の規定の適用については、その処分を取り消されるまでの間は、保護観察に付せられなかったものとみなす。

(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.

(執行猶予の必要的取消し)

(Mandatory Revocation of the Suspension of Execution of Sentence)

第二十六条 次に掲げる場合においては、刑の執行猶予の言渡しを取り消さなければならない。ただし、第三号の場合において、猶予の言渡しを受けた者が第二十五条第一項第二号に掲げる者であるとき、又は次条第三号に該当するときは、この限りでない。

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:

一 猶予の期間内に更に罪を犯して禁錮以上の刑に処せられ、その刑について執行猶予の言渡しがないとき。

(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;

二 猶予の言渡し前に犯した他の罪について禁錮以上の刑に処せられ、その刑について執行猶予の言渡しがないとき。

(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;

三 猶予の言渡し前に他の罪について禁錮以上の刑に処せられたことが発覚したとき。

(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.

(執行猶予の裁量的取消し)

(Discretionary Revocation of the Suspension of Execution of Sentence)

第二十六条の二 次に掲げる場合においては、刑の執行猶予の言渡しを取り消すことができる。

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

一 猶予の期間内に更に罪を犯し、罰金に処せられたとき。

(i) When a further crime is committed within the period of suspension and a fine is imposed for the crime;

二 第二十五条の二第一項の規定により保護観察に付せられた者が遵守すべき事項を遵守せず、その情状が重いとき。

(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;

三 猶予の言渡し前に他の罪について禁錮以上の刑に処せられ、その執行を猶予されたことが発覚したとき。

(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.

(他の刑の執行猶予の取消し)

(Revocation of Concurrent Suspensions of Executions of Sentences)

第二十六条の三 前二条の規定により禁錮以上の刑の執行猶予の言渡しを取り消したときは、執行猶予中の他の禁錮以上の刑についても、その猶予の言渡しを取り消さなければならない。

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.

(猶予期間経過の効果)

(Effect of Elapsing of Period of Suspension)

第二十七条 刑の執行猶予の言渡しを取り消されることなく猶予の期間を経過したときは、刑の言渡しは、効力を失う。

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

第五章 仮釈放

Chapter V Parole

(仮釈放)

(Parole)

第二十八条 懲役又は禁錮に処せられた者に改悛の状があるときは、有期刑についてはその刑期の三分の一を、無期刑については十年を経過した後、行政官庁の処分によって仮に釈放することができる。

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.

(仮釈放の取消し)

(Revocation of Parole)

第二十九条 次に掲げる場合においては、仮釈放の処分を取り消すことができる。

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

一 仮釈放中に更に罪を犯し、罰金以上の刑に処せられたとき。

(i) When a further crime is committed within the period of parole and a fine or greater punishment is imposed for the crime;

二 仮釈放前に犯した他の罪について罰金以上の刑に処せられたとき。

(ii) When a fine or greater punishment is imposed for a crime committed before the parole;

三 仮釈放前に他の罪について罰金以上の刑に処せられた者に対し、その刑の執行をすべきとき。

(iii) When a fine or greater punishment is imposed for another crime before the parole is implemented;

四 仮釈放中に遵守すべき事項を遵守しなかったとき。

(iv) When the person fails to observe any of the conditions of the parole.

2 仮釈放の処分を取り消したときは、釈放中の日数は、刑期に算入しない。

(2) When a parole is revoked, the number of days during the parole shall not be included into the term of imprisonment.

(仮出場)

(Provisional Release)

第三十条 拘留に処せられた者は、情状により、いつでも、行政官庁の処分によって仮に出場を許すことができる。

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 罰金又は科料を完納することができないため留置された者も、前項と同様とする。

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

第六章 刑の時効及び刑の消滅

Chapter VI Prescription and Extinction of Punishment

(刑の時効)

(Prescription of Sentence)

第三十一条 刑の言渡しを受けた者は、時効によりその執行の免除を得る。

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

(時効の期間)

(Period of Prescription)

第三十二条 時効は、刑の言渡しが確定した後、次の期間その執行を受けないことによって完成する。

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:

一 死刑については三十年

(i) Thirty years for the death penalty;

二 無期の懲役又は禁錮については二十年

(ii) Twenty years for life imprisonment with or without work;

三 十年以上の有期の懲役又は禁錮については十五年

(iii) Fifteen years for imprisonment with or without work for a definite term of 10 years or more;

四 三年以上十年未満の懲役又は禁錮については十年

(iv) Ten years for imprisonment with or without work for a definite term of 3 years or more but less than 10 years;

五 三年未満の懲役又は禁錮については五年

(v) Five years for imprisonment with or without work for a definite term of less than 3 years;

六 罰金については三年

(vi) Three years for a fine;

七 拘留、科料及び没収については一年

(vii) One year for a misdemeanor imprisonment without work, a petty fine and confiscation.

(時効の停止)

(Suspension of Prescription)

第三十三条 時効は、法令により執行を猶予し、又は停止した期間内は、進行しない。

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

(時効の中断)

(Interruption of Prescription)

第三十四条 死刑、懲役、禁錮及び拘留の時効は、刑の言渡しを受けた者をその執行のために拘束することによって中断する。

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 罰金、科料及び没収の時効は、執行行為をすることによって中断する。

(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.

(刑の消滅)

(Extinction of Punishment)

第三十四条の二 禁錮以上の刑の執行を終わり又はその執行の免除を得た者が罰金以上の刑に処せられないで十年を経過したときは、刑の言渡しは、効力を失う。罰金以下の刑の執行を終わり又はその執行の免除を得た者が罰金以上の刑に処せられないで五年を経過したときも、同様とする。

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 刑の免除の言渡しを受けた者が、その言渡しが確定した後、罰金以上の刑に処せられないで二年を経過したときは、刑の免除の言渡しは、効力を失う。

(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.

第七章 犯罪の不成立及び刑の減免

Chapter VII Unpunishable Acts and Reduction or Remission of Punishment

(正当行為)

(Justifiable Acts)

第三十五条 法令又は正当な業務による行為は、罰しない。

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

(正当防衛)

(Self-Defense)

第三十六条 急迫不正の侵害に対して、自己又は他人の権利を防衛するため、やむを得ずにした行為は、罰しない。

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 防衛の程度を超えた行為は、情状により、その刑を減輕し、又は免除することができる。

(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.

(緊急避難)

(Averting present Danger)

第三十七条 自己又は他人の生命、身体、自由又は財産に対する現在の危難を避けるため、やむを得ずにした行為は、これによって生じた害が避けようとした害の程度を超えなかった場合に限り、罰しない。ただし、その程度を超えた行為は、情状により、その刑を減輕し、又は免除することができる。

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 前項の規定は、業務上特別の義務がある者には、適用しない。

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

(故意)

(Intent)

第三十八条 罪を犯す意思がない行為は、罰しない。ただし、法律に特別の規定がある場合は、この限りでない。

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 重い罪に当たるべき行為をしたのに、行為の時にその重い罪に当たることとなる事実を知らなかった者は、その重い罪によって処断することはできない。

(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 法律を知らなかったとしても、そのことによって、罪を犯す意思がなかったとすることはできない。ただし、情状により、その刑を減輕することができる。

(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.

(心神喪失及び心神耗弱)

(Insanity and Diminished Capacity)

第三十九条 心神喪失者の行為は、罰しない。

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

2 心神耗弱者の行為は、その刑を減輕する。

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

第四十条 削除

Article 40 Deleted.

(責任年齢)

(Infancy)

第四十一条 十四歳に満たない者の行為は、罰しない。

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

(自首等)

(Surrender)

第四十二条 罪を犯した者が捜査機関に発覚する前に自首したときは、その刑を減輕することができる。

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 告訴がなければ公訴を提起することができない罪について、告訴をすることができる者に対して自己の犯罪事実を告げ、その措置にゆだねたときも、前項と同様とする。

(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.

第八章 未遂罪

Chapter VIII Attempts

(未遂減免)

(Reduction or Exculpation of Punishments for Attempts)

第四十三条 犯罪の実行に着手してこれを遂げなかった者は、その刑を減輕することができる。ただし、自己の意思により犯罪を中止したときは、その刑を減輕し、又は免除する。

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.

(未遂罪)

(Attempts)

第四十四条 未遂を罰する場合は、各本条で定める。

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

第九章 併合罪

Chapter IX Consolidated Punishments

(併合罪)

(Consolidated Punishments)

第四十五条 確定裁判を経ていない二個以上の罪を併合罪とする。ある罪について禁錮以上の刑に処する確定裁判があったときは、その罪とその裁判が確定する前に犯した

罪とに限り、併合罪とする。

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.

(併科の制限)

(Restriction on Cumulative Imposition of Punishments)

第四十六条 併合罪のうちの一つの罪について死刑に処するときは、他の刑を科さない。ただし、没収は、この限りでない。

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 併合罪のうちの一つの罪について無期の懲役又は禁錮に処するときも、他の刑を科さない。ただし、罰金、科料及び没収は、この限りでない。

(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.

(有期の懲役及び禁錮の加重)

(Aggravation of Punishment)

第四十七条 併合罪のうち二個以上の罪について有期の懲役又は禁錮に処するときは、その最も重い罪について定めた刑の長期にその二分の一を加えたものを長期とする。ただし、それぞれの罪について定めた刑の長期の合計を超えることはできない。

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.

(罰金の併科等)

(Cumulative Imposition of Fines)

第四十八条 罰金と他の刑とは、併科する。ただし、第四十六条第一項の場合は、この限りでない。

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 併合罪のうち二個以上の罪について罰金に処するときは、それぞれの罪について定めた罰金の多額の合計以下で処断する。

(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.

(没収の付加)

(Addition of Confiscation)

第四十九条 併合罪のうちの重い罪について没収を科さない場合であっても、他の罪について没収の事由があるときは、これを付加することができる。

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 二個以上の没収は、併科する。

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

(余罪の処理)

(Unsentenced Crimes)

第五十条 併合罪のうちに既に確定裁判を経た罪とまだ確定裁判を経ていない罪とがあるときは、確定裁判を経ていない罪について更に処断する。

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.

(併合罪に係る二個以上の刑の執行)

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

第五十一条 併合罪について二個以上の裁判があったときは、その刑を併せて執行する。ただし、死刑を執行すべきときは、没収を除き、他の刑を執行せず、無期の懲役又は禁錮を執行すべきときは、罰金、科料及び没収を除き、他の刑を執行しない。

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 前項の場合における有期の懲役又は禁錮の執行は、その最も重い罪について定めた刑の長期にその二分の一を加えたものを超えることができない。

(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.

(一部に大赦があった場合の措置)

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

第五十二条 併合罪について処断された者がその一部の罪につき大赦を受けたときは、他の罪について改めて刑を定める。

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.

(拘留及び科料の併科)

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

第五十三条 拘留又は科料と他の刑とは、併科する。ただし、第四十六条の場合は、この限りでない。

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 二個以上の拘留又は科料は、併科する。

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

(一個の行為が二個以上の罪名に触れる場合等の処理)

(Concurrence of Crimes)

第五十四条 一個の行為が二個以上の罪名に触れ、又は犯罪の手段若しくは結果である行為が他の罪名に触れるときは、その最も重い刑により処断する。

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 第四十九条第二項の規定は、前項の場合にも、適用する。

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

第五十五条 削除

Article 55 Deleted.

第十章 累犯

Chapter X Repeated Convictions

(再犯)

(Second Conviction)

第五十六条 懲役に処せられた者がその執行を終わった日又はその執行の免除を得た日から五年以内に更に罪を犯した場合において、その者を有期懲役に処するときは、再

犯とする。

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 懲役に当たる罪と同質の罪により死刑に処せられた者がその執行の免除を得た日又は減刑により懲役に減輕されてその執行を終わった日若しくはその執行の免除を得た日から五年以内に更に罪を犯した場合において、その者を有期懲役に処するときも、前項と同様とする。

(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 併合罪について処断された者が、その併合罪のうちに懲役に処すべき罪があったのに、その罪が最も重い罪でなかったため懲役に処せられなかったものであるときは、再犯に関する規定の適用については、懲役に処せられたものとみなす。

(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.

(再犯加重)

(Aggravated Punishments for a Second Conviction)

第五十七条 再犯の刑は、その罪について定めた懲役の長期の二倍以下とする。

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.

第五十八条 削除

Article 58 Deleted.

(三犯以上の累犯)

(Third or Further Repeated Conviction)

第五十九条 三犯以上の者についても、再犯の例による。

Article 59 A person to be sentenced for a third or further conviction shall be

dealt with as with the second conviction.

第十一章 共犯

Chapter XI Complicity

(共同正犯)

(Co-Principals)

第六十条 二人以上共同して犯罪を実行した者は、すべて正犯とする。

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

(教唆)

(Inducement)

第六十一条 人を教唆して犯罪を実行させた者には、正犯の刑を科する。

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

2 教唆者を教唆した者についても、前項と同様とする。

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

(幫助)

(Accessoryship)

第六十二条 正犯を幫助した者は、従犯とする。

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

2 従犯を教唆した者には、従犯の刑を科する。

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

(従犯減輕)

(Reduced Punishment for Accessories)

第六十三条 従犯の刑は、正犯の刑を減輕する。

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

(教唆及び幫助の処罰の制限)

(Exception of Punishment for Inducement and Accessoryship)

第六十四条 拘留又は科料のみに処すべき罪の教唆者及び従犯は、特別の規定がなければ、罰しない。

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.

(身分犯の共犯)

(Complicity and Status)

第六十五条 犯人の身分によって構成すべき犯罪行為に加功したときは、身分のない者であっても、共犯とする。

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 身分によって特に刑の軽重があるときは、身分のない者には通常の刑を科する。

(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.

第十二章 酌量減輕

Chapter XII Reduction of Punishment in Light of Extenuating Circumstances

(酌量減輕)

(Reduction of Punishment in Light of Extenuating Circumstances)

第六十六条 犯罪の情状に酌量すべきものがあるときは、その刑を減輕することができる。

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

(法律上の加減と酌量減輕)

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

第六十七条 法律上刑を加重し、又は減輕する場合であっても、酌量減輕をすることができる。

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

第十三章 加重減輕の方法

Chapter XIII Rules for Aggravation and Reduction

(法律上の減輕の方法)

(Rules for Statutory Reduction)

第六十八条 法律上刑を減輕すべき一個又は二個以上の事由があるときは、次の例による。

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

一 死刑を減輕するときは、無期の懲役若しくは禁錮又は十年以上の懲役若しくは禁

錮とする。

(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;

二 無期の懲役又は禁錮を減輕するときは、七年以上の有期の懲役又は禁錮とする。

(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;

三 有期の懲役又は禁錮を減輕するときは、その長期及び短期の二分の一を減ずる。

(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;

四 罰金を減輕するときは、その多額及び寡額の二分の一を減ずる。

(iv) When a fine is to be reduced, its maximum and minimum amount shall be reduced by one half;

五 拘留を減輕するときは、その長期の二分の一を減ずる。

(v) When a misdemeanor imprisonment without work is to be reduced, the maximum term shall be reduced by one half;

六 科料を減輕するときは、その多額の二分の一を減ずる。

(vi) When a petty fine is to be reduced, the maximum amount shall be reduced by one half.

(法律上の減輕と刑の選択)

(Statutory Reduction and Choice of Several Punishments)

第六十九条 法律上刑を減輕すべき場合において、各本条に二個以上の刑名があるときは、まず適用する刑を定めて、その刑を減輕する。

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.

(端数の切捨て)

(Rounding down Fractions)

第七十条 懲役、禁錮又は拘留を減輕することにより一日に満たない端数が生じたときは、これを切り捨てる。

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.

(酌量減輕の方法)

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

第七十一条 酌量減輕をするときも、第六十八条及び前条の例による。

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.

(加重減輕の順序)

(Order of Aggravation and Reduction)

第七十二条 同時に刑を加重し、又は減輕するときは、次の順序による。

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

一 再犯加重

(i) An aggravation for a second conviction;

二 法律上の減輕

(ii) A statutory reduction;

三 併合罪の加重

(iii) An aggravation for consolidated punishment;

四 酌量減輕

(iv) A reduction in light of extenuating circumstances.

第二編 罪

PART II CRIMES

第一章 削除

Chapter I Deleted

第七十三条から第七十六条まで 削除

Article 73, 74, 75 and 76 Deleted

第二章 内乱に関する罪

Chapter II Crimes Related to Insurrection

(内乱)

(Insurrection)

第七十七条 国の統治機構を破壊し、又はその領土において国権を排除して権力を行使し、その他憲法の定める統治の基本秩序を壊乱することを目的として暴動をした者は、内乱の罪とし、次の区別に従って処断する。

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:

一 首謀者は、死刑又は無期禁錮に処する。

(i) A ringleader shall be punished by death or life imprisonment without work;

二 謀議に参加し、又は群衆を指揮した者は無期又は三年以上の禁錮に処し、その他

諸般の職務に従事した者は一年以上十年以下の禁錮に処する。

(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;

三 付和随行し、その他単に暴動に参加した者は、三年以下の禁錮に処する。

(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 前項の罪の未遂は、罰する。ただし、同項第三号に規定する者については、この限りでない。

(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.

(予備及び陰謀)

(Preparations; Plots)

第七十八条 内乱の予備又は陰謀をした者は、一年以上十年以下の禁錮に処する。

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.

(内乱等幫助)

(Accessoryship to Insurrection)

第七十九条 兵器、資金若しくは食糧を供給し、又はその他の行為により、前二条の罪を幫助した者は、七年以下の禁錮に処する。

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.

(自首による刑の免除)

(Surrender)

第八十条 前二条の罪を犯した者であっても、暴動に至る前に自首したときは、その刑を免除する。

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.

第三章 外患に関する罪

Chapter III Crimes Related to Foreign Aggression

(外患誘致)

(Instigation of Foreign Aggression)

第八十一条 外国と通謀して日本国に対し武力を行使させた者は、死刑に処する。

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.

(外患援助)

(Assistance to the Enemy)

第八十二条 日本国に対して外国から武力の行使があったときに、これに加担して、その軍務に服し、その他これに軍事上の利益を与えた者は、死刑又は無期若しくは二年以上の懲役に処する。

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.

第八十三条から第八十六条まで 削除

Article 83, 84, 85 and 86 Deleted.

(未遂罪)

(Attempts)

第八十七条 第八十一条及び第八十二条の罪の未遂は、罰する。

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

(予備及び陰謀)

(Preparations; Plots)

第八十八条 第八十一条又は第八十二条の罪の予備又は陰謀をした者は、一年以上十年以下の懲役に処する。

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.

第八十九条 削除

Article 89 Deleted.

第四章 国交に関する罪

Chapter IV Crimes Related to Foreign Relations

第九十条及び第九十一条 削除
Article 90 and 91 Deleted.

(外国国章損壊等)

(Damage of Foreign National Flag)

第九十二条 外国に対して侮辱を加える目的で、その国の国旗その他の国章を損壊し、除去し、又は汚損した者は、二年以下の懲役又は二十万円以下の罰金に処する。

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 前項の罪は、外国政府の請求がなければ公訴を提起することができない。

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

(私戦予備及び陰謀)

(Preparations or Plots for Private War)

第九十三条 外国に対して私的に戦闘行為をする目的で、その予備又は陰謀をした者は、三月以上五年以下の禁錮に処する。ただし、自首した者は、その刑を免除する。

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.

(中立命令違反)

(Violations of Neutrality Orders)

第九十四条 外国が交戦している際に、局外中立に関する命令に違反した者は、三年以下の禁錮又は五十万円以下の罰金に処する。

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.

第五章 公務の執行を妨害する罪

Chapter V Crimes of Obstruction of Performance of Public Duty

(公務執行妨害及び職務強要)

(Obstructing or Compelling Performance of Public Duty)

第九十五条 公務員が職務を執行するに当たり、これに対して暴行又は脅迫を加えた者は、三年以下の懲役若しくは禁錮又は五十万円以下の罰金に処する。

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 公務員に、ある処分をさせ、若しくはさせないため、又はその職を辞させるために、暴行又は脅迫を加えた者も、前項と同様とする。

(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.

(封印等破棄)

(Destruction of Seals)

第九十六条 公務員が施した封印若しくは差押えの表示を損壊し、又はその他の方法で無効にした者は、二年以下の懲役又は二十万円以下の罰金に処する。

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.

(強制執行妨害)

(Obstruction of Compulsory Execution)

第九十六条の二 強制執行を免れる目的で、財産を隠匿し、損壊し、若しくは仮装譲渡し、又は仮装の債務を負担した者は、二年以下の懲役又は五十万円以下の罰金に処する。

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.

(競売等妨害)

(Obstruction of Auctions)

第九十六条の三 偽計又は威力を用いて、公の競売又は入札の公正を害すべき行為をした者は、二年以下の懲役又は二百五十万円以下の罰金に処する。

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 公正な価格を害し又は不正な利益を得る目的で、談合した者も、前項と同様とする。

(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.

第六章 逃走の罪

Chapter VI Crimes of Escape

(逃走)

(Escape)

第九十七条 裁判の執行により拘禁された既決又は未決の者が逃走したときは、一年以下の懲役に処する。

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.

(加重逃走)

(Aggravated Escape)

第九十八条 前条に規定する者又は勾引状の執行を受けた者が拘禁場若しくは拘束のための器具を損壊し、暴行若しくは脅迫をし、又は二人以上通謀して、逃走したときは、三月以上五年以下の懲役に処する。

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.

(被拘禁者奪取)

(Removal of Detainees)

第九十九条 法令により拘禁された者を奪取した者は、三月以上五年以下の懲役に処する。

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.

(逃走援助)

(Assistance in Escape)

第一百条 法令により拘禁された者を逃走させる目的で、器具を提供し、その他逃走を容易にすべき行為をした者は、三年以下の懲役に処する。

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 前項の目的で、暴行又は脅迫をした者は、三月以上五年以下の懲役に処する。

(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.

(看守者等による逃走援助)

(Assistance in Escape by a Guard)

第百一条 法令により拘禁された者を看守し又は護送する者がその拘禁された者を逃走させたときは、一年以上十年以下の懲役に処する。

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.

(未遂罪)

(Attempts)

第百二条 この章の罪の未遂は、罰する。

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

第七章 犯人蔵匿及び証拠隠滅の罪

Chapter VII Crimes of Harboring Criminals and Suppressing Evidence

(犯人蔵匿等)

(Harboring of Criminals)

第百三条 罰金以上の刑に当たる罪を犯した者又は拘禁中に逃走した者を蔵匿し、又は隠避させた者は、二年以下の懲役又は二十万円以下の罰金に処する。

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.

(証拠隠滅等)

(Suppression of Evidence)

第百四条 他人の刑事事件に関する証拠を隠滅し、偽造し、若しくは変造し、又は偽造若しくは変造の証拠を使用した者は、二年以下の懲役又は二十万円以下の罰金に処する。

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.

(親族による犯罪に関する特例)

(Special Provision for Crimes by Relatives)

第百五条 前二条の罪については、犯人又は逃走した者の親族がこれらの者の利益のために犯したときは、その刑を免除することができる。

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.

(証人等威迫)

(Intimidation of Witnesses)

第百五条之二 自己若しくは他人の刑事事件の捜査若しくは審判に必要な知識を有すると認められる者又はその親族に対し、当該事件に関して、正当な理由がないのに面会を強請し、又は強談威迫の行為をした者は、一年以下の懲役又は二十万円以下の罰金に処する。

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.

第八章 騒乱の罪

Chapter VIII Crimes of Disturbance

(騒乱)

(Disturbance)

第百六条 多衆で集合して暴行又は脅迫をした者は、騒乱の罪とし、次の区別に従って処断する。

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:

一 首謀者は、一年以上十年以下の懲役又は禁錮に処する。

(i) A ringleader shall be punished by imprisonment with or without work for not less than 1 year but not more than 10 years;

二 他人を指揮し、又は他人に率先して勢いを助けた者は、六月以上七年以下の懲役又は禁錮に処する。

(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;

三 付和随行した者は、十万円以下の罰金に処する。

(iii) A person who merely follows others shall be punished by a fine of not more than 100,000 yen.

(多衆不解散)

(Failure to Disperse)

第一百七条 暴行又は脅迫をするため多衆が集合した場合において、権限のある公務員から解散の命令を三回以上受けたにもかかわらず、なお解散しなかったときは、首謀者は三年以下の懲役又は禁錮に処し、その他の者は十万円以下の罰金に処する。

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.

第九章 放火及び失火の罪

Chapter IX Crimes of Arson and Fire Caused through Negligence

(現住建造物等放火)

(Arson of Inhabited Buildings)

第一百八条 放火して、現に人が住居に使用し又は現に人がいる建造物、汽車、電車、艦船又は鉱坑を焼損した者は、死刑又は無期若しくは五年以上の懲役に処する。

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.

(非現住建造物等放火)

(Arson of Uninhabited Buildings)

第一百九条 放火して、現に人が住居に使用せず、かつ、現に人がいない建造物、艦船又は鉱坑を焼損した者は、二年以上の有期懲役に処する。

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 前項の物が自己の所有に係るときは、六月以上七年以下の懲役に処する。ただし、公共の危険を生じなかったときは、罰しない。

(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.

(建造物等以外放火)

(Setting Fire to Objects Other than Structures)

第一百十条 放火して、前二条に規定する物以外の物を焼損し、よって公共の危険を生じさせた者は、一年以上十年以下の懲役に処する。

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 前項の物が自己の所有に係るときは、一年以下の懲役又は十万円以下の罰金に処する。

(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.

(延焼)

(Spread of Fire to Structures)

第百十一条 第百九条第二項又は前条第二項の罪を犯し、よって第百八条又は第百九条第一項に規定する物に延焼させたときは、三月以上十年以下の懲役に処する。

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 前条第二項の罪を犯し、よって同条第一項に規定する物に延焼させたときは、三年以下の懲役に処する。

(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.

(未遂罪)

(Attempts)

第百十二条 第百八条及び第百九条第一項の罪の未遂は、罰する。

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

(予備)

(Preparations)

第百十三条 第百八条又は第百九条第一項の罪を犯す目的で、その予備をした者は、二年以下の懲役に処する。ただし、情状により、その刑を免除することができる。

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.

(消火妨害)

(Obstruction to Fire Fighting)

第百十四条 火災の際に、消火用の物を隠匿し、若しくは損壊し、又はその他の方法により、消火を妨害した者は、一年以上十年以下の懲役に処する。

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.

(差押え等に係る自己の物に関する特例)

(Special Provision for Offender's Own Objects)

第百十五条 第百九条第一項及び第百十条第一項に規定する物が自己の所有に係るものであっても、差押えを受け、物権を負担し、賃貸し、又は保険に付したものである場合において、これを焼損したときは、他人の物を焼損した者の例による。

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.

(失火)

(Fire Caused through Negligence)

第百十六条 失火により、第百八条に規定する物又は他人の所有に係る第百九条に規定する物を焼損した者は、五十万円以下の罰金に処する。

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 失火により、第百九条に規定する物であって自己の所有に係るもの又は第百十条に規定する物を焼損し、よって公共の危険を生じさせた者も、前項と同様とする。

(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.

(激発物破裂)

(Detonating of Explosives)

第百十七条 火薬、ボイラーその他の激発すべき物を破裂させて、第百八条に規定する物又は他人の所有に係る第百九条に規定する物を損壊した者は、放火の例による。第百九条に規定する物であって自己の所有に係るもの又は第百十条に規定する物を損壊し、よって公共の危険を生じさせた者も、同様とする。

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 前項の行為が過失によるときは、失火の例による。

(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.

(業務上失火等)

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

第百十七条の二 第百十六条又は前条第一項の行為が業務上必要な注意を怠ったことによるとき、又は重大な過失によるときは、三年以下の禁錮又は百五十万円以下の罰金に処する。

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.

(ガス漏出等及び同致死傷)

(Leakage of Gas)

第百十八条 ガス、電気又は蒸気を漏出させ、流出させ、又は遮断し、よって人の生命、身体又は財産に危険を生じさせた者は、三年以下の懲役又は十万円以下の罰金に処する。

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 ガス、電気又は蒸気を漏出させ、流出させ、又は遮断し、よって人を死傷させた者は、傷害の罪と比較して、重い刑により処断する。

(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.

第十章 出水及び水利に関する罪

Chapter X Crimes Related to Floods and Water Management

(現住建造物等浸害)

(Damage to Inhabited Buildings by Flood)

第百十九条 出水させて、現に人が住居に使用し又は現に人がいる建造物、自動車、電車又は鉱坑を浸害した者は、死刑又は無期若しくは三年以上の懲役に処する。

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.

(非現住建造物等浸害)

(Damage to Other Objects by Flood)

第一百二十条 出水させて、前条に規定する物以外の物を浸害し、よって公共の危険を生じさせた者は、一年以上十年以下の懲役に処する。

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 浸害した物が自己の所有に係るときは、その物が差押えを受け、物権を負担し、賃貸し、又は保険に付したものである場合に限り、前項の例による。

(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.

(水防妨害)

(Obstruction to Flood Prevention)

第一百二十一条 水害の際に、水防用の物を隠匿し、若しくは損壊し、又はその他の方法により、水防を妨害した者は、一年以上十年以下の懲役に処する。

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.

(過失建造物等浸害)

(Damage by Flood Caused through Negligence)

第一百二十二条 過失により出水させて、第一百十九条に規定する物を浸害した者又は第一百二十条に規定する物を浸害し、よって公共の危険を生じさせた者は、二十万円以下の罰金に処する。

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.

(水利妨害及び出水危険)

(Obstruction to Water Management)

第一百二十三条 堤防を決壊させ、水門を破壊し、その他水利の妨害となるべき行為又は出水させるべき行為をした者は、二年以下の懲役若しくは禁錮又は二十万円以下の罰

金に処する。

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.

第十一章 往来を妨害する罪

Chapter XI Crimes of Obstruction of Traffic

(往来妨害及び同致死傷)

(Obstruction of Traffic and Causing Death or Injury Thereby)

第二百二十四条 陸路、水路又は橋を損壊し、又は閉塞して往来の妨害を生じさせた者は、二年以下の懲役又は二十万円以下の罰金に処する。

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 前項の罪を犯し、よって人を死傷させた者は、傷害の罪と比較して、重い刑により処断する。

(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.

(往来危険)

(Endangering Traffic)

第二百二十五条 鉄道若しくはその標識を損壊し、又はその他の方法により、汽車又は電車の往来の危険を生じさせた者は、二年以上の有期懲役に処する。

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 灯台若しくは浮標を損壊し、又はその他の方法により、艦船の往来の危険を生じさせた者も、前項と同様とする。

(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.

(汽車転覆等及び同致死)

(Overturning of Trains)

第二百二十六条 現に人がいる汽車又は電車を転覆させ、又は破壊した者は、無期又は三年以上の懲役に処する。

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 現に人がいる艦船を転覆させ、沈没させ、又は破壊した者も、前項と同様とする。

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

3 前二項の罪を犯し、よって人を死亡させた者は、死刑又は無期懲役に処する。

(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.

(往来危険による汽車転覆等)

(Endangering Traffic by Overturning of a Train)

第二百二十七条 第二百五条の罪を犯し、よって汽車若しくは電車を転覆させ、若しくは破壊し、又は艦船を転覆させ、沈没させ、若しくは破壊した者も、前条の例による。

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.

(未遂罪)

(Attempts)

第二百二十八条 第二百二十四条第一項、第二百五条並びに第二百二十六条第一項及び第二項の罪の未遂は、罰する。

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.

(過失往来危険)

(Endangering Traffic through Negligence)

第二百二十九条 過失により、汽車、電車若しくは艦船の往来の危険を生じさせ、又は汽車若しくは電車を転覆させ、若しくは破壊し、若しくは艦船を転覆させ、沈没させ、若しくは破壊した者は、三十万円以下の罰金に処する。

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 その業務に従事する者が前項の罪を犯したときは、三年以下の禁錮又は五十万円以下の罰金に処する。

(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.

第十二章 住居を侵す罪

Chapter XII Crimes of Breaking into a Residence

(住居侵入等)

(Breaking into a Residence)

第百三十条 正当な理由がないのに、人の住居若しくは人の看守する邸宅、建造物若しくは艦船に侵入し、又は要求を受けたにもかかわらずこれらの場所から退去しなかった者は、三年以下の懲役又は十万円以下の罰金に処する。

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.

第百三十一条 削除

Article 131 Deleted.

(未遂罪)

(Attempts)

第百三十二条 第百三十条の罪の未遂は、罰する。

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

第十三章 秘密を侵す罪

Chapter XIII Crimes of Violating Confidentiality

(信書開封)

(Unlawful Opening of Letters)

第百三十三条 正当な理由がないのに、封をしてある信書を開けた者は、一年以下の懲役又は二十万円以下の罰金に処する。

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.

(秘密漏示)

(Unlawful Disclosure of Confidential Information)

第百三十四条 医師、薬剤師、医薬品販売業者、助産師、弁護士、弁護人、公証人又はこれらの職にあった者が、正当な理由がないのに、その業務上取り扱ったことについて知り得た人の秘密を漏らしたときは、六月以下の懲役又は十万円以下の罰金に処する。

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 宗教、祈祷若しくは祭祀の職にある者又はこれらの職にあった者が、正当な理由がないのに、その業務上取り扱ったことについて知り得た人の秘密を漏らしたときも、前項と同様とする。

(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.

(親告罪)

(Complaints)

第百三十五条 この章の罪は、告訴がなければ公訴を提起することができない。

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

第十四章 あへん煙に関する罪

Chapter XIV Crimes Related to Opium for Smoking

(あへん煙輸入等)

(Importation of Opium for Smoking)

第百三十六条 あへん煙を輸入し、製造し、販売し、又は販売の目的で所持した者は、六月以上七年以下の懲役に処する。

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.

(あへん煙吸食器具輸入等)

(Import of Opium Smoking Implements)

第百三十七条 あへん煙を吸食する器具を輸入し、製造し、販売し、又は販売の目的で所持した者は、三月以上五年以下の懲役に処する。

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.

(税関職員によるあへん煙輸入等)

(Import of Opium for Smoking by Customs Official)

第百三十八条 税関職員が、あへん煙又はあへん煙を吸食するための器具を輸入し、又

はこれらの輸入を許したときは、一年以上十年以下の懲役に処する。

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.

(あへん煙吸食及び場所提供)

(Smoking and Providing Places for Smoking Opium)

第百三十九条 あへん煙を吸食した者は、三年以下の懲役に処する。

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

2 あへん煙の吸食のため建物又は室を提供して利益を図った者は、六月以上七年以下の懲役に処する。

(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.

(あへん煙等所持)

(Possession of Opium for Smoking)

第百四十条 あへん煙又はあへん煙を吸食するための器具を所持した者は、一年以下の懲役に処する。

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.

(未遂罪)

(Attempts)

第百四十一条 この章の罪の未遂は、罰する。

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

第十五章 飲料水に関する罪

Chapter XV Crimes Related to Drinking Water

(浄水汚染)

(Pollution of Drinking Water)

第百四十二条 人の飲料に供する浄水を汚染し、よって使用することができないようにした者は、六月以下の懲役又は十万円以下の罰金に処する。

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.

(水道汚染)

(Pollution of Water Supplies)

第百四十三条 水道により公衆に供給する飲料の浄水又はその水源を汚染し、よって使用することができないようにした者は、六月以上七年以下の懲役に処する。

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.

(浄水毒物等混入)

(Pollution of Drinking Water with Poisonous Materials)

第百四十四条 人の飲料に供する浄水に毒物その他人の健康を害すべき物を混入した者は、三年以下の懲役に処する。

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.

(浄水汚染等致死傷)

(Pollution of Drinking Water Causing Death or Injury)

第百四十五条 前三条の罪を犯し、よって人を死傷させた者は、傷害の罪と比較して、重い刑により処断する。

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.

(水道毒物等混入及び同致死)

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

第百四十六条 水道により公衆に供給する飲料の浄水又はその水源に毒物その他人の健康を害すべき物を混入した者は、二年以上の有期懲役に処する。よって人を死亡させた者は、死刑又は無期若しくは五年以上の懲役に処する。

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.

(水道損壊及び閉塞)

(Damage or Obstruction of a Water Supply System)

第四百七条 公衆の飲料に供する浄水の水道を損壊し、又は閉塞した者は、一年以上十年以下の懲役に処する。

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.

第十六章 通貨偽造の罪

Chapter XVI Crimes of Counterfeiting of Currency

(通貨偽造及び行使等)

(Counterfeiting of Currency or Uttering of Counterfeit Currency)

第四百四十八条 行使の目的で、通用する貨幣、紙幣又は銀行券を偽造し、又は変造した者は、無期又は三年以上の懲役に処する。

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 偽造又は変造の貨幣、紙幣又は銀行券を行使し、又は行使の目的で人に交付し、若しくは輸入した者も、前項と同様とする。

(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.

(外国通貨偽造及び行使等)

(Counterfeiting of Foreign Currency or Uttering of Foreign Currency)

第四百四十九条 行使の目的で、日本国内に流通している外国の貨幣、紙幣又は銀行券を偽造し、又は変造した者は、二年以上の有期懲役に処する。

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 偽造又は変造の外国の貨幣、紙幣又は銀行券を行使し、又は行使の目的で人に交付し、若しくは輸入した者も、前項と同様とする。

(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.

(偽造通貨等取得)

(Acquisition of Counterfeit Currency)

第四百五十条 行使の目的で、偽造又は変造の貨幣、紙幣又は銀行券を取得した者は、三年以下の懲役に処する。

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.

(未遂罪)

(Attempts)

第一百五十一条 前三条の罪の未遂は、罰する。

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

(取得後知情行使等)

(Uttering of Counterfeit Currency with Knowledge after Acquisition)

第一百五十二条 貨幣、紙幣又は銀行券を取得した後に、それが偽造又は変造のものであることを知って、これを行使し、又は行使の目的で人に交付した者は、その額面価格の三倍以下の罰金又は科料に処する。ただし、二千元以下にすることはできない。

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.

(通貨偽造等準備)

(Preparations of Implements for Currency Counterfeited)

第一百五十三条 貨幣、紙幣又は銀行券の偽造又は変造の用に供する目的で、器械又は原料を準備した者は、三月以上五年以下の懲役に処する。

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.

第十七章 文書偽造の罪

Chapter XVII Crimes of Counterfeiting of Documents

(詔書偽造等)

(Counterfeit of Imperial or State Documents)

第一百五十四条 行使の目的で、御璽、国璽若しくは御名を使用して詔書その他の文書を偽造し、又は偽造した御璽、国璽若しくは御名を使用して詔書その他の文書を偽造した者は、無期又は三年以上の懲役に処する。

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 御璽若しくは国璽を押し又は御名を署した詔書その他の文書を変造した者も、前項と同様とする。

(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.

(公文書偽造等)

(Counterfeiting of Official Documents)

第百五十五条 行使の目的で、公務所若しくは公務員の印章若しくは署名を使用して公務所若しくは公務員の作成すべき文書若しくは図画を偽造し、又は偽造した公務所若しくは公務員の印章若しくは署名を使用して公務所若しくは公務員の作成すべき文書若しくは図画を偽造した者は、一年以上十年以下の懲役に処する。

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 公務所又は公務員が押印し又は署名した文書又は図画を変造した者も、前項と同様とする。

(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 前二項に規定するもののほか、公務所若しくは公務員の作成すべき文書若しくは図画を偽造し、又は公務所若しくは公務員が作成した文書若しくは図画を変造した者は、三年以下の懲役又は二十万円以下の罰金に処する。

(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.

(虚偽公文書作成等)

(Making of False Official Documents)

第百五十六条 公務員が、その職務に関し、行使の目的で、虚偽の文書若しくは図画を作成し、又は文書若しくは図画を変造したときは、印章又は署名の有無により区別して、前二条の例による。

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.

(公正証書原本不実記載等)

(False Entries in the Original of Notarized Deeds)

第百五十七条 公務員に対し虚偽の申立てをして、登記簿、戸籍簿その他の権利若しくは義務に関する公正証書の原本に不実の記載をさせ、又は権利若しくは義務に関する公正証書の原本として用いられる電磁的記録に不実の記録をさせた者は、五年以下の懲役又は五十万円以下の罰金に処する。

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 公務員に対し虚偽の申立てをして、免状、鑑札又は旅券に不実の記載をさせた者は、一年以下の懲役又は二十万円以下の罰金に処する。

(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 前二項の罪の未遂は、罰する。

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

(偽造公文書行使等)

(Uttering of Counterfeit Official Documents)

第百五十八条 第百五十四条から前条までの文書若しくは図画を行使し、又は前条第一項の電磁的記録を公正証書の原本としての用に供した者は、その文書若しくは図画を偽造し、若しくは変造し、虚偽の文書若しくは図画を作成し、又は不実の記載若しくは記録をさせた者と同一の刑に処する。

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 前項の罪の未遂は、罰する。

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

(私文書偽造等)

(Counterfeiting of Private Documents)

第百五十九条 行使の目的で、他人の印章若しくは署名を使用して権利、義務若しくは事実証明に関する文書若しくは図画を偽造し、又は偽造した他人の印章若しくは署名を使用して権利、義務若しくは事実証明に関する文書若しくは図画を偽造した者は、三月以上五年以下の懲役に処する。

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 他人が押印し又は署名した権利、義務又は事実証明に関する文書又は図画を変造した者も、前項と同様とする。

(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 前二項に規定するもののほか、権利、義務又は事実証明に関する文書又は図画を偽造し、又は変造した者は、一年以下の懲役又は十万円以下の罰金に処する。

(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.

(虚偽診断書等作成)

(Falsifying Medical Certificates)

第百六十条 医師が公務所に提出すべき診断書、検案書又は死亡証書に虚偽の記載をしたときは、三年以下の禁錮又は三十万円以下の罰金に処する。

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.

(偽造私文書等行使)

(Uttering of Counterfeit Private Documents)

第百六十一条 前二条の文書又は図画を行使した者は、その文書若しくは図画を偽造し、若しくは変造し、又は虚偽の記載をした者と同一の刑に処する。

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 前項の罪の未遂は、罰する。

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

(電磁的記録不正作出及び供用)

(Unauthorized Creation of Electromagnetic Records)

第百六十一条の二 人の事務処理を誤らせる目的で、その事務処理の用に供する権利、義務又は事実証明に関する電磁的記録を不正に作った者は、五年以下の懲役又は五十万円以下の罰金に処する。

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 前項の罪が公務所又は公務員により作られるべき電磁的記録に係るときは、十年以下の懲役又は百万円以下の罰金に処する。

(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 不正に作られた権利、義務又は事実証明に関する電磁的記録を、第一項の目的で、人の事務処理の用に供した者は、その電磁的記録を不正に作った者と同一の刑に処する。

(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 前項の罪の未遂は、罰する。

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

第十八章 有価証券偽造の罪

Chapter XVIII Crimes of Counterfeiting of Securities

(有価証券偽造等)

(Counterfeiting of Securities)

第百六十二条 行使の目的で、公債証書、官庁の証券、会社の株券その他の有価証券を偽造し、又は変造した者は、三月以上十年以下の懲役に処する。

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 行使の目的で、有価証券に虚偽の記入をした者も、前項と同様とする。

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

(偽造有価証券行使等)

(Uttering Counterfeit Securities)

第百六十三条 偽造若しくは変造の有価証券又は虚偽の記入がある有価証券を行使し、又は行使の目的で人に交付し、若しくは輸入した者は、三月以上十年以下の懲役に処する。

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 前項の罪の未遂は、罰する。

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

第十八章の二 支払用カード電磁的記録に関する罪

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

(支払用カード電磁的記録不正作出等)

(Unauthorized Creation of Electromagnetic Records of Payment Cards)

第百六十三条の二 人の財産上の事務処理を誤らせる目的で、その事務処理の用に供する電磁的記録であって、クレジットカードその他の代金又は料金の支払用のカードを構成するものを不正に作った者は、十年以下の懲役又は百万円以下の罰金に処する。預貯金の引出用のカードを構成する電磁的記録を不正に作った者も、同様とする。

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 不正に作られた前項の電磁的記録を、同項の目的で、人の財産上の事務処理の用に供した者も、同項と同様とする。

(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 不正に作られた第一項の電磁的記録をその構成部分とするカードを、同項の目的で、譲り渡し、貸し渡し、又は輸入した者も、同項と同様とする。

(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.

(不正電磁的記録カード所持)

(Possession of Payment Cards with Unauthorized Electromagnetic Records)

第百六十三条の三 前条第一項の目的で、同条第三項のカードを所持した者は、五年以下の懲役又は五十万円以下の罰金に処する。

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.

(支払用カード電磁的記録不正作出準備)

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

第百六十三条の四 第百六十三条の二第一項の犯罪行為の用に供する目的で、同項の電磁的記録の情報を取得した者は、三年以下の懲役又は五十万円以下の罰金に処する。情を知って、その情報を提供した者も、同様とする。

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 不正に取得された第百六十三条の二第一項の電磁的記録の情報を、前項の目的で保管した者も、同項と同様とする。

(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 第一項の目的で、器械又は原料を準備した者も、同項と同様とする。

(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.

(未遂罪)

(Attempts)

第百六十三条の五 第百六十三条の二及び前条第一項の罪の未遂は、罰する。

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

第十九章 印章偽造の罪

Chapter XIX Crimes of Counterfeiting of Seals

(御璽偽造及び不正使用等)

(Counterfeiting or Unauthorized Use of the Imperial Seal)

第百六十四条 行使の目的で、御璽、国璽又は御名を偽造した者は、二年以上の有期懲役に処する。

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 御璽、国璽若しくは御名を不正に使用し、又は偽造した御璽、国璽若しくは御名を使用した者も、前項と同様とする。

(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.

(公印偽造及び不正使用等)

(Counterfeiting or Unauthorized Use of Official Seals)

第百六十五条 行使の目的で、公務所又は公務員の印章又は署名を偽造した者は、三月以上五年以下の懲役に処する。

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 公務所若しくは公務員の印章若しくは署名を不正に使用し、又は偽造した公務所若しくは公務員の印章若しくは署名を使用した者も、前項と同様とする。

(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.

(公記号偽造及び不正使用等)

(Counterfeiting or Unauthorized Use of Official Marks)

第百六十六条 行使の目的で、公務所の記号を偽造した者は、三年以下の懲役に処する。

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 公務所の記号を不正に使用し、又は偽造した公務所の記号を使用した者も、前項と同様とする。

(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.

(私印偽造及び不正使用等)

(Counterfeiting or Unauthorized Use of Private Seals)

第百六十七条 行使の目的で、他人の印章又は署名を偽造した者は、三年以下の懲役に処する。

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 他人の印章若しくは署名を不正に使用し、又は偽造した印章若しくは署名を使用した者も、前項と同様とする。

(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.

(未遂罪)

(Attempts)

第百六十八条 第百六十四条第二項、第百六十五条第二項、第百六十六条第二項及び前条第二項の罪の未遂は、罰する。

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.

第二十章 偽証の罪

Chapter XX Crimes of Perjury

(偽証)

(Perjury)

第百六十九条 法律により宣誓した証人が虚偽の陳述をしたときは、三月以上十年以下の懲役に処する。

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.

(自白による刑の減免)

(Confessions)

第七十条 前条の罪を犯した者が、その証言をした事件について、その裁判が確定する前又は懲戒処分が行われる前に自白したときは、その刑を減輕し、又は免除するこ

とができる。

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.

(虚偽鑑定等)

(False Expert Opinion or Interpreting)

第一百七十一条 法律により宣誓した鑑定人、通訳人又は翻訳人が虚偽の鑑定、通訳又は翻訳をしたときは、前二条の例による。

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.

第二十一章 虚偽告訴の罪

Chapter XXI Crimes of False Complaints

(虚偽告訴等)

(False Complaint)

第一百七十二条 人に刑事又は懲戒の処分を受けさせる目的で、虚偽の告訴、告発その他の申告をした者は、三月以上十年以下の懲役に処する。

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.

(自白による刑の減免)

(Confessions)

第一百七十三条 前条の罪を犯した者が、その申告をした事件について、その裁判が確定する前又は懲戒処分が行われる前に自白したときは、その刑を減輕し、又は免除することができる。

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.

第二十二章 わいせつ、姦淫及び重婚の罪

Chapter XXII Crimes of Obscenity, Rape and Bigamy

(公然わいせつ)

(Public Indecency)

第百七十四条 公然とわいせつな行為をした者は、六月以下の懲役若しくは三十万円以下の罰金又は拘留若しくは科料に処する。

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.

(わいせつ物頒布等)

(Distribution of Obscene Objects)

第百七十五条 わいせつな文書、図画その他の物を頒布し、販売し、又は公然と陳列した者は、二年以下の懲役又は二百五十万円以下の罰金若しくは科料に処する。販売の目的でこれらの物を所持した者も、同様とする。

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.

(強制わいせつ)

(Forcible Indecency)

第百七十六条 十三歳以上の男女に対し、暴行又は脅迫を用いてわいせつな行為をした者は、六月以上十年以下の懲役に処する。十三歳未満の男女に対し、わいせつな行為をした者も、同様とする。

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.

(強姦)

(Rape)

第百七十七条 暴行又は脅迫を用いて十三歳以上の女子を姦淫した者は、強姦の罪とし、三年以上の有期懲役に処する。十三歳未満の女子を姦淫した者も、同様とする。

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.

(準強制わいせつ及び準強姦)

(Quasi Forcible Indecency; Quasi Rape)

第百七十八条 人の心神喪失若しくは抗拒不能に乗じ、又は心神を喪失させ、若しくは抗拒不能にさせて、わいせつな行為をした者は、第百七十六条の例による。

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 女子の心神喪失若しくは抗拒不能に乗じ、又は心神を喪失させ、若しくは抗拒不能にさせて、姦淫した者は、前条の例による。

(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.

(集団強姦等)

(Gang Rape)

第百七十八条の二 二人以上の者が現場において共同して第百七十七条又は前条第二項の罪を犯したときは、四年以上の有期懲役に処する。

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.

(未遂罪)

(Attempts)

第百七十九条 第百七十六条から前条までの罪の未遂は、罰する。

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

(親告罪)

(Complaints)

第百八十条 第百七十六条から第百七十八条までの罪及びこれらの罪の未遂罪は、告訴がなければ公訴を提起することができない。

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 前項の規定は、二人以上の者が現場において共同して犯した第百七十六条若しくは第百七十八条第一項の罪又はこれらの罪の未遂罪については、適用しない。

(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.

(強制わいせつ等致死傷)

(Forcible Indecency Causing Death or Injury)

第百八十一条 第百七十六条若しくは第百七十八条第一項の罪又はこれらの罪の未遂罪を犯し、よって人を死傷させた者は、無期又は三年以上の懲役に処する。

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 第百七十七条若しくは第百七十八条第二項の罪又はこれらの罪の未遂罪を犯し、よって女子を死傷させた者は、無期又は五年以上の懲役に処する。

(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 第百七十八条の二の罪又はその未遂罪を犯し、よって女子を死傷させた者は、無期又は六年以上の懲役に処する。

(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.

(淫行勧誘)

(Inducement to Promiscuous Intercourse)

第百八十二条 営利の目的で、淫行の常習のない女子を勧誘して姦淫させた者は、三年以下の懲役又は三十万円以下の罰金に処する。

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.

第百八十三条 削除

Article 183 Deleted.

(重婚)

(Bigamy)

第百八十四条 配偶者のある者が重ねて婚姻をしたときは、二年以下の懲役に処する。その相手方となって婚姻をした者も、同様とする。

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.

第二十三章 賭博及び富くじに関する罪

Chapter XXIII Crimes Related to Gambling and Lotteries

(賭博)

(Gambling)

第百八十五条 賭博をした者は、五十万円以下の罰金又は科料に処する。ただし、一時の娯楽に供する物を賭けたにとどまるときは、この限りでない。

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.

(常習賭博及び賭博場開張等凶利)

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

第百八十六条 常習として賭博をした者は、三年以下の懲役に処する。

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

2 賭博場を開張し、又は博徒を結合して利益を図った者は、三月以上五年以下の懲役に処する。

(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.

(富くじ発売等)

(Lotteries)

第百八十七条 富くじを発売した者は、二年以下の懲役又は百五十万円以下の罰金に処する。

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 富くじ発売の取次ぎをした者は、一年以下の懲役又は百万円以下の罰金に処する。

(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 前二項に規定するもののほか、富くじを授受した者は、二十万円以下の罰金又は科料に処する。

(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.

第二十四章 礼拝所及び墳墓に関する罪

Chapter XXIV Crimes Related to Places of Worship and Graves

(礼拝所不敬及び説教等妨害)

(Profaning Places of Worship; Interference with Religious Service)

第百八十八条 神祠、仏堂、墓所その他の礼拝所に対し、公然と不敬な行為をした者は、六月以下の懲役若しくは禁錮又は十万円以下の罰金に処する。

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 説教、礼拝又は葬式を妨害した者は、一年以下の懲役若しくは禁錮又は十万円以下の罰金に処する。

(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.

(墳墓発掘)

(Excavation of Graves)

第百八十九条 墳墓を発掘した者は、二年以下の懲役に処する。

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

(死体損壊等)

(Destruction of Corpses)

第百九十条 死体、遺骨、遺髪又は棺に納めてある物を損壊し、遺棄し、又は領得した者は、三年以下の懲役に処する。

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.

(墳墓発掘死体損壊等)

(Excavation of Graves and Damage of Corpses)

第百九十一条 第百八十九条の罪を犯して、死体、遺骨、遺髪又は棺に納めてある物を損壊し、遺棄し、又は領得した者は、三月以上五年以下の懲役に処する。

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.

(変死者密葬)

(Secret Burial of Persons Dying from an Unnatural Death)

第百九十二条 検視を経ないで変死者を葬った者は、十万円以下の罰金又は科料に処する。

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.

第二十五章 汚職の罪

Chapter XXV Crimes of Corruption

(公務員職権濫用)

(Abuse of Authority by public officers)

第百九十三条 公務員がその職権を濫用して、人に義務のないことを行わせ、又は権利の行使を妨害したときは、二年以下の懲役又は禁錮に処する。

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.

(特別公務員職権濫用)

(Abuse of Authority by Special public officers)

第百九十四条 裁判、検察若しくは警察の職務を行う者又はこれらの職務を補助する者がその職権を濫用して、人を逮捕し、又は監禁したときは、六月以上十年以下の懲役又は禁錮に処する。

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.

(特別公務員暴行陵虐)

(Assault and Cruelty by Special public officers)

第百九十五条 裁判、検察若しくは警察の職務を行う者又はこれらの職務を補助する者が、その職務を行うに当たり、被告人、被疑者その他の者に対して暴行又は陵辱若しくは加虐の行為をしたときは、七年以下の懲役又は禁錮に処する。

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 法令により拘禁された者を看守し又は護送する者がその拘禁された者に対して暴行又は陵辱若しくは加虐の行為をしたときも、前項と同様とする。

(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.

(特別公務員職権濫用等致死傷)

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

第百九十六条 前二条の罪を犯し、よって人を死傷させた者は、傷害の罪と比較して、重い刑により処断する。

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.

(収賄、受託収賄及び事前収賄)

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

第百九十七条 公務員が、その職務に関し、賄賂を收受し、又はその要求若しくは約束をしたときは、五年以下の懲役に処する。この場合において、請託を受けたときは、七年以下の懲役に処する。

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 公務員になろうとする者が、その担当すべき職務に関し、請託を受けて、賄賂を收受し、又はその要求若しくは約束をしたときは、公務員となった場合において、五年以下の懲役に処する。

(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.

(第三者供賄)

(Passing of Bribes to a Third Party)

第百九十七条の二 公務員が、その職務に関し、請託を受けて、第三者に賄賂を供与させ、又はその供与の要求若しくは約束をしたときは、五年以下の懲役に処する。

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.

(加重収賄及び事後収賄)

(Aggravated Acceptance; Acceptance after Resignation of Office)

第百九十七条の三 公務員が前二条の罪を犯し、よって不正な行為をし、又は相当の行為をしなかったときは、一年以上の有期懲役に処する。

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 公務員が、その職務上不正な行為をしたこと又は相当の行為をしなかったことに関し、賄賂を収受し、若しくはその要求若しくは約束をし、又は第三者にこれを供与させ、若しくはその供与の要求若しくは約束をしたときも、前項と同様とする。

(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 公務員であった者が、その在職中に請託を受けて職務上不正な行為をしたこと又は相当の行為をしなかったことに関し、賄賂を収受し、又はその要求若しくは約束をしたときは、五年以下の懲役に処する。

(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.

(あっせん収賄)

(Acceptance for Exertion of Influence)

第百九十七条の四 公務員が請託を受け、他の公務員に職務上不正な行為をさせるように、又は相当の行為をさせないようにあっせんをすること又はしたことの報酬として、賄賂を収受し、又はその要求若しくは約束をしたときは、五年以下の懲役に処する。

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.

(没収及び追徴)

(Confiscation and Collection of a Sum of Equivalent Value)

第百九十七条の五 犯人又は情を知った第三者が収受した賄賂は、没収する。その全部又は一部を没収することができないときは、その価額を追徴する。

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.

(贈賄)

(Giving of Bribes)

第百九十八条 第百九十七条から第百九十七条の四までに規定する賄賂を供与し、又はその申込み若しくは約束をした者は、三年以下の懲役又は二百五十万円以下の罰金に処する。

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.

第二十六章 殺人の罪

Chapter XXVI Crimes of Homicide

(殺人)

(Homicide)

第百九十九条 人を殺した者は、死刑又は無期若しくは五年以上の懲役に処する。

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.

第二百条 削除

Article 200 Deleted.

(予備)

(Preparation)

第二百一条 第百九十九条の罪を犯す目的で、その予備をした者は、二年以下の懲役に処する。ただし、情状により、その刑を免除することができる。

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.

(自殺関与及び同意殺人)

(Inducing or Aiding Suicide; Homicide with Consent)

第二百二条 人を教唆し若しくは幫助して自殺させ、又は人をその囑託を受け若しくはその承諾を得て殺した者は、六月以上七年以下の懲役又は禁錮に処する。

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.

(未遂罪)

(Attempts)

第二百三条 第百九十九条及び前条の罪の未遂は、罰する。

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

第二十七章 傷害の罪

Chapter XXVII Crimes of Injury

(傷害)

(Injury)

第二百四条 人の身体を傷害した者は、十五年以下の懲役又は五十万円以下の罰金に処する。

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.

(傷害致死)

(Injury Causing Death)

第二百五条 身体を傷害し、よって人を死亡させた者は、三年以上の有期懲役に処する。

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.

(現場助勢)

(Incitement of Injury)

第二百六条 前二条の犯罪が行われるに当たり、現場において勢いを助けた者は、自ら人を傷害しなくても、一年以下の懲役又は十万円以下の罰金若しくは科料に処する。

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.

(同時傷害の特例)

(Special Provision for Simultaneous Injuries)

第二百七条 二人以上で暴行を加えて人を傷害した場合において、それぞれの暴行による傷害の軽重を知ることができず、又はその傷害を生じさせた者を知ることができないときは、共同して実行した者でなくても、共犯の例による。

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.

(暴行)

(Assault)

第二百八条 暴行を加えた者が人を傷害するに至らなかったときは、二年以下の懲役若しくは三十万円以下の罰金又は拘留若しくは科料に処する。

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.

(危険運転致死傷)

(Dangerous Driving Causing Death or Injury)

第二百八条の二 アルコール又は薬物の影響により正常な運転が困難な状態で自動車を走行させ、よって、人を負傷させた者は十五年以下の懲役に処し、人を死亡させた者は一年以上の有期懲役に処する。その進行を制御することが困難な高速度で、又はその進行を制御する技能を有しないで自動車を走行させ、よって人を死傷させた者も、同様とする。

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 人又は車の通行を妨害する目的で、走行中の自動車の直前に進入し、その他通行中の人又は車に著しく接近し、かつ、重大な交通の危険を生じさせる速度で自動車を運転し、よって人を死傷させた者も、前項と同様とする。赤色信号又はこれに相当する信号を殊更に無視し、かつ、重大な交通の危険を生じさせる速度で自動車を運転し、よって人を死傷させた者も、同様とする。

(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.

(凶器準備集合及び結集)

(Unlawful Assembly with Weapons)

第二百八条の三 二人以上の者が他人の生命、身体又は財産に対し共同して害を加える目的で集合した場合において、凶器を準備して又はその準備があることを知って集合した者は、二年以下の懲役又は三十万円以下の罰金に処する。

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 前項の場合において、凶器を準備して又はその準備があることを知って人を集合させた者は、三年以下の懲役に処する。

(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.

第二十八章 過失傷害の罪

Chapter XXVIII Crimes of Injury through Negligence

(過失傷害)

(Causing Injury through Negligence)

第二百九条 過失により人を傷害した者は、三十万円以下の罰金又は科料に処する。

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 前項の罪は、告訴がなければ公訴を提起することができない。

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

(過失致死)

(Causing Death through Negligence)

第二百十条 過失により人を死亡させた者は、五十万円以下の罰金に処する。

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.

(業務上過失致死傷等)

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

第二百十一条 業務上必要な注意を怠り、よって人を死傷させた者は、五年以下の懲役若しくは禁錮又は百万円以下の罰金に処する。重大な過失により人を死傷させた者も、同様とする。

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 自動車の運転上必要な注意を怠り、よって人を死傷させた者は、七年以下の懲役若しくは禁錮又は百万円以下の罰金に処する。ただし、その傷害が軽いときは、情状により、その刑を免除することができる。

(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.

第二十九章 墮胎の罪

Chapter XXIX Crimes of Abortion

(墮胎)

(Abortion)

第二百十二条 妊娠中の女子が薬物を用い、又はその他の方法により、墮胎したときは、一年以下の懲役に処する。

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.

(同意墮胎及び同致死傷)

(Abortion with Consent; Causing Death or Injury)

第二百十三条 女子の囑託を受け、又はその承諾を得て墮胎させた者は、二年以下の懲役に処する。よって女子を死傷させた者は、三月以上五年以下の懲役に処する。

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.

(業務上墮胎及び同致死傷)

(Abortion through Professional Conduct; Causing Death or Injury)

第二百十四条 医師、助産師、薬剤師又は医薬品販売業者が女子の囑託を受け、又はその承諾を得て墮胎させたときは、三月以上五年以下の懲役に処する。よって女子を死傷させたときは、六月以上七年以下の懲役に処する。

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.

(不同意墮胎)

(Abortion without Consent)

第二百十五条 女子の囑託を受けないで、又はその承諾を得ないで墮胎させた者は、六月以上七年以下の懲役に処する。

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 前項の罪の未遂は、罰する。

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

(不同意墮胎致死傷)

(Abortion without Consent Causing Death or Injury)

第二百十六条 前条の罪を犯し、よって女子を死傷させた者は、傷害の罪と比較して、重い刑により処断する。

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.

第三十章 遺棄の罪

Chapter XXX Crimes of Abandonment

(遺棄)

(Abandonment)

第二百十七条 老年、幼年、身体障害又は疾病のために扶助を必要とする者を遺棄した者は、一年以下の懲役に処する。

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.

(保護責任者遺棄等)

(Abandonment by a Person Responsible for Protection)

第二百十八条 老年者、幼年者、身体障害者又は病者を保護する責任のある者がこれらの者を遺棄し、又はその生存に必要な保護をしなかったときは、三月以上五年以下の懲役に処する。

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.

(遺棄等致死傷)

(Abandonment Causing Death or Injury)

第二百十九条 前二条の罪を犯し、よって人を死傷させた者は、傷害の罪と比較して、重い刑により処断する。

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.

第三十一章 逮捕及び監禁の罪

Chapter XXXI Crimes of Unlawful Capture and Confinement

(逮捕及び監禁)

(Unlawful Capture and Confinement)

第二百二十条 不法に人を逮捕し、又は監禁した者は、三月以上七年以下の懲役に処する。

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.

(逮捕等致死傷)

(Unlawful Capture or Confinement Causing Death or Injury)

第二百二十一条 前条の罪を犯し、よって人を死傷させた者は、傷害の罪と比較して、重い刑により処断する。

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.

第三十二章 脅迫の罪

Chapter XXXII Crimes of Intimidation

(脅迫)

(Intimidation)

第二百二十二条 生命、身体、自由、名誉又は財産に対し害を加える旨を告知して人を脅迫した者は、二年以下の懲役又は三十万円以下の罰金に処する。

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 親族の生命、身体、自由、名誉又は財産に対し害を加える旨を告知して人を脅迫した者も、前項と同様とする。

(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.

(強要)

(Compulsion)

第二百二十三条 生命、身体、自由、名誉若しくは財産に対し害を加える旨を告知して脅迫し、又は暴行を用いて、人に義務のないことを行わせ、又は権利の行使を妨害した者は、三年以下の懲役に処する。

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 親族の生命、身体、自由、名誉又は財産に対し害を加える旨を告知して脅迫し、人に義務のないことを行わせ、又は権利の行使を妨害した者も、前項と同様とする。

(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 前二項の罪の未遂は、罰する。

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

第三十三章 略取、誘拐及び人身売買の罪

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

(未成年者略取及び誘拐)

(Kidnapping of Minors)

第二百二十四条 未成年者を略取し、又は誘拐した者は、三月以上七年以下の懲役に処する。

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.

(営利目的等略取及び誘拐)

(Kidnapping for Profit)

第二百二十五条 営利、わいせつ、結婚又は生命若しくは身体に対する加害の目的で、人を略取し、又は誘拐した者は、一年以上十年以下の懲役に処する。

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.

(身の代金目的略取等)

(Kidnapping for Ransom)

第二百二十五条の二 近親者その他略取され又は誘拐された者の安否を憂慮する者の憂慮に乗じてその財物を交付させる目的で、人を略取し、又は誘拐した者は、無期又は三年以上の懲役に処する。

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 人を略取し又は誘拐した者が近親者その他略取され又は誘拐された者の安否を憂慮する者の憂慮に乗じて、その財物を交付させ、又はこれを要求する行為をしたときも、前項と同様とする。

(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.

(所在国外移送目的略取及び誘拐)

(Kidnapping for Transportation out of a Country)

第二百二十六条 所在国外に移送する目的で、人を略取し、又は誘拐した者は、二年以上の有期懲役に処する。

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.

(人身売買)

(Buying or Selling of Human Beings)

第二百二十六条の二 人を買った者は、三月以上五年以下の懲役に処する。

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 未成年者を買った者は、三月以上七年以下の懲役に処する。

(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 営利、わいせつ、結婚又は生命若しくは身体に対する加害の目的で、人を買った

た者は、一年以上十年以下の懲役に処する。

(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 人を売り渡した者も、前項と同様とする。

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

5 所在国外に移送する目的で、人を売買した者は、二年以上の有期懲役に処する。

(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.

(被略取者等所在国外移送)

(Transportation of Kidnapped Persons out of a Country)

第二百二十六条の三 略取され、誘拐され、又は売買された者を所在国外に移送した者は、二年以上の有期懲役に処する。

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.

(被略取者引渡し等)

(Delivery of Kidnapped Persons)

第二百二十七条 第二百二十四条、第二百二十五条又は前三条の罪を犯した者を幫助する目的で、略取され、誘拐され、又は売買された者を引き渡し、收受し、輸送し、蔵匿し、又は隠避させた者は、三月以上五年以下の懲役に処する。

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 第二百二十五条の二第一項の罪を犯した者を幫助する目的で、略取され又は誘拐された者を引き渡し、收受し、輸送し、蔵匿し、又は隠避させた者は、一年以上十年以下の懲役に処する。

(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 営利、わいせつ又は生命若しくは身体に対する加害の目的で、略取され、誘拐され、又は売買された者を引き渡し、收受し、輸送し、又は蔵匿した者は、六月以上七年以下の懲役に処する。

(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 第二百二十五条の二第一項の目的で、略取され又は誘拐された者を収受した者は、二年以上の有期懲役に処する。略取され又は誘拐された者を収受した者が近親者その他略取され又は誘拐された者の安否を憂慮する者の憂慮に乗じて、その財物を交付させ、又はこれを要求する行為をしたときも、同様とする。

(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.

(未遂罪)

(Attempts)

第二百二十八条 第二百二十四条、第二百二十五条、第二百二十五条の二第一項、第二百二十六条から第二百二十六条の三まで並びに前条第一項から第三項まで及び第四項前段の罪の未遂は、罰する。

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.

(解放による刑の減輕)

(Reduction of Punishment in the Case of Release)

第二百二十八条の二 第二百二十五条の二又は第二百二十七条第二項若しくは第四項の罪を犯した者が、公訴が提起される前に、略取され又は誘拐された者を安全な場所に解放したときは、その刑を減輕する。

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.

(身の代金目的略取等予備)

(Preparation for Kidnapping for Ransom)

第二百二十八条の三 第二百二十五条の二第一項の罪を犯す目的で、その予備をした者は、二年以下の懲役に処する。ただし、実行に着手する前に自首した者は、その刑を減輕し、又は免除する。

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.

(親告罪)

(Complaints)

第二百二十九条 第二百二十四条の罪、第二百二十五条の罪及びこれらの罪を幫助する目的で犯した第二百二十七条第一項の罪並びに同条第三項の罪並びにこれらの罪の未遂罪は、営利又は生命若しくは身体に対する加害の目的による場合を除き、告訴がなければ公訴を提起することができない。ただし、略取され、誘拐され、又は売買された者が犯人と婚姻をしたときは、婚姻の無効又は取消しの裁判が確定した後でなければ、告訴の効力がない。

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.

第三十四章 名誉に対する罪

Chapter XXXIV Crimes against Reputation

(名誉毀損)

(Defamation)

第二百三十条 公然と事実を摘示し、人の名誉を毀損した者は、その事実の有無にかかわらず、三年以下の懲役若しくは禁錮又は五十万円以下の罰金に処する。

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 死者の名誉を毀損した者は、虚偽の事実を摘示することによってした場合でなければ、罰しない。

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

(公共の利害に関する場合の特例)

(Special Provision for Matters Concerning Public Interest)

第二百三十条の二 前条第一項の行為が公共の利害に関する事実に係り、かつ、その目

的が専ら公益を図ることにあつたと認める場合には、事実の真否を判断し、真実であることの証明があつたときは、これを罰しない。

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 前項の規定の適用については、公訴が提起されるに至っていない人の犯罪行為に関する事実は、公共の利害に関する事実とみなす。

(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 前条第一項の行為が公務員又は公選による公務員の候補者に関する事実に係る場合には、事実の真否を判断し、真実であることの証明があつたときは、これを罰しない。

(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.

(侮辱)

(Insults)

第二百三十一条 事実を摘示しなくても、公然と人を侮辱した者は、拘留又は科料に処する。

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.

(親告罪)

(Complaints)

第二百三十二条 この章の罪は、告訴がなければ公訴を提起することができない。

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

2 告訴をすることができる者が天皇、皇后、太皇太后、皇太后又は皇嗣であるときは内閣総理大臣が、外国の君主又は大統領であるときはその国の代表者がそれぞれ代わって告訴を行う。

(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.

第三十五章 信用及び業務に対する罪

Chapter XXXV Crimes against Credit and Business

(信用毀損及び業務妨害)

(Damage to Credit; Obstruction of Business)

第二百三十三条 虚偽の風説を流布し、又は偽計を用いて、人の信用を毀損し、又はその業務を妨害した者は、三年以下の懲役又は五十万円以下の罰金に処する。

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.

(威力業務妨害)

(Forcible Obstruction of Business)

第二百三十四条 威力を用いて人の業務を妨害した者も、前条の例による。

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.

(電子計算機損壊等業務妨害)

(Obstruction of Business by Damaging a Computer)

第二百三十四条の二 人の業務に使用する電子計算機若しくはその用に供する電磁的記録を損壊し、若しくは人の業務に使用する電子計算機に虚偽の情報若しくは不正な指令を与え、又はその他の方法により、電子計算機に使用目的に沿うべき動作をさせず、又は使用目的に反する動作をさせて、人の業務を妨害した者は、五年以下の懲役又は百万円以下の罰金に処する。

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.

第三十六章 窃盗及び強盗の罪

Chapter XXXVI Crimes of Theft and Robbery

(窃盗)

(Theft)

第二百三十五条 他人の財物を窃取した者は、窃盗の罪とし、十年以下の懲役又は五十万円以下の罰金に処する。

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.

(不動産侵奪)

(Taking Unlawful Possession of Real Estate)

第二百三十五条の二 他人の不動産を侵奪した者は、十年以下の懲役に処する。

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.

(強盗)

(Robbery)

第二百三十六条 暴行又は脅迫を用いて他人の財物を強取した者は、強盗の罪とし、五年以上の有期懲役に処する。

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 前項の方法により、財産上不法の利益を得、又は他人にこれを得させた者も、同項と同様とする。

(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.

(強盗予備)

(Preparation for Robbery)

第二百三十七条 強盗の罪を犯す目的で、その予備をした者は、二年以下の懲役に処する。

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.

(事後強盗)

(Constructive Robbery)

第二百三十八条 窃盗が、財物を得てこれを取り返されることを防ぎ、逮捕を免れ、又は罪跡を隠滅するために、暴行又は脅迫をしたときは、強盗として論ずる。

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.

(昏酔強盗)

(Robbery by Causing Unconsciousness)

第二百三十九条 人を昏酔させてその財物を盗取した者は、強盗として論ずる。

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.

(強盗致死傷)

(Robbery Causing Death or Injury)

第二百四十条 強盗が、人を負傷させたときは無期又は六年以上の懲役に処し、死亡させたときは死刑又は無期懲役に処する。

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.

(強盗強姦及び同致死)

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

第二百四十一条 強盗が女子を強姦したときは、無期又は七年以上の懲役に処する。よって女子を死亡させたときは、死刑又は無期懲役に処する。

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.

(他人の占有等に係る自己の財物)

(Offender's Own Property)

第二百四十二条 自己の財物であっても、他人が占有し、又は公務所の命令により他人が看守するものであるときは、この章の罪については、他人の財物とみなす。

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.

(未遂罪)

(Attempts)

第二百四十三条 第二百三十五条から第二百三十六条まで及び第二百三十八条から第二百四十一条までの罪の未遂は、罰する。

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

(親族間の犯罪に関する特例)

(Special Provision for Theft Committed against Relatives)

第二百四十四条 配偶者、直系血族又は同居の親族との間で第二百三十五条の罪、第二百三十五条の二の罪又はこれらの罪の未遂罪を犯した者は、その刑を免除する。

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 前項に規定する親族以外の親族との間で犯した同項に規定する罪は、告訴がなければ公訴を提起することができない。

(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 前二項の規定は、親族でない共犯については、適用しない。

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

(電気)

(Electricity)

第二百四十五条 この章の罪については、電気は、財物とみなす。

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

第三十七章 詐欺及び恐喝の罪

Chapter XXXVII Crimes of Fraud and Extortion

(詐欺)

(Fraud)

第二百四十六条 人を欺いて財物を交付させた者は、十年以下の懲役に処する。

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

2 前項の方法により、財産上不法の利益を得、又は他人にこれを得させた者も、同項と同様とする。

(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.

(電子計算機使用詐欺)

(Computer Fraud)

第二百四十六条の二 前条に規定するもののほか、人の事務処理に使用する電子計算機に虚偽の情報若しくは不正な指令を与えて財産権の得喪若しくは変更に係る不実の電磁的記録を作り、又は財産権の得喪若しくは変更に係る虚偽の電磁的記録を人の事務処理の用に供して、財産上不法の利益を得、又は他人にこれを得させた者は、十年以下の懲役に処する。

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.

(背任)

(Breach of Trust)

第二百四十七条 他人のためにその事務を処理する者が、自己若しくは第三者の利益を図り又は本人に損害を加える目的で、その任務に背く行為をし、本人に財産上の損害を加えたときは、五年以下の懲役又は五十万円以下の罰金に処する。

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.

(準詐欺)

(Quasi Fraud)

第二百四十八条 未成年者の知慮浅薄又は人の心神耗弱に乗じて、その財物を交付させ、又は財産上不法の利益を得、若しくは他人にこれを得させた者は、十年以下の懲役に処する。

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.

(恐喝)

(Extortion)

第二百四十九条 人を恐喝して財物を交付させた者は、十年以下の懲役に処する。

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 前項の方法により、財産上不法の利益を得、又は他人にこれを得させた者も、同項と同様とする。

(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.

(未遂罪)

(Attempts)

第二百五十条 この章の罪の未遂は、罰する。

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

(準用)

(Application, Mutatis Mutandis)

第二百五十一条 第二百四十二条、第二百四十四条及び第二百四十五条の規定は、この章の罪について準用する。

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

第三十八章 横領の罪

Chapter XXXVIII Crimes of Embezzlement

(横領)

(Embezzlement)

第二百五十二条 自己の占有する他人の物を横領した者は、五年以下の懲役に処する。

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 自己の物であっても、公務所から保管を命ぜられた場合において、これを横領した者も、前項と同様とする。

(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.

(業務上横領)

(Embezzlement in the Pursuit of Social Activities)

第二百五十三条 業務上自己の占有する他人の物を横領した者は、十年以下の懲役に処する。

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.

(遺失物等横領)

(Embezzlement of Lost Property)

第二百五十四条 遺失物、漂流物その他占有を離れた他人の物を横領した者は、一年以下の懲役又は十万円以下の罰金若しくは科料に処する。

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.

(準用)

(Application, Mutatis Mutandis)

第二百五十五条 第二百四十四条の規定は、この章の罪について準用する。

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

第三十九章 盗品等に関する罪

Chapter XXXIX Crimes Related to Stolen Property

(盗品譲受け等)

(Acceptance of Stolen Property)

第二百五十六条 盗品その他財産に対する罪に当たる行為によって領得された物を無償で譲り受けた者は、三年以下の懲役に処する。

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 前項に規定する物を運搬し、保管し、若しくは有償で譲り受け、又はその有償の処分のあつせんをした者は、十年以下の懲役及び五十万円以下の罰金に処する。

(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.

(親族等の中の犯罪に関する特例)

(Special Provision Concerning Crimes against Relatives)

第二百五十七条 配偶者との間又は直系血族、同居の親族若しくはこれらの者の配偶者との間で前条の罪を犯した者は、その刑を免除する。

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 前項の規定は、親族でない共犯については、適用しない。

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

第四十章 毀棄及び隠匿の罪

Chapter XL Crimes of Destruction and Concealment

(公用文書等毀棄)

(Damaging of Documents for Government Use)

第二百五十八条 公務所の用に供する文書又は電磁的記録を毀棄した者は、三月以上七年以下の懲役に処する。

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.

(私用文書等毀棄)

(Damaging of Documents for Private Use)

第二百五十九条 権利又は義務に関する他人の文書又は電磁的記録を毀棄した者は、五年以下の懲役に処する。

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.

(建造物等損壊及び同致死傷)

(Damage to Buildings; Causing Death or Injury)

第二百六十条 他人の建造物又は艦船を損壊した者は、五年以下の懲役に処する。よって人を死傷させた者は、傷害の罪と比較して、重い刑により処断する。

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.

(器物損壊等)

(Damage to Property)

第二百六十一条 前三条に規定するもののほか、他人の物を損壊し、又は傷害した者は、三年以下の懲役又は三十万円以下の罰金若しくは科料に処する。

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.

(自己の物の損壊等)

(Damage to the Offender's Property)

第二百六十二条 自己の物であっても、差押えを受け、物権を負担し、又は賃貸したものを損壊し、又は傷害したときは、前三条の例による。

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.

(境界損壊)

(Damaging of Boundaries)

第二百六十二条の二 境界標を損壊し、移動し、若しくは除去し、又はその他の方法に

より、土地の境界を認識することができないようにした者は、五年以下の懲役又は五十万円以下の罰金に処する。

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.

(信書隠匿)

(Concealment of Letters)

第二百六十三条 他人の信書を隠匿した者は、六月以下の懲役若しくは禁錮又は十万円以下の罰金若しくは科料に処する。

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.

(親告罪)

(Complaints)

第二百六十四条 第二百五十九条、第二百六十一条及び前条の罪は、告訴がなければ公訴を提起することができない。

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