

犯罪被害財産等による被害回復給付金の支給に関する法律（第三章省略）

Act on Issuance of Remission Payments Using Stolen and Misappropriated Property (Chapter III Omitted)

(平成十八年六月二十一日法律第八十七号)

(Act No. 87 of June 21, 2006)

第一章 総則（第一条・第二条）

Chapter I General Provisions (Articles 1 and 2)

第二章 被害回復給付金の支給

Chapter II Issuance of Remission Payments

第一節 通則（第三条・第四条）

Section 1 General Rules (Articles 3 and 4)

第二節 犯罪被害財産支給手続

Section 2 Procedures to Restore Stolen and Misappropriated Property

第一款 手続の開始等（第五条—第八条）

Subsection 1 Initiation of Procedures (Articles 5 to 8)

第二款 支給の申請及び裁定等（第九条—第十三条）

Subsection 2 Applying for Remission; Determinations (Articles 9 to 13)

第三款 支給の実施等（第十四条—第十七条）

Subsection 3 Issuance of Payments (Articles 14 to 17)

第四款 特別支給手続（第十八条—第二十条）

Subsection 4 Special Issuance Procedures (Articles 18 to 20)

第五款 手続の終了（第二十一条）

Subsection 5 Conclusion of Procedures (Article 21)

第六款 被害回復事務管理人（第二十二条—第二十七条）

Subsection 6 Remission Administrators (Articles 22 to 27)

第七款 雑則（第二十八条—第三十四条）

Subsection 7 Miscellaneous Provisions (Articles 28 to 34)

第三節 外国譲与財産支給手続（第三十五条—第三十九条）

Section 3 Procedures to Restore Property Transferred from Abroad (Articles 35 to 39)

第三章 省略

Chapter III Omitted

第四章 雑則（第四十九条）

Chapter IV Miscellaneous Provisions (Article 49)

第五章 罰則（第五十条・第五十一条）

Chapter V Penal Provisions (Articles 50 and 51)

附 則

Supplementary Provisions

第一章 総則

Chapter I General Provisions

(目的)

(Purpose)

第一条 この法律は、組織的な犯罪の処罰及び犯罪収益の規制等に関する法律（平成十一年法律第百三十六号。以下「組織的犯罪処罰法」という。）第十三条第二項各号に掲げる罪の犯罪行為（以下「対象犯罪行為」という。）により財産的被害を受けた者に対して、没収された犯罪被害財産、追徴されたその価額に相当する財産及び外国譲与財産により被害回復給付金を支給することによって、その財産的被害の回復を図ることを目的とする。

Article 1 The purpose of this Act is to help persons recover from property damage incurred due to criminal acts constituting the crimes set forth in the items of Article 13, paragraph (2) of the Act on Punishment of Organized Crime and Control of Criminal Proceeds (Act No. 136 of 1999; hereinafter referred to as the "Act on Punishment of Organized Crime") (hereinafter such a criminal act is referred to as an "Eligible Criminal Act"), by issuing them Remission Payments using confiscated Stolen and Misappropriated Property, property equivalent to the forcibly-collected value of Stolen and Misappropriated Property, and Property Transferred from Abroad.

(定義)

(Definitions)

第二条 この法律において、次の各号に掲げる用語の意義は、それぞれ当該各号に定めるところによる。

Article 2 In this Act, the meanings of the terms set forth in the following items are as prescribed in those items:

一 犯罪被害財産 組織的犯罪処罰法第十三条第二項に規定する犯罪被害財産をいう。

(i) Stolen or Misappropriated Property means stolen or misappropriated property as provided in Article 13, paragraph (2) of the Act on Punishment of Organized Crime;

二 被害回復給付金 給付資金から支給される金銭であつて、支給対象犯罪行為により失われた財産の価額を基礎として次章第二節又は第三節の規定によりその金額が算出されるものをいう。

(ii) Remission Payment means monies paid out of Remission Funds in an amount that is calculated pursuant to the provisions of Section 2 or Section 3 of the following Chapter based on the value of the property lost through a

Criminal Act Warranting Remission;

三 給付資金 組織的犯罪処罰法第十三条第三項の規定により没収された犯罪被害財産の換価若しくは取立てにより得られた金銭（当該犯罪被害財産が金銭であるときは、その金銭）、組織的犯罪処罰法第十六条第二項の規定により追徴された犯罪被害財産の価額に相当する金銭又は第三十六条第一項の規定による外国譲与財産の換価若しくは取立てにより得られた金銭（当該外国譲与財産が金銭であるときは、その金銭）であって、検察官が保管するものをいう。

(iii) Remission Funds means the monies obtained through the realization or retrieval of Stolen and Misappropriated Property that has been confiscated pursuant to the provisions of Article 13, paragraph (3) of the Act on Punishment of Organized Crime (or the monies themselves, if Stolen or Misappropriated Property is in the form of monies); monies equivalent to the Stolen and Misappropriated Property's value that has been forcibly collected pursuant to the provisions of Article 16, paragraph (2) of the Act on Punishment of Organized Crime; or monies obtained through the realization or retrieval of Property Transferred from Abroad pursuant to the provisions of Article 36, paragraph (1) (or the monies themselves, if Property Transferred from Abroad is in the form of monies), of which the public prosecutor is custodian;

四 支給対象犯罪行為 第五条第一項又は第三十五条第一項の規定によりその範囲が定められる対象犯罪行為をいう。

(iv) Criminal Act Warranting Remission means an Eligible Criminal Act whose scope has been established pursuant to Article 5, paragraph (1) or Article 35, paragraph (1);

五 外国犯罪被害財産等 外国の法令による裁判又は命令その他の処分により没収された財産又は追徴された価額に相当する金銭（日本国の裁判所が言い渡した組織的犯罪処罰法第十三条第三項の規定による犯罪被害財産の没収の確定裁判の執行として没収された財産及び組織的犯罪処罰法第十六条第二項の規定による犯罪被害財産の価額の追徴の確定裁判の執行として追徴された価額に相当する金銭を除く。）であって、日本国の法令によれば対象犯罪行為によりその被害を受けた者から得た財産若しくは当該財産の保有若しくは処分にに基づき得た財産又はそれらの価額に相当する金銭に当たるものをいう。

(v) Stolen or Misappropriated Property or Equivalent Monies Subject to Foreign Laws means property that a person has obtained through conduct that would constitute an Eligible Criminal Act if governed by Japanese laws and regulations, from a party incurring damages due to that conduct, which property has been confiscated pursuant to a judicial decision, order, or other disposition based on a foreign law or regulation; property that a person has obtained based on the possession or handling of property obtained through such conduct and which has been confiscated pursuant to a judicial decision, order, or other disposition based on a foreign law or regulation; or monies

representing the value of property that a person has obtained through such conduct, in an amount that has been forcibly collected pursuant to a judicial decision, order, or other disposition based on a foreign law or regulation (this excludes property confiscated in execution of a final and binding judicial decision that a Japanese court has rendered for the confiscation of Stolen or Misappropriated Property under Article 13, paragraph (3) of the Act on Punishment of Organized Crime and monies equivalent to an amount that has been forcibly collected in execution of a final and binding decision that a Japanese court has rendered for the forcible collection of the value of Stolen or Misappropriated Property under Article 16, paragraph (2) of the Act on Punishment of Organized Crime);

六 外国譲与財産 外国犯罪被害財産等又はその換価若しくは取立てにより得られた金銭であつて、外国から譲与を受けたものをいう。

(vi) Property Transferred from Abroad means Stolen or Misappropriated Property or Equivalent Monies Subject to Foreign Laws or monies obtained through the realization or retrieval thereof, which have been transferred from a foreign country;

七 費用 この法律の規定による公告及び通知に要する費用その他の給付資金から支弁すべきものとして法務省令で定める費用をいう。

(vii) Expenses means the expenses required for a public notice or notification under the provisions of this Act, and other expenses specified by Ministry of Justice Order as expenses to be paid using Remission Funds;

八 費用等 費用及び第二十六条第一項（第三十九条において準用する場合を含む。）に規定する被害回復事務管理人の報酬をいう。

(viii) Expenses and Remuneration means Expenses and remuneration for the remission administrator provided for in Article 26, paragraph (1) (including as applied mutatis mutandis pursuant to Article 39).

第二章 被害回復給付金の支給

Chapter II Issuance of Remission Payments

第一節 通則

Section 1 General Rules

(被害回復給付金の支給)

(Issuance of Remission Payments)

第三条 国は、この法律の定めるところにより、支給対象犯罪行為により害を被った者（法人でない団体で代表者又は管理人の定めのあるものを含む。）であつてこれにより財産を失つたものに対し、被害回復給付金を支給する。

Article 3 (1) The national government issues Remission Payments to persons sustaining damage through Criminal Acts Warranting Remission (this includes unincorporated entities that have made provisions for a representative or

administrator) that have lost property due to those acts.

2 国は、前項に規定する者（以下「対象被害者」という。）について、相続その他の一般承継があったときは、この法律の定めるところにより、その相続人その他の一般承継人に対し、被害回復給付金を支給する。

(2) If a person as prescribed in the preceding paragraph (hereinafter referred to as an "Eligible Victim") becomes subject to a general succession, including inheritance, the national government issues Remission Payments to the general successor or other heir pursuant to this Act.

（被害回復給付金の支給を受けることができない者）

(Persons That May Not Be Issued Remission Payments)

第四条 前条の規定にかかわらず、次の各号のいずれかに該当する者は、被害回復給付金の支給を受けることができない。

Article 4 Notwithstanding the provisions of the preceding Article, a person falling under one of the following items may not be issued a Remission Payment:

一 支給対象犯罪行為により失われた財産（当該財産が二人以上の者の共有に属するときは、その持分。以下この条、第九条第一項第二号及び第三号並びに第十条第二項において同じ。）の価額に相当する損害の全部について、そのてん補又は賠償がされた場合（当該支給対象犯罪行為により当該財産を失った対象被害者又はその一般承継人以外の者により当該てん補又は賠償がされた場合に限る。）における当該支給対象犯罪行為により当該財産を失った対象被害者又はその一般承継人

(i) an Eligible Victim that has lost property due to a Criminal Act Warranting Remission or the general successor thereof, if all of the damage corresponding to the value of property lost due to the Criminal Act Warranting Remission (or all of the damage corresponding to the person's share of the property, if the property is under the joint ownership of two or more persons; the same applies hereinafter in this Article; Article 9, paragraph (1), item (ii) and item (iii); and Article 10, paragraph (2)) has been covered or compensated for (but only if that damage has been covered or compensated for by a person other than the Eligible Victim that lost the property due to the Criminal Act Warranting Remission or the general successor thereof);

二 支給対象犯罪行為を実行した者若しくはこれに共犯として加功した者、支給対象犯罪行為に関連して不正な利益を得た者、支給対象犯罪行為により財産を失ったことについて自己に不法な原因がある者その他被害回復給付金の支給を受けることが社会通念上適切でない者又は対象被害者がこれらの者のいずれかに該当する場合におけるその一般承継人

(ii) a person committing a Criminal Act Warranting Remission or a person collaborating as an accomplice in such an act; a person that has obtained an unlawful benefit in connection with a Criminal Act Warranting Remission; a

person that has acted with an illegal purpose in connection with the loss of property due to a Criminal Act Warranting Remission; a person whose issuance of Remission Payments is otherwise inappropriate in terms of general social norms; or the general successor of an Eligible Victim that constitutes one of the foregoing categories of persons.

第二節 犯罪被害財産支給手続

Section 2 Procedures to Restore Stolen or Misappropriated Property

第一款 手続の開始等

Subsection 1 Initiation of Procedures

(支給対象犯罪行為の範囲を定める処分等)

(Dispositions Establishing the Scope of Criminal Acts Warranting Remission)

第五条 検察官は、犯罪被害財産の没収又はその価額の追徴の裁判が確定したときは、支給対象犯罪行為の範囲を定めなければならない。

Article 5 (1) Once a judicial decision to confiscate Stolen or Misappropriated Property or to forcibly collect monies of an equivalent value becomes final and binding, the public prosecutor must establish the scope of the Criminal Acts Warranting Remission.

2 前項に規定する支給対象犯罪行為の範囲は、次に掲げる対象犯罪行為について、その罪の種類、時期及び態様、これを実行した者、犯罪被害財産の形成の経緯その他の事情を考慮して定めるものとする。

(2) For Eligible Criminal Acts as follows, the public prosecutor is to establish the scope of the Criminal Acts Warranting Remission provided for in the preceding paragraph in consideration of circumstances such as the type of crime, when and how it was committed, who committed it, and how the Stolen or Misappropriated Property was formed:

一 犯罪被害財産の没収又はその価額の追徴の理由とされた事実に係る対象犯罪行為及びこれと一連の犯行として行われた対象犯罪行為

(i) an Eligible Criminal Act constituting a fact that has been established as grounds for confiscating Stolen or Misappropriated Property or for forcibly collecting monies of an equivalent value, and any Eligible Criminal Act committed as part of a series of offenses connected to this;

二 犯罪被害財産の没収又はその価額の追徴の理由とされた事実に係る犯罪行為が対象犯罪行為によりその被害を受けた者から得た財産に関して行われたものである場合における当該対象犯罪行為及びこれと一連の犯行として行われた対象犯罪行為

(ii) an Eligible Criminal Act due to which a party incurs damages, if a criminal act constituting a fact that has been established as grounds for confiscating Stolen or Misappropriated Property or for forcibly collecting monies of an equivalent value has been committed in connection with the property obtained from the party that incurred damages due to that Eligible Criminal

Act, and any Eligible Criminal Act committed as part of a series of offenses connected to this.

- 3 検察官は、前二項の規定により支給対象犯罪行為の範囲を二以上に区分して定めたときは、その範囲ごとに、第一項に規定する没収の裁判で示された犯罪被害財産（一の犯罪被害財産が異なる支給対象犯罪行為の範囲に属する対象犯罪行為によりその被害を受けた者から得た財産又は当該財産の保有若しくは処分に基づき得た財産から形成されたものであって額又は数量により区分することができないものである場合においては、当該犯罪被害財産の換価又は取立てにより得られる金銭の価額）又は同項に規定する追徴の裁判で示された犯罪被害財産の価額を区分するものとする。

- (3) Having divided Criminal Acts Warranting Remission into two or more scopes when establishing the scope of those acts pursuant to the provisions of the preceding two paragraphs, the public prosecutor is to divide the Stolen or Misappropriated Property that has been indicated in the judicial decision for confiscation prescribed in paragraph (1) (or the amount of money obtained through the realization or retrieval of that Stolen or Misappropriated Property, if one group of Stolen or Misappropriated Property has been derived from property obtained from parties incurring damages due to Eligible Criminal Acts that are part of differing scopes of Criminal Acts Warranting Remission, or has been formed out of property obtained based on the possession or handling of property obtained through such Eligible Criminal Acts, and that group of property cannot be divided into separate monetary amounts or quantities) or the monetary value of the Stolen or Misappropriated Property that has been indicated in the judicial decision for forcible collection prescribed in that paragraph into groups corresponding to each of those scopes.

(犯罪被害財産支給手続の開始)

(Initiating Procedures to Restore Stolen or Misappropriated Property)

- 第六条 検察官は、前条第一項に規定する裁判で示された犯罪被害財産又はその価額について、これを給付資金として保管するに至ったときは、遅滞なく、当該給付資金から被害回復給付金を支給するための手続（以下「犯罪被害財産支給手続」という。）を開始する旨の決定をするものとする。ただし、その時点における給付資金をもっては犯罪被害財産支給手続に要する費用等を支弁するのに不足すると認めるとき、その他その時点においては犯罪被害財産支給手続を開始することが相当でないと認めるときは、この限りでない。

- Article 6 (1) Without delay after coming into custody of the Stolen or Misappropriated Property or the monetary value thereof that has been indicated in a judicial decision as provided in paragraph (1) of the preceding Article, as Remission Funds, the public prosecutor is to decide to initiate the procedures for issuing Remission Payments out of those Remission Funds (hereinafter referred to as "Procedures to Restore Stolen or Misappropriated Property"); provided, however, that this does not apply if the public prosecutor

finds that the Remission Funds existing at that time are insufficient to pay for the Expenses and Remuneration that the Procedures to Restore Stolen or Misappropriated Property would necessitate, or if the public prosecutor otherwise finds that it is inappropriate to initiate Procedures to Restore Stolen or Misappropriated Property at that time.

2 検察官は、外国から前条第一項に規定する裁判の執行として没収された財産若しくはその換価若しくは取立てにより得られた金銭又は当該裁判の執行として追徴された価額に相当する金銭の譲与を受けるため特に必要があると認めるときは、前項本文の規定にかかわらず、これを給付資金として保管する前に、犯罪被害財産支給手続を開始する旨の決定をすることができる。

(2) Notwithstanding the main clause of the preceding paragraph, on finding it to be particularly necessary to do so in order to have property that has been confiscated in execution of a judicial decision as prescribed in paragraph (1) of the preceding Article, monies obtained through its realization or retrieval, or monies equivalent to the amount that has been forcibly collected in execution of such a judicial decision transferred from a foreign country, the public prosecutor may decide to initiate Procedures to Restore Stolen or Misappropriated Property before coming into custody of the relevant property or monies as Remission Funds.

3 前二項の決定は、前条第三項に規定する場合にあっては、支給対象犯罪行為の範囲ごとにするものとする。

(3) In a case as provided in paragraph (3) of the preceding Article, the public prosecutor is to reach a decision as referred to in one of the two preceding paragraphs for each of the scopes of Criminal Acts Warranting Remission.

4 検察官は、確定した二以上の犯罪被害財産の没収又はその価額の追徴の裁判について前条第一項の規定により定められた支給対象犯罪行為の範囲が同一であるときは、これらの裁判で示された犯罪被害財産又はその価額（既に犯罪被害財産支給手続が開始されているものを除く。）を同一の裁判で示された犯罪被害財産又はその価額とみなして、第一項又は第二項の決定をすることができる。

(4) If the scope of a Criminal Act Warranting Remission that has been established pursuant to paragraph (1) of the preceding Article is the same for two or more final and binding judicial decisions to confiscate Stolen or Misappropriated Property or to forcibly collect monies of an equivalent value, the public prosecutor may deem the Stolen or Misappropriated Property or equivalent value indicated in those judicial decisions (other than any such property or equivalent value of property for which Procedures to Restore Stolen or Misappropriated Property have already been initiated) to be the Stolen or Misappropriated Property or equivalent value indicated in a single judicial decision in order to reach a decision as referred to in paragraph (1) or paragraph (2).

(公告等)

(Public Notice)

第七条 検察官は、犯罪被害財産支給手続を開始する旨の決定をしたときは、直ちに、次に掲げる事項（前条第二項の規定により犯罪被害財産支給手続を開始した場合にあっては、第四号に掲げる事項を除く。）を官報に掲載して公告しなければならない。

Article 7 (1) On deciding to initiate Procedures to Restore Stolen or Misappropriated Property, the public prosecutor must immediately issue public notice of the following information (other than the information set forth in item (iv), if Procedures to Restore Stolen or Misappropriated Property have been initiated pursuant to the provisions of paragraph (2) of the preceding Article) by publishing that information in the Official Gazette:

一 犯罪被害財産支給手続を開始した旨

(i) that the public prosecutor has initiated Procedures to Restore Stolen or Misappropriated Property;

二 犯罪被害財産支給手続を行う検察官が所属する検察庁

(ii) the public prosecutors' office to which the public prosecutor carrying out the Procedures to Restore Stolen or Misappropriated Property is assigned;

三 支給対象犯罪行為の範囲

(iii) the scopes of the Criminal Acts Warranting Remission;

四 当該決定の時ににおける給付資金の額

(iv) the amount of Remission Funds existing at the time of the decision to initiate Procedures to Restore Stolen or Misappropriated Property;

五 支給申請期間

(v) the period for applying for remission;

六 その他法務省令で定める事項

(vi) the information that Ministry of Justice Order prescribes.

2 前項第五号に掲げる支給申請期間は、同項の規定による公告があった日の翌日から起算して三十日以上でなければならない。

(2) The period for applying for remission set forth in item (v) of the preceding paragraph must be at least thirty days long, counting from the day after the date that the public notice under the provisions of that paragraph is issued.

3 検察官は、対象被害者又はその一般承継人であって知っているものに対し、第一項の規定により公告すべき事項を通知しなければならない。ただし、被害回復給付金の支給を受けることができない者であることが明らかである者については、この限りでない。

(3) The public prosecutor must notify any known Eligible Victim or general successor thereof of the information required to be given in a public notice pursuant to the provisions of paragraph (1); provided, however, that this does not apply to a person that is clearly not entitled to a Remission Payment.

4 前三項に規定するもののほか、第一項の規定による公告及び前項の規定による通知に関し必要な事項は、法務省令で定める。

(4) Beyond what is provided in the preceding three paragraphs, Ministry of Justice Order prescribes the necessary particulars concerning public notices under the provisions of paragraph (1) and notifications under the provisions of the preceding paragraph.

(犯罪被害財産支給手続の不開始)

(Non-Initiation of Procedures to Restore Stolen or Misappropriated Property)

第八条 検察官は、犯罪被害財産支給手続に要する費用等を支弁するのに足りる給付資金を保管することとなる見込みがないと認めるときは、犯罪被害財産支給手続を開始しない旨の決定をするものとする。

Article 8 (1) On finding there to be no prospect of coming into custody of sufficient Remission Funds to pay the Expenses and Remuneration that Procedures to Restore Stolen or Misappropriated Property would necessitate, the public prosecutor is to decide not to initiate Procedures to Restore Stolen or Misappropriated Property.

2 検察官は、前項の決定をしたときは、法務省令で定めるところにより、その旨を公告しなければならない。

(2) Having decided as referred to in the preceding paragraph, the public prosecutor must issue public notice of this pursuant to Ministry of Justice Order.

第二款 支給の申請及び裁定等

Subsection 2 Applying for Remission; Determinations

(支給の申請)

(Applying for Remission)

第九条 被害回復給付金の支給を受けようとする者は、支給申請期間内に、法務省令で定めるところにより、次に掲げる事項を記載した申請書に第一号及び第二号に掲げる事項を疎明するに足りる資料を添付して、検察官に申請をしなければならない。

Article 9 (1) A person seeking a Remission Payment must file an application with the public prosecutor pursuant to Ministry of Justice Order within the period for applying for remission, attaching materials sufficient to establish a prima facie showing of the information set forth in item (i) and item (ii) to a written application that gives the following information:

一 申請人が対象被害者又はその一般承継人であることの基礎となる事実

(i) facts serving as the basis for showing that the applicant is an Eligible Victim or the general successor thereof;

二 支給対象犯罪行為により失われた財産の価額

(ii) the value of the property lost through the Criminal Act Warranting Remission;

三 控除対象額（支給対象犯罪行為により失われた財産の価額に相当する損害につい

て、そのてん補又は賠償がされた場合（当該支給対象犯罪行為により当該財産を失った対象被害者又はその一般承継人以外の者により当該てん補又は賠償がされた場合に限る。）における当該てん補額及び賠償額を合算した額をいう。以下同じ。）

(iii) the amount subject to exclusion (meaning the sum total of the amounts of coverage and compensation, if damage equivalent to the value of the property lost due to the Criminal Act Warranting Remission has been covered or compensated for (but only if that damage has been covered or compensated for by a person other than the Eligible Victim that lost the property due to the Criminal Act Warranting Remission or the general successor thereof); the same applies hereinafter);

四 その他法務省令で定める事項

(iv) the information that Ministry of Justice Order prescribes.

2 前項の規定による申請をした対象被害者について、当該申請に対する次条又は第十一条の規定による裁定が確定するまでの間に一般承継があったときは、当該対象被害者の一般承継人は、支給申請期間が経過した後であっても、当該一般承継があった日から六十日以内に限り、被害回復給付金の支給の申請をすることができる。この場合において、当該一般承継人は、法務省令で定めるところにより、同項に規定する申請書に同項第一号及び第二号に掲げる事項を疎明するに足りる資料を添付して、これを検察官に提出しなければならない。

(2) If an Eligible Victim that has filed an application under the provisions of the preceding paragraph becomes subject to a general succession before a determination as under the following Article or Article 11 is finalized in connection with that application, the general successor of the Eligible Victim may file an application for issuance of a Remission Payment even after the period for applying for remission has passed, but only within the 60 days after the date of the general succession. To do so, the general successor must attach materials sufficient to establish a prima facie showing of the information set forth in item (i) and item (ii) of the preceding paragraph to a written application as prescribed in that paragraph, and submit this to the public prosecutor pursuant to Ministry of Justice Order.

3 前二項の規定による申請その他この法律に基づく手続を代理人によりしようとする者は、法定代理人により手続をしようとする場合を除き、弁護士（弁護士法人を含む。）を代理人としなければならない。

(3) Except when undertaking a process through a statutory agent, a person seeking to act through an agent in applying for remission as under the preceding two paragraphs or in undertaking any other process under this Act must use an attorney (or a legal professional corporation) as that agent.

（裁定）

(Determinations)

第十条 検察官は、前条第一項の規定による申請があった場合において、支給申請期間

が経過したとき（その時点において、第五条第一項の規定による支給対象犯罪行為の範囲を定める処分が確定していないときは、当該処分が確定したとき）は、遅滞なく、その申請人が被害回復給付金の支給を受けることができる者に該当するか否かの裁定をしなければならない。前条第二項の規定による申請があった場合において、当該申請に係る一般承継があった日から六十日が経過したとき（その時点において、第五条第一項の規定による支給対象犯罪行為の範囲を定める処分が確定していないときは、当該処分が確定したとき）も、同様とする。

Article 10 (1) If an application as under paragraph (1) of the preceding Article has been filed, without delay once the period for applying for remission has passed (or once the disposition on the scope of the Criminal Act Warranting Remission under Article 5, paragraph (1) has been finalized, if it has not been finalized by that time), the public prosecutor must reach a determination as to whether the applicant is a person entitled to be issued a Remission Payment. If an application as under paragraph (2) of the preceding Article has been filed, the same applies once 60 days have passed after the day of the general succession connected with that application (or once the disposition on the scope of the Criminal Act Warranting Remission under Article 5, paragraph (1) has been finalized, if it has not been finalized by that time).

2 検察官は、被害回復給付金の支給を受けることができる者に該当する旨の裁定（以下「資格裁定」という。）をするに当たっては、その犯罪被害額（支給対象犯罪行為により失われた財産の価額から控除対象額を控除して検察官が定める額をいう。以下同じ。）を定めなければならない。この場合において、資格裁定を受ける者で次の各号に掲げる者に該当するものが二人以上ある場合におけるその者に係る犯罪被害額は、当該各号に定める額とする。

(2) In reaching a determination that an applicant is a person entitled to be issued a Remission Payment (hereinafter referred to as a "Determination of Eligibility"), the public prosecutor must set the amount of criminal damages (meaning an amount that the public prosecutor sets by deducting the amount subject to exclusion from the value of the property lost through the Criminal Act Warranting Remission; the same applies hereinafter). When doing so, if two or more persons falling under a category of persons set forth in one of the following items are subject to a Determination of Eligibility, the amount of criminal damages for each such person is the amount specified in the item:

一 同一の支給対象犯罪行為により同一の財産を失った対象被害者又はその一般承継人 当該財産の価額から控除対象額を控除して検察官が定める額を当該対象被害者又はその一般承継人の数（同一の対象被害者の一般承継人が二人以上あるときは、これらを一人とみなす。）で除して得た額（同一の対象被害者の一般承継人が二人以上ある場合における当該一般承継人については、この額を当該一般承継人の数で除して得た額）

(i) Eligible Victims that have lost the same property due to the same Criminal Act Warranting Remission, and their general successors: the amount arrived

at when the amount that the public prosecutor sets by deducting the amount subject to exclusion from the value of that property is divided by the number of Eligible Victims and their general successors (if the same Eligible Victim has two or more general successors, they are deemed to be one person) (for each of the two or more general successors that have succeeded the same Eligible Victim, this means the amount arrived at by further dividing the quotient so calculated by the number of general successors);

二 前号に掲げる者のほか、同一の対象被害者の一般承継人 当該対象被害者に係る支給対象犯罪行為により失われた財産の価額から控除対象額を控除して検察官が定める額を当該一般承継人の数で除して得た額

(ii) general successors of the same Eligible Victim, other than as set forth in the preceding item: the amount arrived at when the amount that the public prosecutor sets by deducting the amount subject to exclusion from the value of the property that the Eligible Victim has lost through the Criminal Act Warranting Remission is divided by the number of general successors.

3 前項後段に規定する場合において、当該資格裁定を受ける者のうちに各人が支給を受けるべき被害回復給付金の額の割合について合意をした者があるときは、同項後段の規定にかかわらず、当該合意をした者に係る犯罪被害額は、同項後段の規定により算出された額のうちこれらの者に係るものを合算した額に当該合意において定められた各人が支給を受けるべき被害回復給付金の額の割合を乗じて得た額とする。

(3) Notwithstanding the second clause of the preceding paragraph, in a case as prescribed in that clause, if some of the persons subject to a Determination of Eligibility have agreed as to what percent of the Remission Payment each person is to be issued, the amount of criminal damages issued to the persons that have agreed to this is the amount arrived at when the parts of the amount calculated pursuant to that clause which would be issued to each of those persons are added together and the total is multiplied by the percentages of the Remission Payment that each person named in the agreement is to be issued.

第十一条 検察官は、被害回復給付金の支給の申請が支給申請期間（第九条第二項の規定による申請にあっては、一般承継があった日から六十日）が経過した後にされたものであるとき、その他不適法であって補正することができないものであるときは、その申請を却下する旨の裁定をしなければならない。

Article 11 (1) The public prosecutor must reach a determination denying an application for issuance of a Remission Payment if it is filed after the period for applying for remission has passed (or after 60 days have passed since the day of the general succession, for an application as under Article 9, paragraph (2)), or if it is otherwise unlawful and cannot be corrected.

2 検察官は、申請人が、第二十八条第一項の規定による報告、文書その他の物件の提出又は出頭を命ぜられた場合において、正当な理由がなくてこれに応じないときは、その申請を却下する旨の裁定をすることができる。

(2) The public prosecutor must reach a determination denying an application if the applicant fails to comply when ordered to submit a report, document, or other item under Article 28, paragraph (1) or to appear as under that paragraph, without a legitimate reason for failing to do so.

(裁定の方式等)

(Format for Determinations)

第十二条 前二条の規定による裁定は、書面をもって行い、かつ、理由を付し、当該裁定をした検察官がこれに記名押印をしなければならない。

Article 12 (1) A public prosecutor issuing a determination under the preceding two Articles must do so in writing and attach the reason for the determination to the written document, causing the name and seal thereof to be affixed thereto.

2 検察官は、裁定書の謄本を申請人に送達しなければならない。

(2) The public prosecutor must deliver a certified copy of a written determination to an applicant.

3 前項の規定にかかわらず、送達を受けるべき者の所在が知れないとき、その他裁定書の謄本を送達することができないときは、検察官が裁定書の謄本を保管し、いつでもその送達を受けるべき者に交付すべき旨を当該検察官が所属する検察庁の掲示場に掲示することをもって同項の規定による送達に代えることができる。この場合においては、掲示を始めた日から二週間を経過した時に同項の規定による送達があったものとみなす。

(3) Notwithstanding the provisions of the preceding paragraph, if the whereabouts of the person that a certified copy of a written determination must be delivered to are unknown or it is otherwise not possible to deliver a certified copy of a written determination to that person, the public prosecutor may retain a certified copy of the written determination and, in lieu of delivering it as under that paragraph, post a notice in the space for the posting of notices by the public prosecutors' office to which the public prosecutor is assigned, indicating that the public prosecutor will issue a certified copy of the written determination to the person that it must be delivered to at any time. In such a case, the certified copy of the written determination is deemed to be delivered as under that paragraph once two weeks have passed after the date that the notice is first posted.

(裁定表の作成等)

(Preparation of a Determination Table)

第十三条 検察官は、第十条又は第十一条の規定による裁定をしたときは、次に掲げる事項を記載した裁定表を作成し、申請人の閲覧に供するため、これを当該検察官が所属する検察庁に備え置かなければならない。

Article 13 Having reached a determination under Article 10 or Article 11, the

public prosecutor must prepare a determination table giving the following information and keep it at the public prosecutors' office to which the public prosecutor is assigned in order to provide it for the applicant's inspection:

一 資格裁定を受けた者の氏名又は名称及び当該資格裁定において定められた犯罪被害額（資格裁定を受けた者がいないときは、その旨）

(i) the name of the persons subject to the Determination of Eligibility and the amount of criminal damages set as part of the Determination of Eligibility (or an indication that no person is subject to a Determination of Eligibility, if this is the case);

二 その他法務省令で定める事項

(ii) the information that Ministry of Justice Order prescribes.

第三款 支給の実施等

Subsection 3 Issuance of Payments

（支給の実施等）

(Issuance of Payments)

第十四条 検察官は、すべての申請に対する第十条又は第十一条の規定による裁定、第二十六条第一項の規定による被害回復事務管理人の報酬の決定及び犯罪被害財産支給手続に要する費用の額が確定したとき（第六条第二項の規定により犯罪被害財産支給手続を開始した場合であって、当該確定の時点において、同条第一項に規定する犯罪被害財産又はその価額についてこれを給付資金として保管するに至っていないときは、当該給付資金を保管するに至ったとき）は、遅滞なく、資格裁定を受けた者に対し、被害回復給付金の支給をしなければならない。

Article 14 (1) The public prosecutor must issue Remission Payments to persons subject to a Determination of Eligibility without delay once a determination under the provisions of Article 10 or Article 11, a decision on the remuneration of the remission administrator under the provisions of Article 26, paragraph (1), and the amount of expenses that Procedures to Restore Stolen or Misappropriated Property require are finalized (or once the public prosecutor comes into custody of the Stolen or Misappropriated Property or its value as prescribed in paragraph (1) of that Article as Remission Funds, if Procedures to Restore Stolen or Misappropriated Property have been initiated pursuant to Article 6, paragraph (2), but at the time that the aforementioned determination, decision, and expenses are finalized, the public prosecutor has not yet come into custody of the Stolen or Misappropriated Property or its value as Remission Funds).

2 前項の規定により支給する被害回復給付金の額は、資格裁定により定めた犯罪被害額の総額（以下この項及び第十六条第二項において「総犯罪被害額」という。）が、給付資金の額から犯罪被害財産支給手続に要する費用等の額を控除した額を超えるとときは、この額に当該資格裁定を受けた者に係る犯罪被害額の総犯罪被害額に対する割

合を乗じて得た額（その額に一円未満の端数があるときは、これを切り捨てた額）とし、その他のときは、当該犯罪被害額とする。

- (2) If the aggregate total of the amounts of criminal damages set as part of a Determination of Eligibility (referred to as the "total amount of criminal damages" hereinafter in this paragraph and in Article 16, paragraph (2)) exceeds the amount arrived at when the amount of Expenses and Remuneration that Procedures to Restore Stolen or Misappropriated Property will necessitate is deducted from Remission Funds, the amounts of Remission Payments to be issued pursuant to the preceding paragraph are the amounts arrived at when the difference resulting from that calculation is multiplied by the percentages of the total amount of criminal damages which represent the amounts of criminal damages set for the persons subject to that Determination of Eligibility (with the products rounded down to the nearest one yen); and in other cases, the amounts of Remission Payments to be issued pursuant to the preceding paragraph are the amounts of criminal damages.
- 3 検察官は、第一項の規定により支給する被害回復給付金の額を裁定表に記載し、法務省令で定めるところにより、その旨を公告しなければならない。
- (3) The public prosecutor must enter the amounts of Remission Payments issued pursuant to the provisions of paragraph (1) in the determination table, and must issue public notice of this pursuant to Ministry of Justice Order.
- 4 検察官は、第一項の規定にかかわらず、被害回復給付金の支給を受けることができる者の所在が知れないことその他の事由により当該被害回復給付金の支給をすることができないときは、第三十一条第一項に規定する期間が経過するまでの間、当該被害回復給付金に相当する金銭を保管するものとする。この場合において、当該保管に係る金銭は、第二十六条第一項及び第三十四条の規定の適用については、給付資金に含まれないものとする。
- (4) Notwithstanding the provisions of paragraph (1), if the whereabouts of a person entitled to be issued a Remission Payment are unknown or if it is not possible to issue the person a Remission Payment for other reasons, the public prosecutor is to act as the custodian of monies equivalent to the Remission Payment until the end of the period provided for in Article 31, paragraph (1). In such a case, the monies of which the public prosecutor is the custodian are not to be included in Remission Funds as concerns the application of the provisions of Article 26 and Article 34, paragraph (1).

（裁定等確定前の支給）

(Payment Issuance Prior to Finalization of Determinations)

第十五条 検察官は、前条第一項に規定する裁定、報酬の決定又は費用の額の一部が確定していない場合であっても、資格裁定を受けた者（当該資格裁定が確定している者に限る。）に対し、被害回復給付金の支給を受けると見込まれる者の利益を害しないことが明らかであると認められる額の範囲内において相当と認める額の

被害回復給付金の支給をすることができる。

Article 15 (1) Even if part of a determination, decision on remuneration, or amount of expenses provided for in paragraph (1) of the preceding Article is not finalized, the public prosecutor may issue a Remission Payment to a person subject to a Determination of Eligibility (but only one whose Determination of Eligibility has been finalized) in an amount that the public prosecutor finds to be appropriate and up to an amount that it is found to be clear will not harm the interests of persons that are expected to be eligible for issuance of Remission Payments.

2 検察官は、前項の規定により被害回復給付金を支給した場合において、前条第一項に規定する裁定、報酬の決定及び費用の額のすべてが確定したときは、遅滞なく、資格裁定を受けた者に対し、同条第二項の規定により算出される支給すべき被害回復給付金の額から前項の規定により支給された被害回復給付金の額を控除した額の被害回復給付金の支給をしなければならない。

(2) If Remission Payments have been issued pursuant to the provisions of the preceding paragraph, once the determination, decision on remuneration, and amount of expenses provided for in paragraph (1) of the preceding Article have all been finalized, the public prosecutor must issue Remission Payments without delay to the persons subject to the Determination of Eligibility, in the amounts arrived at when the amounts of the Remission Payments that have been issued pursuant to the provisions of the preceding paragraph are deducted from the amounts of Remission Payments that must be issued as calculated pursuant to paragraph (2) of the preceding Article.

3 前条第三項及び第四項の規定は、前項の規定により支給する被害回復給付金について準用する。この場合において、同条第三項中「額」とあるのは、「額（次条第一項の規定により支給された被害回復給付金の額を含む。）」と読み替えるものとする。

(3) The provisions of paragraph (3) and paragraph (4) of the preceding Article apply mutatis mutandis to Remission Payments issued pursuant to the provisions of the preceding paragraph. In such a case, the phrase "pursuant to the provisions of paragraph (1)" in paragraph (3) of that Article is deemed to be replaced with "pursuant to the provisions of paragraph (1) (and the amounts of Remission Payments issued pursuant to the provisions of paragraph (1) of the following Article)".

(追加支給)

(Issuance of Additional Payments)

第十六条 検察官は、犯罪被害財産支給手続において、第十四条第一項に規定する裁定、報酬の決定及び費用の額が確定し、かつ、資格裁定を受けたすべての者について被害回復給付金の支給等（同項、前条第一項若しくは第二項若しくはこの項の規定による被害回復給付金の支給又は第十四条第四項前段（前条第三項及びこの条第三項において準用する場合を含む。以下この項において同じ。）の規定による被害回復給付金に

相当する金銭の保管をいう。第十八条及び第二十一条第一項第一号から第三号までにおいて同じ。)をした後に、当該犯罪被害財産支給手続に係る給付資金を新たに保管するに至った場合(当該犯罪被害財産支給手続の終了後にこれを保管するに至った場合を含む。)において、既に支給した被害回復給付金(第十四条第四項前段の規定により被害回復給付金に相当する金銭が保管された場合においては、当該金銭を含む。次項において「既支給被害回復給付金」という。)の額が犯罪被害額に満たないときは、当該資格裁定を受けた者に対し、当該新たに保管するに至った給付資金から被害回復給付金の支給をしなければならない。ただし、その時点における給付資金をもってはその支給に要する費用等を支弁するのに不足すると認めるとき、その他その時点においては被害回復給付金の支給をすることが相当でないと認めるときは、この限りでない。

Article 16 (1) If the public prosecutor comes into custody of new Remission Funds in connection with Procedures to Restore Stolen or Misappropriated Property after the determination, decision on remuneration, and amount of expenses prescribed in Article 14, paragraph (1) have been finalized and after the public prosecutor has issued or become the custodian of Remission Payments (meaning that the public prosecutor has issued a Remission Payment under that paragraph; paragraph (1) or paragraph (2) of the preceding Article; or this paragraph; or become the custodian of monies equivalent to a Remission Payment under the first clause of Article 14, paragraph (4) (including as applied mutatis mutandis pursuant to paragraph (3) of the preceding Article and paragraph (3) of this Article; the same applies hereinafter in this paragraph); the same applies in Article 18 and in Article 21, paragraph (1), items (i) through (iii)) for all of the persons subject to a Determination of Eligibility, and if the amount of the Remission Payments that have already been issued (this includes any monies equivalent to Remission Payments of which the public prosecutor has come into custody pursuant to the provisions of the first sentence of Article 14, paragraph (4); referred to as "remission payments already issued" in the following paragraph) falls short of the amount of criminal damages, the public prosecutor must issue Remission Payments to persons subject to the Determination of Eligibility using the new Remission Funds of which the public prosecutor has come into custody; provided, however, that this does not apply if the public prosecutor finds that the Remission Funds existing at that time are insufficient to cover the Expenses and Remuneration that the issuance of those payments would necessitate, or if the public prosecutor finds that it is otherwise inappropriate to issue Remission Payments at that time.

2 前項の規定により支給する被害回復給付金の額は、総犯罪被害残額(総犯罪被害額から既支給被害回復給付金の額の総額を控除した額をいう。以下この項において同じ。)が、前項に規定する給付資金の額から費用等の額(既支給被害回復給付金の算出において控除した費用等の額を除く。)を控除した額を超えるときは、この額に資

格裁定を受けた者に係る犯罪被害残額（犯罪被害額から既支給被害回復給付金の額を控除した額をいう。以下この項において同じ。）の総犯罪被害残額に対する割合を乗じて得た額（その額に一円未満の端数があるときは、これを切り捨てた額）とし、その他のときは、犯罪被害残額とする。

(2) If the total remaining amount of criminal damages (meaning the amount arrived at when the sum total of the amounts of remission payments already issued are deducted from the total amount of criminal damages; the same applies hereinafter in this paragraph) exceeds the amount arrived at when the amount of Expenses and Remuneration (other than any amount of Expenses and Remuneration that has been deducted in the calculation of remission payments already issued) is deducted from the Remission Funds prescribed in the preceding paragraph, the amounts of Remission Payments to be issued pursuant to the provisions of the preceding paragraph are the amounts arrived at when the difference resulting from that calculation is multiplied by the percentages of the total remaining amount of criminal damages which represent the remaining amounts of criminal damages (meaning the amounts arrived at when the amounts of remission payments already issued are deducted from the amounts of criminal damages; the same applies hereinafter in this paragraph) owed to the persons subject to the Determination of Eligibility (with the products rounded down to the nearest one yen); and in other cases, the amounts of Remission Payments to be issued pursuant to the provisions of the preceding paragraph are the remaining amounts of criminal damages.

3 第十四条第三項及び第四項の規定は、第一項の規定により支給する被害回復給付金について準用する。

(3) The provisions of Article 14, paragraph (3) and paragraph (4) apply mutatis mutandis to Remission Payments to be issued pursuant to the provisions of paragraph (1).

（資格裁定確定後の一般承継人に対する被害回復給付金の支給）

(Issuance of Remission Payments to General Successors Following Finalization of Determinations of Eligibility)

第十七条 検察官は、資格裁定が確定した者について一般承継があった場合において、その者に支給すべき被害回復給付金でまだ支給していないものがあるときは、その者の一般承継人であって当該一般承継があった日から六十日以内に届出をしたものに対し、未支給の被害回復給付金の支給をしなければならない。この場合において、当該一般承継人は、法務省令で定めるところにより、届出書を検察官に提出しなければならない。

Article 17 (1) If a person whose Determination of Eligibility has been finalized becomes subject to a general succession and any of the Remission Payments to be issued to that person have not yet been issued, the public prosecutor must

issue the unissued Remission Payments to a general successor of that person that files a notification within 60 days of the date of the general succession. In such a case, the general successor must submit a written notification to the public prosecutor pursuant to Ministry of Justice Order.

2 前項の規定により届出をした一般承継人が二人以上ある場合における当該一般承継人に支給する被害回復給付金の額は、同項に規定する未支給の被害回復給付金の額を当該一般承継人の数で除して得た額（その額に一円未満の端数があるときは、これを切り捨てた額）とする。ただし、当該一般承継人のうちに各人が支給を受けるべき被害回復給付金の額の割合について合意をした者があるときは、当該合意をした者に支給する被害回復給付金の額は、この項本文の規定により算出された額のうちこれらの者に係るものを合算した額に当該合意において定められた各人が支給を受けるべき被害回復給付金の額の割合を乗じて得た額（その額に一円未満の端数があるときは、これを切り捨てた額）とする。

(2) The amount of Remission Payments to be issued to a general successor in the event that there are two or more general successors filing notifications pursuant to the provisions of the preceding paragraph, is the amount arrived at when the amount of the unissued Remission Payments prescribed in paragraph is divided by the number of general successors (with the quotient rounded down to the nearest one yen); provided, however, that if some of the general successors have agreed as to what percent of the amount of Remission Payments each person is to be issued, the amount of Remission Payments issued to the persons that have agreed to this is the amount arrived at when the parts of the amount calculated pursuant to the main clause of this paragraph that would be issued to each of those persons are added together and the total is multiplied by the percentages of the Remission Payment that each person named in the agreement is to be issued (with the products rounded down to the nearest one yen).

第四款 特別支給手続

Subsection 4 Special Issuance Procedures

(特別支給手続)

(Special Issuance Procedures)

第十八条 検察官は、前三款の規定による手続において、次の各号のいずれかに該当するときは、遅滞なく、当該手続における支給申請期間（第九条第二項の規定による申請にあっては、一般承継があった日から六十日）内に被害回復給付金の支給の申請をしなかった者又は前条第一項に規定する一般承継人で同項の届出をしなかったものに対して残余給付資金（被害回復給付金の支給等に係る手続が終了した後の残余の給付資金をいう。以下同じ。）から被害回復給付金を支給するための手続（以下「特別支給手続」という。）を開始する旨の決定をするものとする。ただし、その時点において見込まれる残余給付資金をもっては特別支給手続に要する費用等を支弁するのに不

足すると認めるとき、その他その時点においては特別支給手続を開始することが相当でないと認めるときは、この限りでない。

Article 18 In a situation falling under one of the following items in procedures under the preceding three subsections, the public prosecutor is to decide without delay to initiate procedures for using the surplus remission funds (meaning Remission Funds that are in surplus after the end of procedures during which the public prosecutor has issued or become the custodian of Remission Payments; the same applies hereinafter) to issue Remission Payments to persons that have not filed applications for issuance of Remission Payments within the period for applying for remission in those procedures (or within 60 days after the day of the general succession, for an application as under Article 9, paragraph (2)), or to general successors as prescribed in paragraph (1) of the preceding Article that have not filed notifications as referred to in that paragraph (hereinafter procedures for using surplus remission funds in this way are referred to as "Special Issuance Procedures"); provided, however, that this does not apply if the public prosecutor finds that the surplus remission funds expected at that time would be insufficient to pay for the Expenses and Remuneration that the Special Issuance Procedures would necessitate, or if the public prosecutor otherwise finds it to be inappropriate to initiate Special Issuance Procedures at that time:

一 第九条第一項の規定による申請がないとき。

(i) if there have been no applications as under Article 9, paragraph (1);

二 第十四条第一項に規定する裁定、報酬の決定及び費用の額が確定した場合において、次のイ又はロのいずれかに該当するとき。

(ii) once the determination, decision on remuneration, and amount of expenses prescribed in Article 14, paragraph (1) have been finalized, if the situation falls under either (a) or (b), as follows:

イ 第十条の規定による資格裁定を受けた者がいないとき。

(a) there is no person that is subject to a Determination of Eligibility under Article 10;

ロ 第十条の規定による資格裁定を受けたすべての者について被害回復給付金の支給等をしてなお給付資金に残余が生ずることが明らかであると認めるとき。

(b) the public prosecutor finds it to be clear that there will still be a surplus of Remission Funds even if the public prosecutor issues or becomes custodian of Remission Payments for all of the persons subject to a Determination of Eligibility as under Article 10.

(公告等)

(Public Notices)

第十九条 検察官は、特別支給手続を開始する旨の決定をしたときは、直ちに、法務省令で定めるところにより、前三款の規定による手続において公告した第七条第一項第

二号及び第三号に掲げる事項のほか、次に掲げる事項を官報に掲載して公告しなければならない。

Article 19 (1) Having decided to initiate Special Issuance Procedures, the public prosecutor must immediately issue public notice of the following information and of the information set forth in Article 7, paragraph (1), item (ii) and item (iii) of which the public prosecutor has issued public notice during procedures under the preceding three subsections, by publishing it in the Official Gazette pursuant to Ministry of Justice Order:

一 特別支給手続を開始した旨

(i) that the public prosecutor has initiated Special Issuance Procedures;

二 残余給付資金の額（当該決定の時に於いてその額が確定していないときは、残余給付資金として見込まれる額）

(ii) the amount of the surplus remission funds (or the amount expected as surplus remission funds, if this amount has not been finalized at the time of the decision);

三 特別支給申請期間（特別支給手続に係る支給申請期間をいう。以下同じ。）

(iii) the period for applying for special remission (meaning the period for applying for remission under Special Issuance Procedures; the same applies hereinafter);

四 その他法務省令で定める事項

(iv) the information that Ministry of Justice Order prescribes.

2 前項第三号に掲げる特別支給申請期間は、同項の規定による公告があった日の翌日から起算して三十日以上でなければならない。

(2) The period for applying for special remission set forth in item (iii) of the preceding paragraph must be at least thirty days long, counting from the day after the date that the public notice under that paragraph is issued.

3 検察官は、対象被害者又はその一般承継人であつて知っているものに対し、第一項の規定により公告すべき事項を通知しなければならない。ただし、被害回復給付金の支給を受けることができない者であることが明らかである者及び既に第七条第三項本文の規定により通知を受けた者については、この限りでない。

(3) The public prosecutor must notify any known Eligible Victim or general successor thereof of the information required to be given in a public notice pursuant to the provisions of paragraph (1); provided, however, that this does not apply to a person that clearly is not entitled to a Remission Payment nor to a person that has already been notified pursuant to the provisions of the main clause of Article 7, paragraph (3).

4 前三項に規定するもののほか、第一項の規定による公告及び前項の規定による通知に関し必要な事項は、法務省令で定める。

(4) Beyond what is prescribed in the preceding three paragraphs, Ministry of Justice Order provides for the necessary particulars concerning public notices under paragraph (1) and notifications under the preceding paragraph.

(準用)

(Mutatis Mutandis Application)

第二十条 前二款の規定は、特別支給手続について準用する。この場合において、第九条第一項及び第二項、第十条第一項並びに第十一条第一項中「支給申請期間」とあるのは「特別支給申請期間」と、第十条第一項中「経過したとき（その時点において、第五条第一項の規定による支給対象犯罪行為の範囲を定める処分が確定していないときは、当該処分が確定したとき）」とあるのは「経過したとき」と、第十四条第二項及び第四項中「給付資金」とあるのは「残余給付資金」と読み替えるものとする。

Article 20 The provisions of the preceding two subsections apply mutatis mutandis to Special Issuance Procedures. In such a case, the term "period for applying for remission" in Article 9, paragraph (1) and paragraph (2); Article 10, paragraph (1); and Article 11, paragraph (1) is deemed to be replaced with "period for applying for special remission"; the phrase "(or once the disposition on the scope of the Criminal Act Warranting Remission under Article 5, paragraph (1) has been finalized, if it has not been finalized by that time)" in Article 10, paragraph (1) is deemed to be deleted; and the term "Remission Funds" in Article 14, paragraph (2) and paragraph (4) is deemed to be replaced with "surplus remission funds".

第五款 手続の終了

Subsection 5 Conclusion of Procedures

第二十一条 検察官は、次の各号のいずれかに該当するときは、犯罪被害財産支給手続を終了する旨の決定をするものとする。

Article 21 (1) The public prosecutor is to decide to conclude Procedures to Restore Stolen or Misappropriated Property in a case that falls under one of the following items:

一 次のイ又はロに掲げる規定により犯罪被害財産支給手続を開始した場合において、被害回復給付金の支給等をする前に、当該イ又はロに定める事由に該当するとき。

(i) Procedures to Restore Stolen or Misappropriated Property have been initiated pursuant to the provisions set forth in either of (a) or (b), as follows, and the situation falls under the grounds provided for therein before the public prosecutor issues or becomes the custodian of Remission Payments:

イ 第六条第一項 給付資金をもって犯罪被害財産支給手続に要する費用等を支弁するのに不足すると認める場合において、新たに給付資金を保管することとなる見込みがないとき。

(a) Article 6, paragraph (1): the public prosecutor finds that Remission Funds are insufficient to pay for the Expenses and Remuneration that Procedures to Restore Stolen or Misappropriated Property would necessitate, and there is no prospect of the public prosecutor coming into custody of new

Remission Funds;

- ロ 第六条第二項 犯罪被害財産支給手続に要する費用等を支弁するのに足りる給付資金を保管することとなる見込みがないと認めるとき。
- (b) Article 6, paragraph (2): the public prosecutor finds there to be no prospect of coming into custody of sufficient Remission Funds to pay for the Expenses and Remuneration that Procedures to Restore Stolen or Misappropriated Property would necessitate.
- 二 被害回復給付金の支給等をして給付資金に残余が生じなかった場合において、新たに給付資金を保管することとなる見込みがないとき。
- (ii) the public prosecutor has issued or become the custodian of Remission Payments, there is no surplus of Remission Funds, and there is no prospect of the public prosecutor coming into custody of new Remission Funds;
- 三 被害回復給付金の支給等をして残余給付資金が生じた場合において、当該残余給付資金をもっては特別支給手続に要する費用等を支弁するのに不足すると認めるとき、その他特別支給手続を開始することが相当でないと認めるとき。
- (iii) the public prosecutor has issued or become the custodian of Remission Funds and there are surplus remission funds, but the public prosecutor finds that the surplus remission funds are insufficient to pay for the Expenses and Remuneration that the Special Issuance Procedures would necessitate or finds it to be otherwise inappropriate to initiate Special Issuance Procedures;
- 四 特別支給手続を開始した場合において、前条において準用する第九条第一項の規定による申請がないとき。
- (iv) Special Issuance Procedures have been initiated but no there have been no applications under Article 9, paragraph (1) as applied mutatis mutandis pursuant to the preceding Article;
- 五 特別支給手続において、すべての申請に対する前条において準用する第十条又は第十一条の規定による裁定、当該手続に係る第二十六条第一項の規定による被害回復事務管理人の報酬の決定及び当該手続に要する費用の額が確定した場合において、次のイからハまでのいずれかに該当するとき。
- (v) the determination under Article 10 or Article 11 as applied mutatis mutandis pursuant to the preceding Article, the decision on remuneration for a remission administrator under Article 26, paragraph (1) in those procedures, and the amount of expenses that the procedures will necessitate have been finalized for all applications in Special Issuances Procedures, but the situation falls under one of (a) through (c), as follows:
- イ 前条において準用する第十条の規定による資格裁定を受けた者がいないとき。
- (a) there is no person that is subject to the Determination of Eligibility under Article 10, as applied mutatis mutandis pursuant to the preceding Article;
- ロ 前条において準用する第十条の規定による資格裁定を受けたすべての者について、被害回復給付金の特別支給等（前条において準用する第十四条第一項、第十五条第一項若しくは第二項若しくは第十六条第一項の規定による被害回復給付金

の支給又は前条において準用する第十四条第四項前段（第十五条第三項及び第十六条第三項において準用する場合を含む。）の規定による被害回復給付金に相当する金銭の保管をいう。以下この号において同じ。）をしたとき（当該被害回復給付金の特別支給等に係る額が犯罪被害額に達した場合に限る。）。

(b) the public prosecutor has specially issued or become the custodian of Remission Payments (meaning that the public prosecutor has issued Remission Payments under Article 14, paragraph (1); Article 15, paragraph (1) or paragraph (2); or Article 16, paragraph (1), as applied mutatis mutandis pursuant to the preceding Article; or become the custodian of monies equivalent to Remission Payments under the first sentence of Article 14, paragraph (4) as applied mutatis mutandis pursuant to the preceding Article (including as applied mutatis mutandis pursuant to Article 15, paragraph (3) and Article 16, paragraph (3)); the same applies hereinafter) for all of the persons subject to a Determination of Eligibility under Article 10 as applied mutatis mutandis pursuant to the preceding Article (but only if the amount of Remission Payments that the public prosecutor has specially issued or become the custodian of have reached the amount of criminal damages);

ハ ロに掲げる場合を除き、前条において準用する第十条の規定による資格裁定を受けたすべての者について被害回復給付金の特別支給等をした場合において、新たに給付資金を保管することとなる見込みがないとき。

(c) the public prosecutor has specially issued or become the custodian of Remission Payments for all of the persons subject to a Determination of Eligibility under Article 10 as applied mutatis mutandis pursuant to the preceding Article, and there is no prospect of the public prosecutor coming into custody of new Remission Funds, in a case other than as set forth in (b).

六 前各号に掲げる場合を除き、給付資金をもって犯罪被害財産支給手続に要する費用等を支弁するのに不足すると認める場合において、新たに給付資金を保管することとなる見込みがないとき。

(vi) the public prosecutor finds that Remission Funds are insufficient to pay for the Expenses and Remuneration that Procedures to Restore Stolen or Misappropriated Property would necessitate, and there is no prospect of the public prosecutor coming into custody of new Remission Funds, in a case other than as set forth in the preceding items.

2 検察官は、前項の規定により犯罪被害財産支給手続を終了する旨の決定をしたときは、法務省令で定めるところにより、その旨を公告しなければならない。

(2) Having decided to end Procedures to Restore Stolen or Misappropriated Property pursuant to the provisions of the preceding paragraph, the public prosecutor must issue public notice of this pursuant to Ministry of Justice Order.

第六款 被害回復事務管理人

Subsection 6 Remission Administrators

(被害回復事務管理人の選任等)

(Appointment of Remission Administrators)

第二十二條 検察官は、弁護士（弁護士法人を含む。）の中から、一人又は数人の被害回復事務管理人を選任し、次に掲げる事務の全部又は一部を行わせることができる。

Article 22 (1) The public prosecutor may appoint one or multiple attorneys-at-law (including legal professional corporations) as remission administrators and have them perform all or some of the following administrative processes:

一 第七条第三項又は第十九条第三項の規定による通知に関する事務

(i) administrative processes involved in notification under Article 7, paragraph (3) or Article 19, paragraph (3);

二 第十条又は第十一条（これらの規定を第二十条において準用する場合を含む。）の規定による裁定のための審査に関する事務

(ii) administrative processes involved in examinations for reaching determinations under Article 10 and Article 11 (including as applied mutatis mutandis pursuant to Article 20);

三 第十三条（第二十条において準用する場合を含む。）の規定による裁定表の作成又は第十四条第三項（第十五条第三項及び第十六条第三項（これらの規定を第二十条において準用する場合を含む。）並びに第二十条において準用する場合を含む。）若しくは第二十六条第三項の規定による裁定表への記載に関する事務

(iii) administrative processes involved in the preparation of determination tables under Article 13 (including as applied mutatis mutandis pursuant to Article 20) or entering information in determination tables as under Article 14, paragraph (3) (including as applied mutatis mutandis pursuant to Article 15, paragraph (3) and Article 16, paragraph (3) (including as applied mutatis mutandis pursuant to the provisions of Article 20) and Article 20) or Article 26, paragraph (3);

四 その他法務省令で定める事務（第四十条第一項各号に掲げる処分、決定及び裁定を除く。）

(iv) the administrative processes that Ministry of Justice Order prescribes (other than dispositions, decisions, and determinations as set forth in the items of Article 40, paragraph (1)).

2 検察官は、被害回復事務管理人を選任したときは、法務省令で定めるところにより、その氏名又は名称、被害回復事務（前項の規定により被害回復事務管理人に行わせることとした事務をいう。以下同じ。）の範囲その他法務省令で定める事項を公告しなければならない。

(2) Having appointed a remission administrator, the public prosecutor must issue public notice of the name of the remission administrators, the scope of the

administrative processes involved in remission (meaning administrative processes that the public prosecutor has decided to have a remission administrator perform pursuant to the preceding paragraph; the same applies hereinafter), and other information that Ministry of Justice Order prescribes, pursuant to Ministry of Justice Order.

(被害回復事務管理人の義務等)

(Duties of Remission Administrators)

第二十三条 被害回復事務管理人は、公平かつ誠実に被害回復事務を行わなければならない。

Article 23 (1) A remission administrator must perform the administrative processes involved in remission in a fair and sincere manner.

2 検察官は、被害回復事務の適正かつ確実な実施を確保するため必要があると認めるときは、被害回復事務管理人に対し、その事務に関し報告をさせることができる。

(2) Upon finding it to be necessary to do so in order to ensure the proper and reliable handling of administrative processes involved in remission, the public prosecutor may have a remission administrator report on an administrative process.

3 検察官は、被害回復事務の処理が法令の規定に違反していると認めるとき、又は適正を欠いていると認めるときは、被害回復事務管理人に対し、その事務の処理について違反の是正又は改善のため必要な措置を講ずべきことを指示することができる。

(3) Upon finding that the handling of an administrative process involved in remission violates a laws or regulations or upon finding that its handling lacks propriety, the public prosecutor may direct a remission administrator to take the necessary measures to rectify the violation or improve the handling of that administrative process.

4 検察官は、被害回復事務管理人が前項の措置を講じないとき、その他重要な事由があるときは、被害回復事務管理人を解任することができる。

(4) If a remission administrator fails to take the measures referred to in the preceding paragraph or if there are other material grounds for doing so, the public prosecutor may dismiss the remission administrator.

(訴訟記録の使用等)

(Use of Case Records)

第二十四条 検察官は、被害回復事務を行うため必要があると認めるときは、被害回復事務管理人に対し、支給対象犯罪行為に係る被告事件の終結後の訴訟記録を使用させるものとする。

Article 24 (1) Upon finding it to be necessary to do so in order for the remission administrator to carry out an administrative process involved in remission, the public prosecutor is to allow the remission administrator to use the case record from after the conclusion of a case under public prosecution that is connected

to the Criminal Act Warranting Remission.

2 検察官は、被害回復事務を行うため必要があると認める場合であって、相当と認めるときは、被害回復事務管理人に対し、支給対象犯罪行為に係る訴訟に関する記録（前項の訴訟記録を除く。）を使用させることができる。

(2) On finding it to be necessary to do so in order for the remission administrator to carry out an administrative process involved in remission and on finding it to be appropriate to do so, the public prosecutor may allow the remission administrator to use a case record (other than one referred to in the preceding paragraph) associated with court proceedings that are connected to the Criminal Act Warranting Remission.

（事務の結果の報告）

(Reporting on Results of Administrative Processes)

第二十五条 第二十二条第一項第二号に掲げる事務を行う被害回復事務管理人は、当該事務を終えたときは、遅滞なく、検察官に対し、書面により、その結果を報告しなければならない。

Article 25 A remission administrator carrying out an administrative process as set forth in Article 22, paragraph (1), item (ii) must report the results of this to the public prosecutor in writing without delay after completing the administrative process.

（被害回復事務管理人の報酬等）

(Remuneration of Remission Administrators)

第二十六条 被害回復事務管理人は、給付資金から、費用の前払及び検察官が定める報酬を受けることができる。

Article 26 (1) A remission administrator may be paid in advance for expenses and receive the remuneration fixed by the public prosecutor, out of Remission Funds.

2 第十二条第一項及び第二項の規定は、前項の規定による報酬の決定について準用する。この場合において、同条第二項中「裁定書」とあるのは「報酬決定書」と、「申請人」とあるのは「被害回復事務管理人」と読み替えるものとする。

(2) The provisions of Article 12, paragraph (1) and paragraph (2) apply mutatis mutandis to a decision on the remuneration under the preceding paragraph. In such a case, in paragraph (2) of that Article, the term "written determination" is deemed to be replaced with "written decision on remuneration" and the term "applicant" is deemed to be replaced with "remission administrator".

3 検察官は、第一項の規定による報酬の決定をしたときは、その報酬の額を裁定表に記載しなければならない。

(3) Having decided on the remuneration under paragraph (1), the public prosecutor must enter the amount of remuneration in the determination table.

(被害回復事務管理人の秘密保持義務等)

(Duty of Confidentiality of Remission Administrators)

第二十七条 被害回復事務管理人（弁護士法人である場合には、その社員又は使用人である弁護士であつて被害回復事務を行うもの。以下この条において同じ。）又は被害回復事務管理人であつた者は、被害回復事務に関して知り得た秘密を漏らしてはならない。

Article 27 (1) A current or former remission administrator (or, if a remission administrator is a legal professional corporation, an attorney who is its member or employee and who performs the administrative processes involved in remission; the same applies hereinafter in this Article) must not divulge any secret learned in connection with the administrative processes involved in remission.

2 被害回復事務管理人は、刑法（明治四十年法律第四十五号）その他の罰則の適用については、法令により公務に従事する職員とみなす。

(2) A remission administrator is deemed to be an official engaged in public service pursuant to laws and regulations, as regards the application of the Penal Code (Act No. 45 of 1907) and other penal provisions.

第七款 雑則

Subsection 7 Miscellaneous Provisions

(調査)

(Investigations)

第二十八条 検察官は、犯罪被害財産支給手続における事務を行うため必要があると認めるときは、申請人その他の関係人に対して、報告、文書その他の物件の提出若しくは出頭を命じ、又は公務所若しくは公私の団体に照会して、必要な事項の報告を求めることができる。

Article 28 (1) Upon finding that it is necessary to do so in order to carry out administrative processes in Procedures to Restore Stolen or Misappropriated Property, the public prosecutor may order an applicant or other relevant person to submit a report, document, or other item or to appear in person; and may make inquiries with a public office or a public or private organization, seeking reports containing the necessary information.

2 被害回復事務管理人は、被害回復事務を行うため必要があると認めるときは、申請人その他の関係人に対して、報告、文書その他の物件の提出若しくは出頭を求め、又は公務所若しくは公私の団体に照会して、必要な事項の報告を求めることができる。

(2) On finding it to be necessary to do so in order to carry out administrative processes, a remission administrator may ask an applicant or other relevant person to submit a report, document, or other item or to appear in person; and may make inquiries with a public office or a public or private organization, seeking reports containing the necessary information.

(損害賠償請求権等との関係)

(Relationship Between Remission Payments and the Right to Claim Compensation for Damages)

第二十九条 被害回復給付金を支給したときは、その支給を受けた者が有する支給対象
犯罪行為に係る損害賠償請求権その他の請求権は、その支給を受けた額の限度におい
て消滅する。

Article 29 Once Remission Payments are issued, the person they have been
issued to forfeits the right to claim compensation for damages and other claims
connected to the Criminal Act Warranting Remission, to the extent of the
amount issued.

(不正利得の徴収等)

(Collection of Wrongful Gains)

第三十条 犯罪被害財産支給手続において、偽りその他不正の手段により被害回復給付
金の支給を受けた者がいるときは、検察官は、国税滞納処分の例により、その者から、
その支給を受けた被害回復給付金の額に相当する金額の全部又は一部を徴収すること
ができる。

Article 30 (1) If a person is issued Remission Payments due to deception or other
wrongful means in Procedures to Restore Stolen or Misappropriated Property,
the public prosecutor may use regulations that govern measures to collect
national tax arrears to collect from that person all or part of an amount of
money representing the amount of the Remission Payments that the person
has been issued

2 前項の規定による徴収金の先取特権の順位は、国税及び地方税に次ぐものとする。

(2) Statutory liens involving monies to be collected under the preceding
paragraph follow national and local taxes in order of priority.

3 第一項の規定により徴収した金銭は、当該犯罪被害財産支給手続において、第三款
及び第四款の規定により被害回復給付金を支給するについては、その徴収の時に新た
に保管するに至った給付資金とみなす。

(3) Monies collected pursuant to the provisions of paragraph (1) are deemed to be
new Remission Funds of which the public prosecutor has come into custody at
the time of their collection, as regards the issuance of Remission Payments
pursuant to Subsection 3 and Subsection 4 in Procedures to Restore Stolen or
Misappropriated Property.

(権利の消滅等)

(Forfeiture of Rights)

第三十一条 犯罪被害財産支給手続において、被害回復給付金の支給を受ける権利は、
第十四条第三項（第十五条第三項及び第十六条第三項（これらの規定を第二十条にお
いて準用する場合を含む。）並びに第二十条において準用する場合を含む。）の規定

による公告があった時から六月間行使しないときは、消滅する。

Article 31 (1) In Procedures to Restore Stolen or Misappropriated Property, the right to be issued a Remission Payment is forfeited if it is not exercised within six months of the time of the public notice under Article 14, paragraph (3) (including as applied mutatis mutandis pursuant to Article 15, paragraph (3) and Article 16, paragraph (3) (including as applied mutatis mutandis pursuant to Article 20) and Article 20).

2 前項の規定により消滅した権利に係る保管金（第十四条第四項前段（第十五条第三項及び第十六条第三項（これらの規定を第二十条において準用する場合を含む。）並びに第二十条において準用する場合を含む。）の規定により保管している金銭をいう。）は、当該犯罪被害財産支給手続において、第三款及び第四款の規定により被害回復給付金を支給するについては、その消滅の時に新たに保管するに至った給付資金とみなす。

(2) Monies held (meaning monies of which the public prosecutor acts as custodian pursuant to the provisions of the second sentence of Article 14, paragraph (4) (including as applied mutatis mutandis pursuant to Article 15, paragraph (3) and Article 16, paragraph (3) (including as applied mutatis mutandis pursuant to Article 20) and Article 20)) which are connected with the forfeiture of a right pursuant to the provisions of the preceding paragraph are deemed to be new Remission Funds of which the public prosecutor has come into custody at the time of the forfeiture, as regards the issuance of Remission Payments pursuant to the provisions of Subsection 3 and Subsection 4 in Procedures to Restore Stolen or Misappropriated Property.

（被害回復給付金の支給を受ける権利の保護）

(Protection of the Right to Be Issued Remission Payments)

第三十二条 被害回復給付金の支給を受ける権利は、譲り渡し、担保に供し、又は差し押さえることができない。ただし、国税滞納処分（その例による処分を含む。）により差し押さえる場合は、この限りでない。

Article 32 The right to be issued a Remission Payment may not be transferred, mortgaged, or seized; provided, however, that this does not apply in cases of seizure through measures to collect national tax arrears (or measures governed by the same regulations as these).

（戸籍事項の無料証明）

(Free Certification of Information in Family Registers)

第三十三条 市町村長（特別区の区長を含むものとし、地方自治法（昭和二十二年法律第六十七号）第二百五十二条の十九第一項の指定都市にあっては、区長とする。）は、検察官若しくは被害回復事務管理人又は被害回復給付金の支給を受けようとする者に対して、当該市（特別区を含む。）町村の条例で定めるところにより、対象被害者若しくはその一般承継人又は資格裁定が確定した者の一般承継人の戸籍に関し、無料で

証明を行うことができる。

Article 33 The mayor of a municipality (this includes the head of a special ward; and in a designated city as referred to in Article 252-19, paragraph (1) of the Local Autonomy Act (Act No. 67 of 1947), refers to the head of the ward) may, at no cost, certify information in the family register of an Eligible Victim, the general successor thereof, or the general successor of a person whose Determination of Eligibility has been finalized as provided by Municipal Ordinance (or special ward ordinance) for the public prosecutor, the remission administrator, or a person seeking to be issued a Remission Payment.

(一般会計への繰入れ)

(Transfer to the General Account)

第三十四条 検察官は、第八条第一項又は第二十一条第一項の決定が確定した場合において、その確定の時に給付資金を保管しているときは、これを一般会計の歳入に繰り入れるものとする。

Article 34 (1) Once a decision as referred to in Article 8, paragraph (1) or Article 21, paragraph (1) is finalized, if the public prosecutor is acting as custodian of Remission Funds at the time the decision is finalized, the public prosecutor is to transfer these to the general account.

2 犯罪被害財産支給手続が終了した後に第十六条第一項（第二十条において準用する場合を含む。）の規定により被害回復給付金を支給した場合において、その支給が終了した時に給付資金を保管しているときも、前項と同様とする。

(2) The preceding paragraph also applies if Remission Payments are issued pursuant to the provisions of Article 16, paragraph (1) (including as applied mutatis mutandis pursuant to Article 20) after Procedures to Restore Stolen or Misappropriated Property have concluded, and if the public prosecutor is acting as the custodian of Remission Funds at the time their issuance is concluded.

第三節 外国譲与財産支給手続

Section 3 Procedures to Restore Property Transferred from Abroad

(支給対象犯罪行為の範囲を定める処分等)

(Dispositions Establishing the Scope of Criminal Acts Warranting Remission)

第三十五条 検察官は、外国譲与財産により被害回復給付金を支給しようとするときは、支給対象犯罪行為の範囲を定めなければならない。

Article 35 (1) If seeking to issue Remission Payments using Property Transferred from Abroad, the public prosecutor must establish the scope of the Criminal Acts Warranting Remission.

2 前項に規定する支給対象犯罪行為の範囲は、同項の外国譲与財産に係る第二条第五号の対象犯罪行為及びこれと一連の犯行として行われた対象犯罪行為について、その

罪の種類、時期及び態様、これを実行した者、外国犯罪被害財産等の形成の経緯その他の事情を考慮して定めるものとする。

(2) For Eligible Criminal Acts as referred to in Article 2, item (v) which involve Property Transferred from Abroad as referred to in that paragraph, and for any Eligible Criminal Act committed as part of a series of offenses connected to this, the public prosecutor is to establish the scope of the Criminal Acts Warranting Remission provided for in the preceding paragraph in consideration of circumstances such as the type of crime, when and how it was committed, who committed it, and how the Stolen or Misappropriated Property or Equivalent Monies Subject to Foreign Laws was formed.

3 検察官は、前二項の規定により支給対象犯罪行為の範囲を二以上に区分して定めたときは、その範囲ごとに、第一項の外国譲与財産（一の外国譲与財産が異なる支給対象犯罪行為の範囲に属する対象犯罪行為によりその被害を受けた者から得た財産又は当該財産の保有若しくは処分に基づき得た財産から形成されたものであって額又は数量により区分することができないものである場合においては、当該外国譲与財産の換価又は取立てにより得られる金銭の価額）を区分するものとする。

(3) Having divided Criminal Acts Warranting Remission into two or more scopes when establishing the scope of those acts pursuant to the provisions of the preceding two paragraphs, the public prosecutor is to divide the Property Transferred from Abroad referred to in paragraph (1) (or the amount of money obtained through the realization or retrieval of that Property Transferred from Abroad, if one group of Property Transferred from Abroad has been derived from property obtained from parties incurring damages due to Eligible Criminal Acts that are part of differing scopes of Criminal Acts Warranting Remission, or has been formed out of property obtained based on the possession or handling of property obtained through such Eligible Criminal Acts, and that group of property cannot be divided into separate monetary amounts or quantities) into groups corresponding to each of those scopes.

（外国譲与財産の処分）

（Handling of Property Transferred from Abroad）

第三十六条 検察官は、外国譲与財産が金銭以外の財産であるときは、その換価又は取立てをしなければならない。

Article 36 (1) If Property Transferred from Abroad is property other than monies, the public prosecutor must realize or retrieve it.

2 前項の規定にかかわらず、外国譲与財産の価額が著しく低い場合において、当該外国譲与財産の売却につき買受人がないとき、又は売却しても買受人がないことが明らかであるときは、これを廃棄することができる。

(2) Notwithstanding the provisions of the preceding paragraph, if the value of Property Transferred from Abroad is extremely low and a sale of that property produces no purchaser or it is clear that there will be no purchaser even if that

property is put up for sale, the property may be disposed of.

(外国譲与財産支給手続の開始)

(Initiating Procedures to Restore Property Transferred from Abroad)

第三十七条 検察官は、第三十五条第一項の規定により支給対象犯罪行為の範囲を定めた場合において、同項の外国譲与財産について、これを給付資金として保管するに至ったときは、遅滞なく、当該給付資金から被害回復給付金を支給するための手続（以下「外国譲与財産支給手続」という。）を開始する旨の決定をするものとする。ただし、その時点における給付資金をもっては外国譲与財産支給手続に要する費用等を支弁するのに不足すると認めるとき、その他その時点においては外国譲与財産支給手続を開始することが相当でないと認めるときは、この限りでない。

Article 37 (1) Without delay after coming into custody, as Remission Funds, of Property Transferred from Abroad as referred to in Article 35, paragraph (1), having established the scope of Criminal Acts Warranting Remission pursuant to the provisions of that paragraph, the public prosecutor is to decide to initiate procedures for issuing Restoration Payments using those Remission Funds (hereinafter referred to as "Procedures to Restore Property Transferred from Abroad"); provided, however, that this does not apply if the public prosecutor finds that the Remission Funds existing at that time are insufficient to pay for the Expenses and Remuneration that the Procedures to Restore Property Transferred from Abroad would necessitate, or if the public prosecutor finds that it is otherwise inappropriate to initiate Procedures to Restore Property Transferred from Abroad at that time.

2 検察官は、外国から外国犯罪被害財産等又はその換価若しくは取立てにより得られた金銭の譲与を受けるため特に必要があると認めるときは、前項本文の規定にかかわらず、これを給付資金として保管する前に、外国譲与財産支給手続を開始する旨の決定をすることができる。

(2) Notwithstanding the main clause of the preceding paragraph, upon finding that it is especially necessary to do so in order to have Stolen or Misappropriated Property or Equivalent Monies Subject to Foreign Laws or monies obtained through its realization or retrieval transferred from a foreign country, the public prosecutor may decide to initiate Procedures to Restore Property Transferred from Abroad before coming into custody of the relevant property or monies as Remission Funds.

3 前二項の決定は、第三十五条第三項に規定する場合にあっては、支給対象犯罪行為の範囲ごとにするものとする。

(3) In a case as provided in Article 35, paragraph (3), the public prosecutor is to decide as referred to in one of the two preceding paragraphs for each of the scopes of Criminal Acts Warranting Remission.

4 検察官は、二以上の外国譲与財産について第三十五条第一項の規定により定められた支給対象犯罪行為の範囲が同一であるときは、これらの外国譲与財産（既に外国譲

与財産支給手続が開始されているものを除く。)を同一の外国譲与財産とみなして、第一項又は第二項の決定をすることができる。

(4) If the scope of a Criminal Act Warranting Remission that has been established pursuant to Article 35, paragraph (1) is the same for two or more groups of Property Transferred from Abroad, the public prosecutor may deem that property (other than Property Transferred from Abroad for which Procedures to Restore Property Transferred from Abroad have already been initiated) to belong to a single group of Property Transferred from Abroad in order to reach a decision as referred to in paragraph (1) or paragraph (2).

5 検察官は、外国譲与財産について第三十五条第一項の規定により定められた支給対象犯罪行為の範囲と犯罪被害財産の没収又はその価額の追徴の裁判について第五条第一項の規定により定められた支給対象犯罪行為の範囲とが同一であるときは、これらの外国譲与財産（既に外国譲与財産支給手続が開始されているものを除く。）及び犯罪被害財産又はその価額（既に犯罪被害財産支給手続が開始されているものを除く。）を同一の外国譲与財産とみなして、第一項又は第二項の決定をすることができる。

(5) If the scope of a Criminal Act Warranting Remission that has been established pursuant to Article 35, paragraph (1) for Property Transferred from Abroad is the same as the scope of a Criminal Act Warranting Remission that has been established pursuant to the provisions of Article 5, paragraph (1) in connection with a judicial decision to confiscate Stolen or Misappropriated Property or to forcibly collect monies of an equivalent value, the public prosecutor may deem the Property Transferred from Abroad (other than any such property for which Procedures to Restore Property Transferred from Abroad have already been initiated) and the Stolen or Misappropriated Property or its value (other than any such property or monies for which Procedures to Restore Stolen or Misappropriated Property have already been initiated) to belong to a single group of Property Transferred from Abroad in order to reach a decision as referred to in paragraph (1) or paragraph (2).

(外国譲与財産支給手続の不開始)

(Non-Initiation of Procedures to Restore Property Transferred from Abroad)

第三十八条 検察官は、外国譲与財産支給手続に要する費用等を支弁するのに足りる給付資金を保管することとなる見込みがないと認めるときは、外国譲与財産支給手続を開始しない旨の決定をするものとする。

Article 38 (1) Upon finding there to be no prospect of coming into custody of sufficient Remission Funds to pay for the Expenses and Remuneration that Procedures to Restore Property Transferred from Abroad would necessitate, the public prosecutor is to decide not to initiate procedures to restore Property Transferred from Abroad.

2 検察官は、前項の決定をしたときは、法務省令で定めるところにより、その旨を公

告しなければならない。

(2) Having decided as referred to in the preceding paragraph, the public prosecutor must issue public notice of this pursuant to Ministry of Justice Order.

(準用)

(Mutatis Mutandis Application)

第三十九条 前節（第五条、第六条及び第八条を除く。）の規定は、外国譲与財産支給手続について準用する。この場合において、第七条第一項中「前条第二項」とあるのは「第三十七条第二項」と、第十条第一項及び第二十条中「第五条第一項」とあるのは「第三十五条第一項」と、第十四条第一項及び第二十一条第一項第一号ロ中「第六条第二項」とあるのは「第三十七条第二項」と、第十四条第一項中「犯罪被害財産又はその価額」とあるのは「外国譲与財産」と、第二十一条第一項第一号イ中「第六条第一項」とあるのは「第三十七条第一項」と、第二十四条第二項中「除く。）」とあるのは「除く。）及び外国譲与財産に係る外国の法令による裁判又は命令その他の処分に関する記録」と、第三十四条第一項中「第八条第一項」とあるのは「第三十八条第一項」と読み替えるものとする。

Article 39 The provisions of the preceding Section (except for Article 5, Article 6, and Article 8) apply mutatis mutandis to Procedures to Restore Property Transferred from Abroad. In such a case, the phrase "paragraph (2) of the preceding Article" in Article 7, paragraph (1) is deemed to be replaced with "Article 37, paragraph (2)"; the phrase "Article 5, paragraph (1)" in Article 10 and Article 20, paragraph (1) is deemed to be replaced with "Article 35, paragraph (1)"; the phrase "Article 6, paragraph (2)" in Article 14, paragraph (1), and Article 21, paragraph (1), item (i), (a) is deemed to be replaced with "Article 37, paragraph (2)"; the phrase "Stolen or Misappropriated Property or its value" in Article 14, paragraph (1) is deemed to be replaced with "Property Transferred from Abroad"; the phrase "Article 6, paragraph (1)" in Article 21, paragraph(1), item (i)(a) is deemed to be replaced with "Article 37, paragraph (1)"; the phrase "Criminal Act Warranting Remission." in Article 24, paragraph (2) is deemed to be replaced with "Criminal Act Warranting Remission, and records connected with a judicial decision, order, or other disposition involving Property Transferred from Abroad, based on a foreign law or regulation."; and the phrase "Article 8, paragraph (1)" in Article 34, paragraph (1) is deemed to be replaced with "Article 38, paragraph (1)".

第三章

Chapter III

省略

Omitted

第四章 雑則

Chapter IV Miscellaneous Provisions

(法務省令への委任)

(Entrustment to Ministry of Justice Order)

第四十九条 この法律に定めるもののほか、この法律の実施のため必要な事項は、法務省令で定める。

Article 49 Beyond what is provided for in this Act, Ministry of Justice Order prescribes the necessary particulars for bringing this Act into effect.

第五章 罰則

Chapter V Penal Provisions

第五十条 第二十七条第一項（第三十九条において準用する場合を含む。）の規定に違反した者は、六月以下の懲役又は五十万円以下の罰金に処する。

Article 50 A person violating the provisions of Article 27, paragraph (1) (including as applied mutatis mutandis pursuant to Article 39) is subject to imprisonment for not more than six months or a fine of not more than 500,000 yen.

第五十一条 次の各号のいずれかに該当する者は、五十万円以下の罰金に処する。

Article 51 (1) A person falling under one of the following items is subject to a fine of not more than 500,000 yen:

一 第九条第一項又は第二項（これらの規定を第二十条（第三十九条において準用する場合を含む。）及び第三十九条において準用する場合を含む。）に規定する申請書又は資料に虚偽の記載をして提出した者

(i) a person submitting a written application or materials provided for in Article 9, paragraph (1) or paragraph (2) (including as applied mutatis mutandis pursuant to Article 20 (including as applied mutatis mutandis pursuant to Article 39) and Article 39) in which the person has included false information;

二 第十七条第一項（第二十条（第三十九条において準用する場合を含む。）及び第三十九条において準用する場合を含む。次号において同じ。）に規定する届出書に虚偽の記載をして提出した者

(ii) a person submitting a written notification provided for in Article 17, paragraph (1) (including as applied mutatis mutandis pursuant to Article 20 (including as applied mutatis mutandis pursuant to Article 39) and Article 39; the same applies hereinafter in this item) in which the person has included false information;

三 第二十八条第一項（第三十九条において準用する場合を含む。）の規定により報

告若しくは文書の提出を命ぜられて、又は第二十八条第二項（第三十九条において準用する場合を含む。）の規定により報告若しくは文書の提出を求められて、虚偽の報告をし、又は虚偽の記載をした文書を提出した者（申請人又は第十七条第一項の規定により届出をした者に限る。）

(iii) a person (but only an applicant or a person that has filed a notification pursuant to the provisions of Article 17, paragraph (1)) giving a false report or submitting a document in which the person has included false information, after having been ordered to submit a report or document pursuant to the provisions of Article 28, paragraph (1) (including as applied mutatis mutandis pursuant to Article 39) or after having been asked to submit a report or document pursuant to the provisions of Article 28, paragraph (2) (including as applied mutatis mutandis pursuant to Article 39).

2 法人（法人でない団体で代表者又は管理人の定めがあるものを含む。以下この項において同じ。）の代表者若しくは管理人又は法人若しくは人の代理人、使用人その他の従業者が、その法人又は人の業務に関して前項の違反行為をしたときは、行為者を罰するほか、その法人又は人に対しても同項の刑を科する。

(2) If the representative or manager of a corporation (or of an unincorporated entity that has made provisions for a representative or administrator; the same applies hereinafter in this paragraph) or the agent, employee, or other worker of a corporation or individual commits a violation referred to in the preceding paragraph in connection with the business of the corporation or individual, in addition to the violator being subject to punishment, the corporation or individual is subject to the punishment referred to in that paragraph.

3 法人でない団体について前項の規定の適用がある場合には、その代表者又は管理人が、その訴訟行為につき法人でない団体を代表するほか、法人を被告人又は被疑者とする場合の刑事訴訟に関する法律の規定を準用する。

(3) When the provisions of the preceding paragraph apply to an unincorporated entity, the representative or manager of the entity represents it in respect of procedural acts, and the provisions of laws on criminal proceedings that have a corporation as the defendant or a suspect apply mutatis mutandis.

附 則

Supplementary Provisions

（施行期日）

(Effective Date)

第一条 この法律は、公布の日から起算して六月を超えない範囲内において政令で定める日から施行する。ただし、附則第三条第一項から第三項までの規定は、公布の日から起算して三十日を経過した日から施行する。

Article 1 This Act comes into effect as of the date that Cabinet Order prescribes, within a period not exceeding six months after the day of its promulgation;

provided, however, that the provisions of paragraphs (1) through (3) of Article 3 of the Supplementary Provisions come into effect on the day calculated as marking 30 days' time since the day of promulgation.

第二条 削除

Article 2 Deleted

(経過措置)

(Transitional Measures)

第三条 検察官は、外国から外国犯罪被害財産等又はその換価若しくは取立てにより得られた金銭の譲与を受けるため特に必要があると認めるときは、この法律の施行の日前においても、第三十五条の規定並びに第三十九条において準用する第二十二条第一項、第二十三条第二項から第四項まで、第二十四条及び第二十八条の規定の例により、支給対象犯罪行為の範囲を定めること、被害回復事務管理人を選任し、被害回復事務を行わせることその他の外国譲与財産支給手続を開始するために必要な行為をすることができる。

Article 3 (1) On finding it to be particularly necessary to do so in order to have Stolen or Misappropriated Property or Equivalent Monies Subject to Foreign Laws or monies obtained through its realization or retrieval transferred from a foreign country, the public prosecutor may specify a scope for a Criminal Act Warranting Remission, appoint a remission administrator to carry out the administrative processes involved in remission, and take other necessary actions to initiate Procedures to Restore Property Transferred from Abroad even before the effective date of this Act, as governed by the provisions of Article 35 and by the provisions of Article 22, paragraph (1); Article 22, paragraphs (2) through (4); Article 24; and Article 28; as applied mutatis mutandis pursuant to the provisions of Article 39.

2 第三十九条において準用する第二十三条第一項及び第二十七条の規定は前項の規定により選任された被害回復事務管理人について、第三十九条において準用する第二十七条第一項の規定は前項の規定により選任された被害回復事務管理人であった者について、それぞれ準用する。

(2) The provisions of Article 23, paragraph (1) and Article 27 as applied mutatis mutandis pursuant to the provisions of Article 39 apply mutatis mutandis to remission administrators appointed pursuant to the provisions of the preceding paragraph, and the provisions of Article 27, paragraph (1) as applied mutatis mutandis pursuant to the provisions of Article 39 apply mutatis mutandis to persons that were formerly remission administrators appointed pursuant to the provisions of the preceding paragraph.

3 前項において準用する第三十九条において準用する第二十七条第一項の規定に違反した者は、六月以下の懲役又は五十万円以下の罰金に処する。

(3) A person violating the provisions of Article 27, paragraph (1) as applied

mutatis mutandis pursuant to the provisions of Article 39 as applied mutatis mutandis pursuant to the provisions of the preceding paragraph is subject to imprisonment for not more than six months or a fine of not more than 500,000 yen.

4 この法律の施行の際現に第一項の規定により選任された被害回復事務管理人である者は、この法律の施行の日に、第三十九条において準用する第二十二条第一項の規定により被害回復事務管理人に選任されたものとみなす。

(4) A person that is a remission administrator appointed pursuant to the provisions of paragraph (1) at the time this Act comes into effect is deemed to have been appointed as a remission administrator pursuant to the provisions of Article 22, paragraph (1) as applied mutatis mutandis pursuant to the provisions of Article 39 on the date this Act comes into effect.

5 第一項の規定により行われた外国譲与財産支給手続を開始するために必要な行為は、この法律の施行の日以後は、この法律の規定により当該外国譲与財産支給手続において行われた行為とみなす。

(5) An action necessary to initiate Procedures to Restore Property Transferred from Abroad that has been taken pursuant to the provisions of paragraph (1) is deemed to be an action taken in those procedures pursuant to the provisions of this Act after this Act comes into effect.

附 則 [平成二十三年六月二十四日法律第七十四号] [抄]

Supplementary Provisions [Act No. 74 of June 24, 2011] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して二十日を経過した日から施行する。

Article 1 This Act comes into effect as of the date calculated as marking the passage of 20 days from the day of its promulgation.