

Pardons Act

(Act No. 20 of March 28, 1947)

(Types of Pardon)

Article 1 General pardons, special pardons, commutations of sentence, exemptions from the execution of sentences, and restorations of rights are governed by this Act.

(General Pardons)

Article 2 A general pardon is granted by Cabinet Order providing the type of crime for which it is granted.

(Effect of a General Pardon)

Article 3 Except as otherwise specifically provided by Cabinet Order as referred to in the preceding Article, a general pardon has the following effect with respect to the crime for which it is granted:

- (i) pronouncements of guilt cease to be effective against the persons subject thereto;
- (ii) the right to prosecute any person not yet subject to a pronouncement of guilt is extinguished.

(Special Pardons)

Article 4 A special pardon is granted to a specific person who has been pronounced guilty of a crime.

(Effect of a Special Pardon)

Article 5 A special pardon causes a pronouncement of guilt to cease to be effective.

(Commutations of Sentence)

Article 6 Commutations of sentence are granted to persons already subject to sentencing pronouncements, by Cabinet Order providing the type of crime or punishment for which they are granted; commutations of sentence are also granted to specific sentenced persons.

(Effect of a Commutation of Sentence)

Article 7 (1) Except as otherwise specifically provided by the Cabinet Order in question, the commutation of a sentence by Cabinet Order reduces the sentence.
(2) A commutation of sentence granted to a specific person either reduces the

sentence itself or mitigates the execution.

(3) Notwithstanding the preceding paragraph, if the whole of a person's sentence is subject to suspended execution and the person has not yet made it through the term of suspension, the sentence is only to be commuted through a reduction of the sentence itself; the term of suspension may be shortened in addition to this.

(4) Notwithstanding paragraph (2), if a part of a person's sentence is subject to suspended execution and the person has not yet made it through the term of suspension, the sentence is only to be commuted by either reducing the sentence itself or by reducing the execution of the part of it that has not been suspended; the term of suspension may be shortened in addition to a reduction of the sentence.

(Exemption from Execution of a Sentence)

Article 8 An exemption from the execution of a sentence is granted to a specific person who is already subject to a sentencing pronouncement; provided, however, that an exemption from the execution of a sentence is not granted if the whole of the person's sentence is subject to suspended execution, nor is it granted if a part of the person's sentence is subject to suspended execution and the person has finished serving the part of the sentence not subject to the suspension but has not yet made it through the term of suspension.

(Restoration of Rights)

Article 9 A restoration of rights is granted to persons who have been deprived of their legal capacity or had it suspended pursuant to laws and regulations as a result of having been pronounced guilty of a crime, by Cabinet Order providing the requirements for the restoration; restorations of rights are also granted to specific persons; provided, however, that a restoration of rights is not granted to a person who has neither finished serving the sentence nor been exempted from its execution.

(Effect of a Restoration of Rights)

Article 10 (1) A restoration of rights has the effect of restoring a person's legal capacity.

(2) A restoration of rights may be granted with respect to specific types of legal capacity.

(Pardons and Existing Impact)

Article 11 The existing impact from a pronouncement of guilt is not altered by a general pardon, special pardon, commutation of sentence, exemption from execution of a sentence, or restoration of rights.

(Pardoning Specific Persons)

Article 12 Special pardons, commutation of specific persons' sentences, exemptions from the execution of sentences, and restorations of specific persons' rights are to be granted to persons proposed by the National Offenders Rehabilitation Commission.

(Issuance of Certificates of Pardon)

Article 13 When a special pardon, the commutation of a specific person's sentence, an exemption from the execution of a sentence, or the restoration of a specific person's rights is granted, the Minister of Justice must issue that person a certificate of that special pardon, commutation of sentence, exemption from the execution of the sentence, or restoration of rights.

(Adding Supplementary Notes to the Original Copy of a Judgment)

Article 14 When a general pardon, special pardon, commutation of sentence, exemption from the execution of a sentence, or restoration of rights is granted, the public prosecutor must add a supplementary note to that effect in the original copy of the judgment.

(Delegation of Authority to Ministerial Order)

Article 15 Ministry of Justice Order provides the necessary matters in connection with this Act coming into effect.

Supplementary Provisions [Extract]

(1) This Act comes into effect as of the date on which the Constitution of Japan comes into effect.